

# Disadvantaged Business Enterprise Newsletter

November 2020



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*December 2 & 9 Bid Lettings*

## IN CASE YOU MISSED IT...

Check out our new SD DBE website for all your DBE business needs!

[www.sddb.com](http://www.sddb.com)

As this one-stop shop for DBE information is still transforming, please feel free to **let us know what you think** and if you have any suggestions for information to add!

Email suggestions to Denae at [dbes@projectsolutionsinc.com](mailto:dbes@projectsolutionsinc.com)



## Welcome New DBE's!

### Newly Certified Firms:

**Midwest Borings, Inc** | Santiago, MN | (320) 743-2400 | [midwestbores@gmail.com](mailto:midwestbores@gmail.com)

*Provides horizontal drilling, jackings, tunneling and boring services.*

*Supplies steel casing, pipe and related materials.*

**Bennett Bolt Works, Inc.** | PO Box 922, Jordan, NY, 13080 | (315)689-3981 | [ebennett@bennettbolt.com](mailto:ebennett@bennettbolt.com)

*Manufactures and supplies nuts, bolts, and screws.*

**Decertified Firms: JCM1, Dells Materials Co.**

## Upcoming Training & Events

### Dec 02 Measuring KPIs to Keep Projects on Track

December 2, 2020  
2:00 - 3:00 pm EST

[Learn More.](#)

### Dec 09 Risk Management 101 - Personnel (webinar)

December 9, 2020, 9:30 - 11:30 am  
Registration Deadline: December 3

[Learn More.](#)

### Dec 03 How to Transform Your Business & Create a Winning Culture

December 3, 2020, 2:00pm EST

[Learn More.](#)

### Dec 15 How To Pivot and Elevate Your Small Business Through Social Media

December 15, 2020, 1:00pm EST

[Learn More.](#)

### Dec 08 The 5 Step Marketing Strategy During a Pandemic

December 8, 2020, 1:00pm EST

[Learn More.](#)

### Dec 16 Construction Executive's 2021 Construction Economic Forecast

December 16, 2020, 1:00 - 2:30pm CT

[Learn More.](#)



**U.S. Department of  
Transportation**

Office of the Transportation Secretary

Departmental Office of Civil Rights  
1200 New Jersey Avenue, S.E., W76-401  
Washington, DC 20590

## Memorandum

To: Federal Aviation Administration, Federal Highway Administration, and Federal Transit Administration Recipients and Sponsors Implementing the Disadvantaged Business Enterprise (DBE) Program

From: Charles E. James, Sr.  
Director, Departmental Office of Civil Rights (DOCR)

Re: Changes to the Gross Receipts Calculation in the SBA Program Regulation

Date: October 19, 2020

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Recent legislation changed the method used by the Small Business Administration (SBA) to calculate business size and the eligibility criteria applicable to DBEs performing work on DOT-assisted contracts.<sup>1</sup> This memorandum explains how recipients of FAA, FHWA, and FTA funds should apply the changes to 13 CFR Part 121 (the SBA program regulation) when assessing a small business's eligibility as a DBE.

### Background: The Two Size Standards All DBEs Must Meet

To remain classified as a small business under the DBE program, a business's gross receipts (including those of its affiliates) must satisfy two size standards. First, SBA sets a size limit for each North American Industry Classification System (NAICS) code that represents the highest amount of receipts a firm can have to be considered small. For example, an architecture firm, assigned NAICS Code 541310, cannot exceed \$8 million in average annual gross receipts (SBA's size limit for NAICS Code 541310) and still be considered small. The DBE program follows this method and applies the applicable NAICS code size standards to each eligible DBE and applicant firm. 49 CFR § 26.71(n).

Second, the DBE program applies a size standard known as the statutory gross receipts cap found at 49 CFR § 26.65(b). To qualify as a DBE, a firm cannot exceed the size cap prescribed by this regulation. Both the NAICS code standard and the statutory gross receipts cap are measured in average annual gross receipts.

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<sup>1</sup> The Small Business Runway Extension Act of 2018 (SBREA) (Public Law 115-324) amended Section 3 of the Small Business Act (15 U.S.C. § 632a).

### 3-Year Measurement is Changed for the NAICS Code Size Calculations

An SBA final rule published on December 5, 2019 (84 FR 66561, effective January 6, 2020) amended the SBA regulation to modify the method by which SBA establishes business size standards.<sup>2</sup> Specifically, the new rule changed the time period for calculating average annual gross receipts under 13 CFR Part 121 from 3 years to 5 years, but provides firms with the option to use either the 3-year calculation or the 5-year calculation until the 5-year period becomes mandatory on January 6, 2022.

The SBA final rule applies to FHWA, FTA, and FAA-assisted projects because the DBE regulation requires recipients to use the current SBA business size standard(s) found in the SBA regulation.<sup>3</sup> Thus, until January 6, 2022, DBE firms participating in FHWA, FTA, and FAA-assisted projects may choose between using a 3-year averaging period or a 5-year averaging period for the purposes of meeting the requirements of the DBE program, as described in 49 CFR § 26.65(a). After that date, the 5-year averaging period becomes mandatory.

### The Measurement for the Statutory Gross Receipts Cap Remains the Same

For the statutory DOT size cap found at 49 CFR § 26.65(b), DBE firms are still subject to the 3-year averaging period because this 3-year period is specifically prescribed by the Fixing America's Surface Transportation (FAST) Act.<sup>4</sup> Therefore, while a DBE firm may elect to submit its average annual gross receipts for either the last 3 years or last 5 years to show it meets the size standard for a particular NAICS code under Part 121, only the last 3 years may be considered for determining whether the firm also meets the DOT size standard prescribed by 49 CFR § 26.65(b).

If you have any questions about implementing the changes described in this memorandum, please contact your FAA, FHWA or FTA representative.

**The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies. The document represents the institutional position of the Department of Transportation and provides guidance and information for compliance with the provisions. The General Counsel of the Department of Transportation has reviewed this document and approved it as consistent with the language and intent of 49 CFR Part 26.**

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<sup>2</sup> Airport Concessionaire Disadvantaged Business Enterprise (ACDBE) firms are not affected by these changes because 49 CFR § 23.33 (the ACDBE regulation), which governs size standards for ACDBEs, does not incorporate the SBA program regulation's size standards.

<sup>3</sup> 49 CFR § 26.65(a).

<sup>4</sup> Pub. L. 114-94 (Dec. 4, 2015), § 1101(b)(2)(A)(iii).



# Four Ways to Instantly Improve Communication and Safety On Construction Sites

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By Derek Jones, *constructionexec.com*

It is no secret that communication on construction sites directly affects the site's safety and incident numbers. Falls, electrocution and burns often lead the OSHA cited safety incidents, and also cause the most life-altering injuries on construction sites in the U.S. Per the CDC, 61% of workplace electrocutions occurred in the construction industry. It's no wonder that safety precautions in the construction industry are often considered to be the bare minimum mandated by OSHA.

When a construction company takes on new employees or hires temporary site help, they assume the responsibility of keeping those new employees safe while they are on site. If an employee is injured due to inadequate or broken safety gear, that is the fault of the construction company, not the employee that is tasked with using the broken or damaged equipment. Although the employee should know that the use of broken or damaged safety equipment is a risk to their health, allowing broken and damaged safety equipment to remain on site is a dangerous game to play.

Communication and safety go hand in hand on the job, and one can't anticipate safety improvements without improving communication between those working on site. Safety has to be a documented goal, and the steps the site is taking to improve safety numbers must be verbally reinforced by site management often. There are four proven ways to instantly improve on site communication and safety.

## 1. SAFETY GEAR AND EQUIPMENT UPGRADES

If construction site employees don't have the gear to safely perform the work that needs to be performed, they need the training to recognize the level of liability in the case of an OSHA recordable incident. Harnesses that are dry rotted, inadequate lockout/tag-out supplies and improper signage are invitations to injured employees. By ensuring that site employees have the safety supplies needed to perform the required tasks safely, the company is protecting both the employee and itself.

Due to the costs associated with new safety gear, some companies may cut corners in acquiring safety gear and equipment. This should never be the case, especially on dangerous construction sites where rigging and harnesses can be the difference between life and death for a site employee. The number one rule on these sites should be that if a task needs safety equipment to be performed, and the necessary gear is missing or damaged, the task is not attempted or completed until the proper PPE is obtained.

No employee should be performing a task without adequate safety gear at any time, under any circumstances. From flag-waving to crane operations, every site employee should be using and wearing identifiable safety gear on the jobsite. Safety gear isn't an option, it is a mandatory part of walking onto the construction site. By fostering that mentality from the site entry point to the cabs of the equipment, it becomes an environment of safe working, rather than an option to use the equipment and safety gear the construction company is providing.

## **2. HAND SIGNALS**

The use of hand signals on a construction site can assist in the prevention of jobsite accidents and injuries by ensuring that equipment operators who don't have a full view of the jobsite can perform their job tasks with the assistance of a signalman. The use of hand signals in crane operation is mandated by OSHA, and should be performed to OSHA Standard without fail.

By using the standard hand signals on the jobsite, and employing an experienced heavy equipment operator and signalman, a construction company can prevent on site accidents caused by sight hindrances. At no time should a heavy equipment operator be asked to perform their job without the assistance of a signalman. If an employee is asked to perform a task where visibility is limited, they should have the assistance of a signalman to clear the area of limited visibility.

OSHA has been clear on the use of hand signals and conveyed the necessity of using them in all of the material handling and heavy equipment operation training materials produced and distributed since the onset of hand signal use on jobsites was mandated. This is because hand signals have been proven to keep employees safe and assist in performing construction tasks without damage to equipment and site fixtures. These hand signals include forklift signals like tilt mast, raise tines and emergency stop signals. Crane signalmen have a similar set of signals, and these signals have been proven countless times to assist in the performance of site work.

By employing knowledgeable signalmen and operators who are well versed in OSHA hand signal communication, a construction company vastly reduces the chances of jobsite accidents and injuries. Simple communication, in the form of hand signals, can keep everyone on a site safe and working in a productive manner.

## **3. BEGIN EVERY DAY WITH A COMMUNICATION AND SAFETY MEETING**

Each and every morning on the jobsite should begin with a communication and safety meeting. This is the time of day to assign tasks, relay expectation and discuss any safety concerns on the day's tasks before any equipment or materials are moved. By ensuring that everyone on the jobsite is on the same page, the company is minimizing the chances of injuries and incidents.

Guaranteeing that the site employees have a time of day to bring their concerns to management leads to the feeling of being heard. If there are changes on the jobsite, or if management wants to institute new policies or offer additional safety training, the daily team meeting is the time to air grievances and advocate concerns. It's important to encourage employees to give productive feedback and get involved in this daily communication so that it becomes the focal point of communication on the jobsite.

Many jobsites adopt these communication and safety meetings by conducting them near the coffee pot or water cooler, and it quickly becomes a part of the routine when employees punch the clock and log their safety gear out for the day. It doesn't take long for it to become second nature to grab a safety vest and a cup of coffee, then file into the materials staging area to have the morning meeting. The construction company needs to foster this type of safe and communicative working environment, so it isn't an exception to the rule, but the general rule to have an open line of communication and access to safety information.

## **4. HAVE A DOCUMENTED CHAIN OF COMMAND IN PLACE**

Who should site employees go to with concerns or questions? The site superintendent may be able to answer that question, but can every employee on the jobsite give the correct answer as well? In order to run a safe and efficient construction site, a construction company should have a documented chain of command in place to ensure that questions are answered correctly and safety concerns can be immediately handled.

Without a proper chain of command on the jobsite, site employees could be given incorrect safety and planning information. This can result in accidents and rework. Every employee on the jobsite should have a point person to go to with any question or concern they have about the job or their ability to safely perform their job. There should also be a site superintendent who can be there to assist site employees in the case of their immediate supervisor not being available at the moment.

Under no circumstances should site employees have to make a safety call by themselves when it comes to performing job duties in a safe fashion. If there is a question about the ability to perform the task at hand safely, the employee should always be directed to the site supervisor in order to obtain the safety equipment needed for the task or to be directed to another task until the correct equipment for the job can be acquired.

Knowing who to go to in the event of safety concern can make all of the difference in jobsite safety. If an employee doesn't know where to acquire answers, they're more likely to just push forward with the unsafe activity in hopes of getting the task completed before anyone notices that the task is being performed unsafely. The ultimate goal should be to ensure that no tasks are ever undertaken with this unsafe mindset and that the safety rules in place on the jobsite are there to protect the employee above all else. When every site employee looks at work with the mindset of safely completing the job, an environment of safe working habits is fostered.

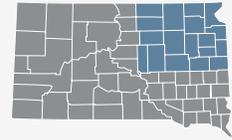
With the introduction of these four proven instant communication and safety aids, the number of incidents on the jobsite should markedly decrease. Besides, the increased ability for healthy dialogue will ensure that everyone employed will feel comfortable and heard when it comes to their safety and well-being while on the job.

# Bid Letting

## December 2, 2020 Bid Lettings

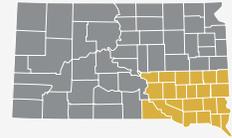
1. NH 0018(193)252, P 0044(185)253 (PCN 04FD, 04FE) - Tripp, SWPPP = 13.54 AC; Grading, Storm Sewer, Curb & Gutter, Sidewalk, Roadway Lighting, Traffic Signals & Portland Cement Concrete Surfacing, watermain & sewer improvements - US18 - Fm W of Monroe St to Lincoln St in Winner, US18E&W - Fm Lincoln St to 3rd St in Winner, & US18 - Fm 3rd St to 7th St in Winner
2. 14740 ( ) (PCN X04W) - Tripp, SWPPP = 13.54 AC - Relocation and Upgrades to the Existing Water and Sanitary Sewer - US18 – Fm W of Monroe St to 9th St in Winner and SD44 from the Jct with US18 to Plum St.
3. P-PH-EM 0046(60)347 (PCN 04J5) - Clay, SWPPP = 157.74 AC - Shoulder Widening, Structures (RCBCs), Pipe Work, Spot Grading, Asphalt Concrete Surfacing of Shoulders - SD46 - From Irene to SD19A

## Regional Lettings



### Aberdeen Region

There are currently no lettings in this region.



### Mitchell Region

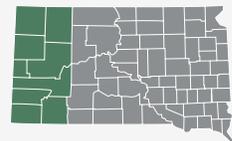
There are currently no lettings in this region.



### Pierre Region

12/3/2020

Project: 012-371; PC# i5V7, i5V8;  
Corson County; Pipe Work



### Rapid City Region

There are currently no lettings in this region.

*[For listings please visit the SDDOT website's Regional Lettings here.](#)*

4. P-PH-EM 0046(60)347 (PCN 0737) - Clay, SWPPP = 14.00 AC - Cold Milling Asphalt Concrete, Asphalt Concrete Surfacing (63k Ton) & Guardrail - SD46 - Fm W of SD19/SD19A to W of the Jct with I29
5. PH 0040(340) (PCN 07AM) - Pennington - Corridor Signing - Rapid City Region

### December 9, 2020 Bid Lettings

1. IM-FP 0903(108)163, P 0063(48)75 (PCN 04D7, 04Q2) - Jackson, SWPPP = 39.00 AC - Grading, PCC Surfacing, Cold Mill & Asphalt Concrete Resurfacing, Pipe Work, Approach Slabs & Remove Asphalt Membrane Overlay Deck Overlay, Polymer Chip Seal, Rest Area Resurfacing, Rest Area Lighting - I90 - EBL, Fm E of the Belvidere Exit to W of the Jackson/Jones Co Line; Str Over I90, 2.5 SW of the SD63 N Exit, Perault Rd
2. NH 0212(187)327 (PCN 05TX) - Clark, Spink - Cold Milling Asphalt Concrete, Asphalt Concrete Resurfacing & Pipe Work - US Highway 212 from Dolan to 6 miles West of Clark
3. P 0037(152)169 (PCN 05UG) - Spink - Cold Milling Asphalt Concrete, Asphalt Concrete Resurfacing & Pipe Work - SD37 - Fm Doland to Turton
4. NH 0014(226)113 (PCN 05U1) - Jackson, Pennington SWPPP = 4.00 AC - Cold Milling, Asphalt Concrete Resurfacing, Pipe Work, Replace Str (2-12x6 CIP RCBC) & Approach Grading - US14 - Fm E of Wall to Cottonwood; US14 - 3.8 W of the Jackson Co Line Over a Branch of Cottonwood Creek
5. P 0020(172)66 (PCN 05RX) - Perkins - Cold Milling Asphalt Concrete, Asphalt Concrete Resurfacing, and Pipe Work - SD20 - Fm Prairie City to SD73
6. BRO 8052(49) (PCN 6890) - Pennington, SWPPP = 0.50 AC - Structure (2-14 x 5 CIP RCBC) & Approach Grading - 0.4 miles east & 0.3 miles north of Hill City Over Major Lake Spillway
7. P 0020(160)04 (PCN 04FR) - Harding, SWPPP = 14.00 AC - Structure (263' Prestressed Girder, 153' Prestressed Girder & 3-12'x8' CIP or Precast RCBC)& Approach Grading - SD20 - 4.2 & 5.0 E of the Montana State Line Over the Little Missouri River & Over Valley Creek & 14.8 E of the E US85 Jct Over Sioux Creek
8. IM 0299(78)215, P 0015(90)197 (PCN 0652, 075D) - Roberts - Bridge Deck Polymer Chip Seal - I29 - Strs N of Summit, SD15 - Str E of Wilmont

# Invitation to Bid

## Invitation to Bid #1 - Project Location: Rapid City, SD

Sealed combined bids will be received by the State Engineer on behalf of the South Dakota Board of Regents at the Office Attention: Steve Mezger, 2500 Minnekahta Ave., Hot Springs, South Dakota 57747 until **December 3, 2020 at 3:00 PM MT for the Music Center Fire Life & Safety, South Dakota School of Mines and Technology, Rapid City, SD, South Dakota, OSE# R0720--03X.**

There will be an on-site pre-bid meeting on November 19, 2020 at 9:00 AM MT. All bidders can meet at Music Building Lobby. This pre-bid meeting is optional but is the bidders only opportunity to review the site. Campus contact is Jerilyn Roberts, 605.394.6729, [Jerilyn.Roberts@sdsmt.edu](mailto:Jerilyn.Roberts@sdsmt.edu). OSE contact is Steve Mezger, [steve.mezger@state.sd.us](mailto:steve.mezger@state.sd.us) 605-745-4618.

Copies of the Plans and Specifications may be obtained by bidders at the office of West Plains Engineering Inc., 1750 Rand Road, Rapid City, SD, 57702. A/E Contact: Matt VonHaden, 605-348-7455, [Matt.VonHaden@WestPlainsEngineering.com](mailto:Matt.VonHaden@WestPlainsEngineering.com). Anyone requesting, reviewing, or copying Plans and Specifications for this project agrees that they are doing so for the sole purpose of submitting a bid on the project. Bidder further agrees the Plans and Specifications are the sole property of the State.

**Invitation to Bid #2 - Project Location: Sioux Falls, SD**

Sealed bids will be received by the State Engineer on behalf of Department of Corrections at the Office of the State Engineer, Joe Foss Building, 523 East Capitol Ave, Pierre, South Dakota 57501-3182 until **December 15, 2020 at 1:30 PM CT for the Upgrade Admin Elevator, South Dakota State Penitentiary, Sioux Falls, South Dakota, OSE# C1221--10X/SWMR. Please see project manual for specific bid times.**

There will NOT be a pre-bid meeting and no site visits will be given do to COVID 19.

Copies of the Plans and Specifications may be obtained by bidders at the office of designArc Group LLC, 315 Main Avenue, Suite 301 Sioux Falls, SD 57104. Contact: Les Rowland, 605-696-7575, [les@designarcgroup.com](mailto:les@designarcgroup.com). Anyone requesting, reviewing, or copying Plans and Specifications for this project agrees that they are doing so for the sole purpose of submitting a bid on the project. Bidder further agrees the Plans and Specifications are the sole property of the State.

