

INDOT knows that being a prime contractor can be a dizzying responsibility. To clear up any confusion regarding administrative requirements for disadvantaged business enterprise (DBE), on-the-job training, and other compliance efforts, our Economic Opportunity Division (EOD) staff held contractor compliance training events for new and current contractor staff in late February and March.

“When I came to INDOT in 2015, we had rote meetings with contractors that didn’t mean much to anyone, so we retired those,” said EOD Director Elizabeth “Libby” Kiefner Crawford. “These 2020 meetings represent a new and rejuvenated era of EOD outreach to contractors.”

At the meetings, all six INDOT district equal employment opportunity (EEO) officers addressed the crowd. The EEO officers are Crawfordsville’s Jennifer Hicks, Fort Wayne’s Diane Keefer, Greenfield’s Sarah Reese, LaPorte’s Michelle Hoos, Seymour’s Dell Ballard, and Vincennes’ Carla Irvin. Their



supervisor, EEO Manager Mary Brouillette-Konig, as well as Kiefner Crawford, DBE Certification Manager Derrick Casson, Contract Compliance Manager Kent Borggren, and other EOD personnel added valuable information. Additionally, Federal Highway Administration Civil Rights Manager Ken Woodruff attended and assisted.

The meetings were more than just INDOT talking and contractors listening. At the first meeting, which featured

*Some INDOT EEO officers are situated at the front of the room during training.*

40 representatives of prime contractors at the Indianapolis Subdistrict, contractor employees asked dozens of follow-up questions.

“There was tremendous back and forth between us contractors and INDOT,” said Deanna Wojnar, controller at general contractor Schutt-Lookabill. “We had a lot of questions about the various aspects of meeting DBE goals on projects, and they answered all the scenarios with expertise. After a five-year layoff of these type of meetings, it was great to get reinvigorated with even a better meeting.”

INDOT representatives trained contractors from letting to final payment, giving details about the INDOT DBE Directory, the letting process, good-faith efforts, how counting DBE credit is established, hauling, on-the-job training, subcontractor payment tracking, contract closeout documentation, and much more. We explained that the percentage of DBEs required on all federal-aid projects is determined by a standard algorithm. We also explained that DBEs must be independent and able to do the work on their own without help from the prime contractor.



Perhaps the most valuable parts of the meeting were the real-life examples provided by the district EEO officers and Brouillette-Konig. Among the many real scenarios included:

- A prime contractor suspected one of its subcontractors wasn't paying its employees correctly and reported this to the INDOT district EEO officer to investigate. We found that the subcontractor was paying some employees as laborers instead of as operators when it came to the operation of specialty equipment. When INDOT found even more issues with the subcontractor, we called the Indiana Department of Labor. However, it was discovered that the prime contractor hadn't filed a state form that stipulates what the subcontractor is to pay its employees, so this became the prime contractor's problem.
- In 2019, a prime contractor had a wrong subcontractor do milling work on a project, which affected the DBE goal. INDOT did not pay the prime contractor for the work.

Reese detailed the lengths to which INDOT may monitor DBE situations on projects. One DBE identified itself as a manufacturer, with a warehouse in Indianapolis that handled steel and H-pile structural beams. Storefronts are required for firms classified as manufacturers.

"I went to the warehouse, and it housed just paper and would never be able to handle steel," said Reese of the storefront. Reese informed the firm that a storefront that could handle steel would be needed.

The DBE firm then told Reese that it created the required storefront in a small eastern Indiana town. Reese investigated and saw a sign that bore the company's name. When she entered the building, the manager said, "Oh, that company is not really here; they just pay us to put their name out front." Reese went to the back of the store and found the only evidence of merchandise was a piece of rebar laying on the grass.

"Storefronts really need to be storefronts," said Reese. "We will go out there and investigate. Normally, Dell Ballard drives and I take photos. I'll climb fences and go into warehouses. We're like Cagney & Lacey."

The crowd roared with laughter at the reference to the 1980s TV drama about two female police officers.

"OK, so Dell is a guy and maybe the analogy isn't perfect," conceded Reese, laughing at the reference. "But the point is, we are checking because we have a responsibility as a contracting agency to make sure the work is carried out appropriately by the terms of the contract."

Kiefner Crawford pointed out that 98% of INDOT contracts meet the DBE goal. While that percentage shows great success considering the volume of work, it could still be improved. The EOD staff informed contractors that, starting in July, all subcontractors will be required to verify their own payments in the subcontractor payment tracking system. More information and training are coming.

The late February meeting, along with a second meeting in mid-March, at the Indianapolis Subdistrict represented the Central Region, with Hicks and Reese speaking the most. That was



*Seymour District EEO Officer Dell Ballard (from left) and Greenfield District EEO Officer Sarah Reese investigative work regarding DBE and other compliances on INDOT contracts.*

followed up with a Southern Region meeting at the Seymour District in late February, with Ballard and Irvin as the main hosts. In early March, a Northern Region meeting took place, with Hoos and Keefer taking the lead. All meetings were at capacity.

“We’ve stressed to attendees that proactive communication by all parties can resolve lots of issues that may crop up down the road,” said Kiefner Crawford. “Also, if attendees feel that others at their companies would benefit from these trainings, we will come to them. We’ve already had one company take us up on that opportunity.”