



December 2016

Title VI

The Idaho Transportation Department (ITD) is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. In accordance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), the Age Discrimination Act of 1975 and Executive Orders 12898 (Environmental Justice) and 13166 (Limited English Proficiency), ITD does not and will not exclude from participation in or deny the benefits of its programs or activities; or subject anyone to discrimination or treat persons unfavorably based on race, color, national origin, sex, age, disability, limited English proficiency or economic status. In addition, ITD will not retaliate against any person who complains of discrimination or who participates in an investigation of discrimination.

Liz Healas, Editor

Idaho Transportation Department
Office of Civil Rights



Your Expressway to EEO, Contracting & Business Issues



Where in Idaho is this? Clue on page 3.

Unlevel Playing Field

Davis-Bacon Act fraud misuses taxpayer dollars, robs construction workers of their legal wages — and gives law-abiding contractors an unfair disadvantage.

The **Davis-Bacon and Related Acts (DBRS)** requires contractors and subcontractors performing work on federally funded construction projects to pay laborers and mechanics not less than the prevailing wages and fringe benefits for similar work performed in the area.

DBRS applies to all federal government contracts for construction, alteration, or repair of public buildings or public works (including of course highways and transportation systems) in excess of \$2,000.

According to this law, employees working on federal construction projects must be paid at or above prevailing wage standards. Those standards, based on a survey of similar projects within the relevant geographic area, are determined by the U.S. Department of Labor (USDOL).

The law also contains overtime provisions, which require that employees be fairly compensated for working more

than 40 hours per week, as well as fringe benefits.

Fringe benefits can either be covered through the contractor making cash payments directly to employees and/or by contributing to a fund, plan or program managed by a third party for the benefit of the employees.

Unfortunately, wage & hour fraud is common on construction projects; on federal projects it can cost taxpayers millions of dollars, in addition to cheating hardworking employees of the wages they deserve.

It also puts honest contractors at a terrible disadvantage. They are paying the appropriate prevailing wages and fringes, and dishonest contractors aren't. Think of what a difference that makes in bidding and profit margins.

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Our Website Has It All (Mostly)

How about one-stop-shop web-site for all your ITD Civil Rights needs? <http://apps.itd.idaho.gov/apps/ocr/index.aspx> does it all for you! (Well, nearly all. We're delighted to take suggestions for additions or improvements.)

So go ahead and save this web address as one of your browser

favorites. If you can't find what you're looking for, just click on the "Contact Us" graphic on the bottom of the page — after all, any website is a work in progress, and we're always tweaking ours.

You may have noticed that ITD in its recent overhaul of its website, renamed nearly all its webpages. If you get a dead link, here's a good rule of thumb for many of the pages, and it involves putting in "apps" in strategic places in the old address. For instance, our old Civil Rights homepage was www.itd.idaho.gov/ocr/index.aspx. Replace "www" with "apps", and put in an extra "/apps/" after ".gov", and that will generally fix it.

(UNLEVEL, Continued from page 1)

The good news is that the Federal Highway Administration (FHWA) is starting to take a hard look at the certified payrolls submitted by ITD contractors on federal-aid contractors.

In cases where the "certified" payrolls turn out to be anything but factual, the USDOL is following up with investigations which may lead to harsh consequences, starting with the payment of back wages and fringe benefits to employees, topped off with fines (at the very least), criminal prosecution to include jail time, debarment from all government contracts for three years, and personal liability for company officials.

Cheated employees and bystanders who are tired of seeing this law being broken can do something about this as well. There's the federal **False Claims Act**, which allows individuals with knowledge

about DBRS wage and hour violations to file a whistleblower (qui tam) lawsuit on behalf of the government.

If the lawsuit succeeds in recovering money for the violations, the whistleblower may be entitled to 15-30% of the amount recovered.

As an example, in one recent Davis Bacon Act whistleblower case (*United States of America, ex rel. Brian Law v. Circle C Construction, LLC*), an employee who blew the whistle on a subcontractor who submitted false payroll certificates for an Army construction project was awarded more than \$500,000.

The message here is: report allegations of fraud, waste, and abuse concerning DOL programs and operations to the OIG hotline via 202-693-6999 or www.oig.dol.gov. That way, everyone's playing by the same rules.

What is a DBE?

A **Disadvantaged Business Enterprise (DBE)** is a small, for-profit business concern that is at least 51% owned and controlled by socially and economically disadvantaged individuals. The US Department of Transportation's (USDOT) DBE Program is designed to foster equal opportunity for minority, female and disadvantaged business owners on federal-aid transportation projects, and help them improve their business efficiency and flexibility.

This monthly newsletter is published by ITD's DBE Supportive Services as an informational and educational resource for DBs, contractors, consultants and federal-aid agencies on EEO, procurement and business issues. If you'd like to receive this newsletter regularly, please contact us for a **free subscription**.

Want to learn more about the DBE Program? Visit www.youtube.com/watch?v=5i1vZPLLOXE for a quick online presentation.

Looking for DBEs? It couldn't be easier. Just view our slick, new, continually updated online, on-demand **DBE Directory** at <https://itd.dbesystem.com>. You can browse by work categories, keywords, NAICS Codes, or just download the whole thing to Excel.

Looking for a nationwide directory? Try: <https://faa.dbesystem.com>

Money Smart For Small Business

SBA, FDIC Announce Enhanced Money Smart for Small Business Training Curriculum

The U.S. Small Business Administration (SBA) and the Federal Deposit Insurance Corporation (FDIC) recently announced enhancements to **Money Smart for Small Business**, a resource that provides practical guidance for starting and managing a small business.

"The enhanced Money Smart for Small Business curriculum has been improved to make entrepreneurship more accessible to everyone and to better meet the financial management needs of entrepreneurs," said Tameka Montgomery, Associate Administrator for SBA's Office

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Clue for this month's **"Where in Idaho are You?"** (*front page*) This museum is more of a preserved ghost town than just one building — unlike most Idaho ghost towns, its demise had nothing to do with mining, and more to do with being in the wrong place for the coming railroad.



Answer to November Issue (*photo shown above*): The Museum at the Brig, Farragut State Park, near Bayview. For past issues, visit <http://apps.itd.idaho.gov/apps/ocr/ocrBUSINESSNEWS.aspx>.

Naughty or Nice?

Contract Compliance Officer **Russ Rivera** wants to make sure that ITD Contractors end up on the right list.

"...He's making a list"

That's right, kids. I keep a list.

"... He's checking it twice."

Once, twice, and by the time I count to three ...

"He's gonna find out who's naughty or nice."

It's literally called my "Naughty List". I keep it on my desk, next to my pocket constitution and some G.I. Joe Action Figures.

"The OIG is coming to town."

With recent U.S. Department of Labor Office of the Inspector General (OIG) investigations into Labor and Tax fraud, Idaho contractors are finding themselves under the watchful eye of the Federal Government.

The ITD Office of Civil Rights is here to help our contractors avoid further scrutiny because "we're with the government and we're here to help."

Truth be told, ITD has a multi-layered program where we help contractors identify high risk areas, offering recommendations on how to best meet state and federal requirements.

Plus Krampus kind of freaks us out, too.

On the surface, many of the things we do look like we're trying to catch people doing bad things but let's be honest, investigations take time, and cost money, and those are two luxuries I simply cannot afford.



Krampus: the OIG Side of Christmas (and apparently a heavy metal fan as well).

Below, I'll outline just a few of the tools we use to help our contractors lower their level of liability. With any luck these tools will help keep the Christmas Krampus at bay.

- ITD conducts **Labor Compliance Interviews** to help ensure that employees are placed in the appropriate wage classifications.
- **Our EEO Onsite Interviews** help em-

ployees and supervisors understand what the EEO requirements are on a project.

- **The Commercially Useful Function (CUF) Reports** verify that DBE businesses are in fact providing a Commercially Useful Function.
- The **Resident Engineer On-Site Inspection** identifies any EEO issues during the construction phase.
- ITD participates in formal on-site audits with contractors every one-three years, a semi-formal EEO review every one-two years, and informally contacts contractors as if to say "hey buddy, how's it goin'?"
- ITD coordinates substantially with local Native American Tribes, woman and minority construction groups, unions and trade schools.

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(**NAUGHTY**, Continued from page 3)

- The Office of Civil Rights provides an annual, five-week, **Heavy Equipment Operator School** (free of charge).
- ITD has also released innovative and time saving tools for contractors like its online **1391 Submission Database**, and the **ITD Payment Tracking System** (or B2GNow Software).

In short, ITD does everything it can to

help contractors find the resources they need to be successful on projects.

Because nobody wants a federal investigator with a badge and search warrant sniffing through their tax returns from the past 10 years.

If you or your employees have any questions about the above tools, don't hesitate to call on Santa's little helpers here at the ITD Office of Civil Rights.

Merry Christmas, Happy Kwanza, and a Joyous Festivus to all!

(**MONEY SMART**, Continued from page 3) of Entrepreneurial Development. "The FDIC has been an exceptional partner in providing small businesses and entrepreneurs with resources needed to help get their businesses off the ground."

This free curriculum is available online at www.sba.gov/starting-business/business-financials/your-business-fiscally-fit. It was jointly developed by the SBA and FDIC in 2012.

The program has been expanded in response to feedback from the small business community. Three new modules were added, focusing on managing cash flow, planning for a healthy business, and helping learners to determine if owning a business is a good fit, bringing the total number of modules to 13.

The curriculum is available for download at no cost in both English and Spanish. In addition, a Train-the-Trainer curriculum was created to help organizations train instructors to deliver the modules.

Training modules can be taught in any order or independently and typically run 60–90 minutes. Each module, and the Train-the-Trainer curriculum, includes a fully scripted instructor guide, participant workbook, and PowerPoint slides that can be edited to meet the needs of any audience.

These features and flexibility make Money Smart for Small Business a valuable resource for entrepreneurs.

The agencies also simplified the process to join the Money Smart Alliance, a group of nonprofit, government, and educational organizations that promotes and teaches Money Smart for Small Business. Organizations now can join the Alliance by completing a simple online form.

9th Annual Safety Fest: Post Falls

As with all Safety Fests, classes fill up extremely fast. Be sure to register even faster.

Safety Fest is an annual three-day training event that offers FREE safety and health training to workers, supervisors, and managers of all levels. This event focuses on methods to reduce hazards that may cause fatalities, injuries and illness.

The Post Falls Safety Fest will be held February 22-24, 2017

Classes include:

- CPR/First Aid
- Fall Protection
- Manufacturing Safety
- OSHA 10
- RCW/WAC Update
- Hazardous Communications
- MSHA Annual Refresher
- Warehouse Safety
- LEAD Training



Safety Training: because every time you idiot-proof something, they just build a better idiot.

- Project Management
- Hazardous Waste Operations & Emergency Response (Hazwoper)
- Work-Zone Flagging
- Water Safety
- Respiratory Protection

- Workplace Violence
- OSHA Record Keeping
- K9 Police Demonstration
- Accident Investigation
- Focus Four and More

Local highway agencies, small and large contractors in the construction and general industry, plus professional technical educators and anyone who desires to improve the safety performance of their business are all invited to attend.

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2016 Small Business Credit Survey

*The survey focuses particular attention on how **credit** demand, sources and outcomes vary within the small business sector.*

Despite the significance of small businesses to the U.S. economy and to local communities, information on small business financing conditions is limited, leaving important knowledge gaps for policymakers and service providers.

That's why the Federal Reserve System has been conducting surveys of small business owners/managers since 2010.

The **Small Business Credit Survey**, a collaboration among seven Federal Reserve Banks, including New York, Atlanta, Boston, Cleveland, Philadelphia, Richmond and St. Louis, offers insight about business owners' financing decisions by providing a platform through which small businesses (i.e., fewer than 500 employees) can be heard.

The findings are designed to highlight small business finance and credit conditions and bring them to the attention of policymakers and service providers.

Take the survey:

http://frb.co1.qualtrics.com/SE/?SID=SV_8iVpQVF8PPIqCPz&reserve_bank=SF&orgid=Idaho_Bidders today!
Individual responses are confidential. Summary results will be shared with respondents and will be used to brief Idaho leaders.

Interested in the 2015 survey findings? Download it at: www.newyorkfed.org/smallbusiness/small-business-credit-survey-employer-firms-2015.

(**SAFETY**, Continued from page 4)

Register at www.nic.edu/websites/default.aspx?dpt=195&pageId=6356.

There's also a trade show on February 22 and 23. It's a great way for vendors

to showcase their products and services to front line workers, supervisors, employers, managers, and community members. Booth Space rentals are \$250.



For people in the Treasure Valley area, there may still be time to register for the equally free and equally valuable **Boise Safety Fest**, which is being held January 24-27, 2017. Visit <http://safetyfest-boise.org> to find out.

Wagons Ho for Eastern Idaho!

"Lizapalooza" journeys to eastern Idaho in December to provide beginner's orientations on the often confusing world of Doing Business with the Government. Great for newbies, great as a refresher, too!

Doing Business with the Government

(aka "Lizapalooza") continues its 2016-2017 tour next month with engagements in Salmon, Idaho Falls, Soda Springs and Pocatello.



Attendees will learn direct from experts from the Idaho Transportation Department Office of Civil Rights, the Small Business Administration, the Idaho Procurement Technical Assistance Center (PTAC) and the U.S. Forest Service about identifying and competing for government projects, the various business certifications such as DBE, HUBZone and 8(a), and where to go for assistance.

Extra bonus: a great big resource handbook with helpful contact information.

Even if you've attended past sessions, it's always a good idea to get a refresher — also, regulations are always changing, and we have a hard enough time keeping up with them ourselves!

Here are the registration links:

Salmon, December 6
www.ptassist.com/services/ptac_register.php?id=C07E048857

Idaho Falls, December 7

www.ptassist.com/services/ptac_register.php?id=C4C9848859

Soda Springs, December 8

www.ptassist.com/services/ptac_register.php?id=70F8248860

Pocatello, December 9

www.ptassist.com/services/ptac_register.php?id=4D0EF48861

If you're truly interested in attending, don't dither on signing up online — if we have less than 5 people registered for a location, we'll cancel the workshop.

In January, we'll be swinging Twin Falls and Hailey; February will find us in Fruitland, Grangeville and Lewiston. Watch <http://apps.itd.idaho.gov/apps/ocr/training.aspx> for updates.

Newly Certified DBEs

Archaeological Cultural Resource Management Consultants LLC (ACRMCO)

Jennifer DeRose, Managing Principal
510 N 4th St., Coeur d'Alene, ID 83814
Phone: 208-874-2240
Email: acrmconsultant@gmail.com
Homepage: www.acrmconsultant.com
Cultural resource management consulting services for NHPA Section 106 / 110, NEPA, NAGPRA, SEPA, WA E.O. 05-05, and Fed Transportation Section 4(f) compliance; SHPO, THPO & inter-agency Project Scope Consultation; Cultural Resource Consultation, Project Design & Planning, Historic / Archive / Ethnographic Documents Review, Oral History Interviews / Transcriptions, Archaeological Survey / Landscape / Env., Reconnaissance, GIS Data Collection / Geodatabase Mapping, Archaeological Testing / Data Recovery, Artifact Identification, Technical Reports, Inventory forms, Determination of Eligibility Statements, National Register Nominations, Construction Monitoring / Short Letter Reports, Repository Federal Certification & Curation, Supplemental / Mitigation Activities / Cultural Resource Management Plans.

CompQsoft, Inc.

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Homepage: www.compqsoft.com
IT services provider with 18 years of past

performance, specializing in SAP and infrastructure services. COMPQSOFT offers a range of IT services, System Design, Development, Implementation, Integration.

DES Wholesale, LLC, DBA Diversified Energy Supply

Allison de Aguero, President
12600 Deerfield Parkway, Suite 100,
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Phone: 678-828-4305 FAX: 678-826-0742
Email: adeaguero@diversifiedenergysupply.com
Homepage: www.diversifiedenergysupply.com
Gasoline and diesel fuel, bio-fuel, fleet services, wholesale natural gas supply.

Visage Production, Inc.

Annette D. Colbert-Latham, CEO
6303 Waterford Blvd, Ste. 235, Oklahoma City, OK 73118
Phone: 405-607-8722 FAX: 405-607-8727
Email: adcolbert@yahoo.com
Homepage: www.visagefilmstudios.com
Film and Television Production, Advertising Agency.

Watson Environmental

Leslie Watson, Owner
PO Box 57564, Tucson, AZ 85732
Phone: 520-306-1676 FAX: 520-881-0868
Email: leslie@watson-environmental.com
Homepage: www.watson-environmental.com
Environmental permitting and National Environmental Policy Act strategies for natural resource, energy, and mineral projects.

Interstate Certification

Thinking of certifying in other states? Visit www.transportation.gov/civil-rights/disadvantaged-business-enterprise/dbe-program-points-contact for DBE certification contact information in other states. Although all states are required to have an abbreviated interstate certification procedure, most states don't have outright certification reciprocity. Be sure to have your home state application and other documentation ready.

Hack the Army!

DOD Announces Digital Vulnerability Disclosure Policy and "Hack the Army" Kick-Off.



Building on the success of the "Hack the Pentagon" bug bounty pilot in which hackers from across the country were provided legal authorization to spot vulnerabilities in specific Department of Defense (DOD) networks in return for cash payments, the DOD has unveiled two new initiatives designed to further enhance the DOD cybersecurity.

The first initiative is a new DOD policy regarding the identification of network vulnerabilities. Beginning on November 21, the DOD Vulnerability Disclosure Policy provides a legal avenue for security researchers to find and disclose vulnerabilities in any DOD public-facing systems.

This policy is the first of its kind for the Department. It provides clear guidance to security researchers for testing and disclosing vulnerabilities in DOD websites, and commits the Department to working openly and in good faith with researchers.

"The Vulnerability Disclosure Policy is a 'see something, say something' policy for the digital domain," said Secretary of Defense Ash Carter. "We want to encourage computer security researchers to help us improve our defenses. This policy gives them a legal pathway to

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Invitations to Bid

Seeking bids from DBE sub-contractors? Email civil-rights@itd.idaho.gov with information about the project and the bid date, plus the specialty areas in which you plan to sub-contract.

To view current invitations, visit <http://apps.itd.idaho.gov/apps/ocr/invitations.aspx>.

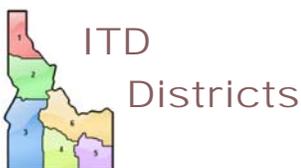
Thank-You Notes to Our Primes

A spotlight on prime contractors who extend equal opportunity to our DBEs to participate on ITD projects.

Gale Lim Construction LLC

FY16 D6 Ballast Stabilization Clark County, awarded 8/11/15

DBEs: *Idaho Traffic Safety, Curtis Clean Sweep*



District 1	Coeur d'Alene	(208) 772-1200
District 2	Lewiston	(208) 799-5090
District 3	Boise	(208) 334-8300
District 4	Shoshone	(208) 886-7800
District 5	Pocatello	(208) 239-3300
District 6	Rigby	(208) 745-7781

ITD Procurement

ITD Highway Construction, Design & Maintenance (And More)

Business

One-Stop Shop: <http://itd.idaho.gov/business>

Contractor Bidding

Solicitations - Non-Highway Projects

Alternative Contracts

OPI5 Bulk Fuel

Consultant Agreements

ITD recently redesigned its website, and one of the changes we feel that you'll like is the consolidation of all procurement-related pages into one, with easy-to-follow tabs.

First, save "<http://itd.idaho.gov/business>" to your favorites on your browser.

The "**Contractor Bidding**" tab will take you to all highway construction projects currently being bid and awarded. While ITD highway construction plans and specifications are available only through Quest Construction Data Network (QuestCDN) for \$10 per set, you can still take a look at the bid schedule, planholders lists, and other key information. Bid abstracts are often available. There's a 90-Day Bid Forecast, too.

Another important part of our highway-related procurement is professional services: engineering, environmental, public involvement and all the other components of transportation design. To learn about these opportunities, visit the "**Consultant Agreements**" tab. Learn here how ITD uses professional services for highway project development and improvements.

Requests for Proposal are posted here; be sure to pay particular attention to getting on ITD's Term Agreement List, too! You'll also find important contact information, overhead rates, and other important need-to-know information.

Design-Builds? You'll find these notices under "**Alternative Contracts**" tab. There's even a presentation you can watch which explains the process.

Not all ITD procurement is highway-related. We buy goods and services for building construction, maintenance and repair; facility and yard improvements; highway maintenance and repair; site clearing and demolition. You'll find these solicitations on the "**Solicitations—Non-Highway Projects**" tab. These plans are posted as pdf documents. After bid opening, brief bid abstracts and award information are also posted.

Bigger solicitations of all sorts (services, consulting, equipment and supplies) are posted by the Idaho Division of Purchasing on its e-procurement page. For an overview of Idaho Electronic Procurement (IPRO), visit <http://purchasing.idaho.gov/ipro.html>.

The Future of ITD Procurement is ...

... well, mainly a five-year projection at this point, but here's where you can take a look at the **Idaho Transportation Investment Plan (ITIP)**: <http://itd.idaho.gov/funding/?target=itip>

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bolster the department's cybersecurity and ultimately the nation's security."

The U.S. Department of Justice's Criminal Division, which was consulted during the development of DOD's Vulnerability Disclosure Policy, welcomed it as an important development. Assistant Attorney General Leslie Caldwell described it as "a laudable way to help computer security researchers use their skills in an effective, beneficial, and lawful manner to reduce security vulnerabilities."

November 21 also marked the opening of registration for "**Hack the Army**," the next bug bounty challenge. The competition is modeled after the Defense Digital Service's Hack the Pentagon pilot, but is focused on more operationally relevant websites -- specifically those affecting the Army's recruiting mission. Partnering with the Defense Digital Service, Secretary of the Army Eric Fanning



Getting paid to legally hack the U.S. Army? Your kid may have a career path after all!

announced the challenge earlier this month in Austin, Texas.

"As Secretary of the Army, the security of these foundational systems is incredibly important to me, and security is everyone's responsibility," Secretary Fanning said. "We need as many eyes and perspectives on our problem sets as possible and that's especially true when it comes to securing the Army's pipeline to future Soldiers."

Approximately 500 hackers are ex-

pected to participate in this bug bounty challenge. They will be eligible to receive thousands of dollars in bounty rewards.

The Vulnerability Disclosure Policy will provide a standing avenue of reporting for all DOD websites, whereas bug bounties like "Hack the Army" will provide incentives to researchers to focus on specific high-priority DOD networks and systems. These two initiatives underscore Secretary Carter's commitment to innovation and adopting commercial best practices. DOD has focused on efforts to modernize our digital security and find new ways to solve our internal challenges. Both "Hack the Army" and the new Vulnerability Disclosure Policy are in line with these goals.

Visit HackerOne.com/HacktheArmy for more information on the DOD Vulnerability Disclosure Policy and the Hack the Army bug bounty challenge.

