

DISPARITY/AVAILABILITY STUDY FOR THE
MONTANA DEPARTMENT OF
TRANSPORTATION: *FINAL REPORT*

FHWA/MT-09-004/8190-1

Final Report

prepared for
THE STATE OF MONTANA
DEPARTMENT OF TRANSPORTATION

in cooperation with
THE U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

August 2009

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Final Report

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16. Abstract The Montana Department of Transportation (MDT) issued an RFP to conduct a Disparity Study in response to the Guidelines issued by US Department of Transportation (USDOT) following the <i>Western States Paving Co. v. Washington Department of Transportation</i> decision. The purpose of the study was to determine to what extent Disadvantaged Businesses (DBE) participate in the procurement of USDOT federally funded contracts within Montana. The study was conducted through the completion of 10 tasks: Analyze Relevant Case Law; Review Policies, Procedures and DBE Program; Determine the Relevant Market Area; Determine the Utilization of DBE firms; Determine the Availability of DBE firms; Conduct Disparity Analysis; Determine the Utilization of DBE firms in the Private Sector; Conduct a Multivariate Regression Analysis; Conduct Anecdotal Analysis; and Develop Finding and Recommendations. Based on the data analyzed for the study period, the MDT should continue operating in a race-neutral environment and implement a small business program. Additional recommendations include setting goals on professional services contracts and developing a stronger compliance section within the DBE programs office.			
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TABLE OF CONTENTS

PAGE

TECHNICAL REPORT DOCUMENTATION PAGE	ii
DISCLAIMER STATEMENT	iii
LIST OF TABLES	vi
LIST OF FIGURES	xx
EXECUTIVE SUMMARY	ES-1
CHAPTER 1 - INTRODUCTION.....	1-1
CHAPTER 2 - LEGAL ANALYSIS	2-1
2.1 Introduction	2-1
2.2 Standards of Review for Race- and Gender-Conscious Remedial Programs	2-2
2.3 Evidence Necessary For Minority, Women And Disadvantaged Business Enterprise Programs	2-3
2.4 Burden of Proof	2-5
2.5 Conclusion	2-15
CHAPTER 3 - REVIEW OF CONTRACTING POLICIES, PROCEDURES AND PROGRAMS.....	3-1
3.1 Methodology of Review	3-1
3.2 Construction Policies, Procedures and Programs.....	3-3
3.3 Professional Services and Commodities	3-4
3.4 Design-Build Contracts.....	3-6
3.5 DBE Program	3-6
3.6 Montana Unified Certification Program	3-7
3.7 Supportive Services	3-8
3.8 Annual Goal-Setting Process	3-9
3.9 DBE Compliance and Enforcement.....	3-12
CHAPTER 4 - AVAILABILITY ANALYSIS	4-1
4.1 Approach.....	4-1
4.2 Methodology	4-2
4.3 Results	4-4
4.4 Analysis by District	4-7

TABLE OF CONTENTS

	PAGE
CHAPTER 5 - MONTANA DEPARTMENT OF TRANSPORTATION RELEVANT MARKET AREA AND UTILIZATION ANALYSES	5-1
5.1 Data Collection and Management	5-1
5.2 Market Area Analysis	5-4
5.3 Prime Contractor Utilization Analysis.....	5-5
5.4 Subcontractor Utilization Analysis	5-40
5.5 DBE and Non-DBE Prime and Subcontractor Utilization.....	5-75
5.6 MDT Goal Analyses	5-75
5.7 Utilization Threshold Analyses	5-83
5.8 Subcontractor Utilization Threshold Analyses.....	5-88
CHAPTER 6 - DISPARITY ANALYSES	6-1
6.1 Business Categories Combined	6-1
6.2 Construction	6-19
6.3 Professional Services.....	6-37
6.4 Modal Analysis	6-55
CHAPTER 7 - ANECDOTAL EVIDENCE SUMMARY	7-1
7.1 Introduction	7-1
7.2 Methodology	7-3
CHAPTER 8 - FINDINGS AND RECOMMENDATIONS	8-1
8.1 MDT - Policies and Procedures	8-1
8.2 Data Collection	8-4
8.3 Program Review.....	8-4
8.4 Small Business Enterprises Program	8-5
8.5 Implementation Plan.....	8-5
9.0 REFERENCES CITED.....	9-1

LIST OF TABLES

		PAGE
Table ES-1	Business Categories Combined Fiscal Years 2000-2006 Subcontractor Disparity Analysis Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	ES-5
Table ES-2	Construction Fiscal Years 2000-2006 Subcontractor Disparity Analysis Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	ES-5
Table ES-3	Professional Services Fiscal Years 2000 - 2006 Subcontractor Disparity Analysis Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	ES-6
Table 3-1	Montana Department of Transportation Annual Goal 2002 - 2008.....	3-12
Table 4-1	Total Firms by Business Category and Owner Classification.....	4-5
Table 4-2	Distribution of Firms by Business Category and Owner Classification	4-5
Table 4-3	Adjusted Prime Contractors	4-6
Table 4-4	Adjusted Prime Contractor Distribution	4-6
Table 4-5	Adjusted Subcontractors	4-8
Table 4-6	Adjusted Subcontractor Distribution	4-8
Table 4-7	Adjusted Prime Contractors (District 1-Missoula)	4-9
Table 4-8	Adjusted Prime Contractor Distribution (District 1-Missoula)	4-9
Table 4-9	Adjusted Subcontractors (District 1-Missoula)	4-10
Table 4-10	Adjusted Subcontractor Distribution (District 1-Missoula)	4-10
Table 4-11	Adjusted Prime Contractors (District 2-Butte)	4-11
Table 4-12	Adjusted Prime Contractor Distribution (District 2-Butte)	4-11
Table 4-13	Adjusted Subcontractors (District 2-Butte)	4-12
Table 4-14	Adjusted Subcontractor Distribution (District 2-Butte)	4-12
Table 4-15	Adjusted Prime Contractors (District 3 - Great Falls)	4-13
Table 4-16	Adjusted Prime Contractor Distribution (District 3 - Great Falls)	4-13
Table 4-17	Adjusted Subcontractors (District 3 - Great Falls)	4-14
Table 4-18	Adjusted Subcontractor Distribution (District 3 - Great Falls)	4-14
Table 4-19	Adjusted Prime Contractors (District 4-Glendive)	4-15
Table 4-20	Adjusted Prime Contractor Distribution (District 4-Glendive)	4-15
Table 4-21	Adjusted Subcontractors (District 4-Glendive)	4-16
Table 4-22	Adjusted Subcontractor Distribution (District 4-Glendive)	4-16
Table 4-23	Adjusted Prime Contractors (District 5-Billings)	4-17

LIST OF TABLES

PAGE

Table 4-24	Adjusted Prime Contractor Distribution (District 5-Billings)	4-17
Table 4-25	Adjusted Subcontractors (District 5-Billings)	4-18
Table 4-26	Adjusted Subcontractor Distribution (District 5-Billings)	4-18
Table 5-1	Montana Department of Transportation Construction and Professional Services NAICS Codes Utilized	5-1
Table 5-2	Montana Department of Transportation Vendor Data Sources	5-3
Table 5-3	Types of Vendors excluded from Study	5-3
Table 5-4	Number of MDT prime contracts and subcontracts by Business Category ...	5-4
Table 5-5	Relevant Market Area Fiscal Years 2000 - 2006 Montana Department of Transportation	5-5
Table 5-6	Business Categories Combined Fiscal Years 2000 - 2006 Prime Contractor Utilization - Contracts & Firms Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation	5-6
Table 5-7	Business Categories Combined Fiscal Years 2000 - 2006 Prime Contractor Utilization_DISTRICT 1 (Missoula) Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation	5-7
Table 5-8	Business Categories Combined Fiscal Years 2000 - 2006 Prime Contractor Utilization_DISTRICT 2 (Butte) Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation	5-9
Table 5-9	Business Categories Combined Fiscal Years 2000 - 2006 Prime Contractor Utilization_DISTRICT 3 (Great Falls) Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation	5-10
Table 5-10	Business Categories Combined Fiscal Years 2000 - 2006 Prime Contractor Utilization_DISTRICT 4 (Glendive) Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation	5-11

LIST OF TABLES

		PAGE
Table 5-11	Business Categories Combined Fiscal Years 2000 - 2006 Prime Contractor Utilization_DISTRICT 5 (Billings) Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-13
Table 5-12	Business Categories Combined Fiscal Years 2000 - 2006 Prime Contractor Utilization_MULTIPLE DISTRICTS Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-14
Table 5-13	Business Categories Combined Fiscal Years 2000 - 2006 Prime Contractor Utilization_HEADQUARTERS Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation	5-15
Table 5-14	Business Categories Combined Fiscal Years 2000 - 2006 Prime Contractor Utilization_STATEWIDE Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-17
Table 5-15	Construction Fiscal Years 2000 - 2006 Prime Contractor Utilization - Contracts & Firms Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-18
Table 5-16	Construction Fiscal Years 2000 - 2006 Prime Contractor Utilization_DISTRICT 1 (Missoula) Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-19
Table 5-17	Construction Fiscal Years 2000 - 2006 Prime Contractor Utilization_DISTRICT 2 (Butte) Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-20

LIST OF TABLES

		PAGE
Table 5-18	Construction Fiscal Years 2000 - 2006 Prime Contractor Utilization_DISTRICT 3 (Great Falls) Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-22
Table 5-19	Construction Fiscal Years 2000 - 2006 Prime Contractor Utilization_DISTRICT 4 (Glendive) Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-23
Table 5-20	Construction Fiscal Years 2000 - 2006 Prime Contractor Utilization_DISTRICT 5 (Billings) Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-24
Table 5-21	Construction Fiscal Years 2000 - 2006 Prime Contractor Utilization_MULTIPLE DISTRICTS Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-26
Table 5-22	Construction Fiscal Years 2000 - 2006 Prime Contractor Utilization_HEADQUARTERS Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-27
Table 5-23	Construction Fiscal Years 2000 - 2006 Prime Contractor Utilization_STATEWIDE Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-28
Table 5-24	Professional Services Fiscal Years 2000 - 2006 Prime Contractor Utilization - Contracts & Firms Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-29
Table 5-25	Professional Services Fiscal Years 2000 - 2006 Prime Contractor Utilization_DISTRICT 1 (Missoula) Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation	5-31

LIST OF TABLES

		PAGE
Table 5-26	Professional Services Fiscal Years 2000 - 2006 Prime Contractor Utilization_DISTRICT 2 (Butte) Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-32
Table 5-27	Professional Services Fiscal Years 2000 - 2006 Prime Contractor Utilization_DISTRICT 3 (Great Falls) Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-33
Table 5-28	Professional Services Fiscal Years 2000 - 2006 Prime Contractor Utilization_DISTRICT 4 (Glendive) Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-34
Table 5-29	Professional Services Fiscal Years 2000 - 2006 Prime Contractor Utilization_DISTRICT 5 (Billings) Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-35
Table 5-30	Professional Services Fiscal Years 2000 - 2006 Prime Contractor Utilization_MULTIPLE DISTRICTS Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-37
Table 5-31	Professional Services Fiscal Years 2000 - 2006 Prime Contractor Utilization_HEADQUARTERS Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-38
Table 5-32	Professional Services Fiscal Years 2000 - 2006 Prime Contractor Utilization_STATEWIDE Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation	5-39
Table 5-33	Business Categories Combined Fiscal Years 2000 - 2006 Subcontractor Utilization - Contracts & Firms Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation	5-41

LIST OF TABLES

PAGE

Table 5-34	Business Categories Combined Fiscal Years 2000 - 2006 Subcontractor Utilization_DISTRICT 1 (Missoula) Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-42
Table 5-35	Business Categories Combined Fiscal Years 2000 - 2006 Subcontractor Utilization_DISTRICT 2 (Butte) Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-43
Table 5-36	Business Categories Combined Fiscal Years 2000 - 2006 Subcontractor Utilization_DISTRICT 3 (Great Falls) Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation	5-45
Table 5-37	Business Categories Combined Fiscal Years 2000 - 2006 Subcontractor Utilization_DISTRICT 4 (Glendive) Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-46
Table 5-38	Business Categories Combined Fiscal Years 2000 - 2006 Subcontractor Utilization_DISTRICT 5 (Billings) Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation	5-47
Table 5-39	Business Categories Combined Fiscal Years 2000 - 2006 Subcontractor Utilization_MULTIPLE DISTRICTS Ethnicity Classification Percentage of Total Dollars Montana Department of Transportation.....	5-49
Table 5-40	Business Categories Combined Fiscal Years 2000 - 2006 Subcontractor Utilization_HEADQUARTERS Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-50
Table 5-41	Business Categories Combined Fiscal Years 2000 - 2006 Subcontractor Utilization_STATEWIDE Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation	5-51

LIST OF TABLES

PAGE

Table 5-42	Construction Fiscal Years 2000 - 2006 Subcontractor Utilization - Contract & Firms Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-53
Table 5-43	Construction Fiscal Years 2000 - 2006 Subcontractor Utilization_DISTRICT 1 (Missoula) Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-54
Table 5-44	Construction Fiscal Years 2000 - 2006 Subcontractor Utilization_DISTRICT 2 (Butte) Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-55
Table 5-45	Construction Fiscal Years 2000 - 2006 Subcontractor Utilization_DISTRICT 3 (Great Falls) Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-57
Table 5-46	Construction Fiscal Years 2000 - 2006 Subcontractor Utilization_DISTRICT 4 (Glendive) Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-58
Table 5-47	Construction Fiscal Years 2000 - 2006 Subcontractor Utilization_DISTRICT 5 (Billings) Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation	5-59
Table 5-48	Construction Fiscal Years 2000 - 2006 Subcontractor Utilization_MULTIPLE DISTRICTS Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-61
Table 5-49	Construction Fiscal Years 2000 - 2006 Subcontractor Utilization_HEADQUARTERS Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-62

LIST OF TABLES

		PAGE
Table 5-50	Construction Fiscal Years 2000 - 2006 Subcontractor Utilization_STATEWIDE Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-63
Table 5-51	Professional Services Fiscal Years 2000 - 2006 Subcontractor Utilization - Contracts & Firms Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-64
Table 5-52	Professional Services Fiscal Years 2000 - 2006 Subcontractor Utilization_DISTRICT 1 (Missoula) Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-66
Table 5-53	Professional Services Fiscal Years 2000 - 2006 Subcontractor Utilization_DISTRICT 2 (Butte) Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-67
Table 5-54	Professional Services Fiscal Years 2000 - 2006 Subcontractor Utilization_DISTRICT 3 (Great Falls) Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-68
Table 5-55	Professional Services Fiscal Years 2000 - 2006 Subcontractor Utilization_DISTRICT 4 (Glendive) Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-69
Table 5-56	Professional Services Fiscal Years 2000 - 2006 Subcontractor Utilization_DISTRICT 5 (Billings) Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-71
Table 5-57	Professional Services Fiscal Years 2000 - 2006 Subcontractor Utilization_MULTIPLE DISTRICTS Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-72

LIST OF TABLES

PAGE

Table 5-58	Professional Services Fiscal Years 2000 - 2006 Subcontractor Utilization_HEADQUARTERS Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-73
Table 5-59	Professional Services Fiscal Years 2000 - 2006 Subcontractor Utilization_STATEWIDE Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-74
Table 5-60	Business Categories Combined Fiscal Years 2000 - 2006 Prime and Subcontractor Utilization Percentage of Total Dollars Montana Department of Transportation.....	5-76
Table 5-61	MDT DBE Assigned Contract Goals and DBE Goals Achieved for all Business Categories Combined	5-77
Table 5-62	Business Categories Combined Fiscal Years 2000-2006 DBE Project Goal Utilization Analysis Percentage of Total Dollars Montana Department of Transportation.....	5-78
Table 5-63	MDT DBE Assigned Contract Goals and DBE Goals Achieved for Construction Projects	5-79
Table 5-64	Construction Fiscal Years 2000-2006 DBE Project Goal Utilization Analysis Percentage of Total Dollars Montana Department of Transportation.....	5-80
Table 5-65	MDT DBE Assigned Contract Goals and DBE Goals Achieved for Professional Services Projects.....	5-81
Table 5-66	Professional Services Fiscal Years 2000-2006 DBE Project Goal Utilization Analysis Percentage of Total Dollars Montana Department of Transportation.....	5-82
Table 5-67	Business Categories Combined Fiscal Years 2000-2006 Prime Contractor Utilization Threshold Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-84

LIST OF TABLES

		PAGE
Table 5-68	Construction Fiscal Years 2000-2006 Prime Contractor Utilization Threshold Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-86
Table 5-69	Professional Services Fiscal Years 2000-2006 Prime Contractor Utilization Threshold Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation	5-87
Table 5-70	Business Categories Combined Fiscal Years 2000-2006 Subcontractor Utilization Threshold Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation	5-89
Table 5-71	Construction Fiscal Years 2000-2006 Subcontractor Utilization Threshold Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	5-91
Table 5-72	Professional Services Fiscal Years 2000-2006 Subcontractor Utilization Threshold Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation	5-92
Table 6-1	Business Categories Combined Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation.....	6-2
Table 6-2	Business Categories Combined_DISTRICT 1 (Missoula) Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation.....	6-4

LIST OF TABLES

		PAGE
Table 6-3	Business Categories Combined_DISTRICT 2 (Butte) Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation.....	6-6
Table 6-4	Business Categories Combined_DISTRICT 3 (Great Falls) Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation.....	6-8
Table 6-5	Business Categories Combined_DISTRICT 4 (Glendive) Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation.....	6-10
Table 6-6	Business Categories Combined_DISTRICT 5 (Billings) Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation.....	6-12
Table 6-7	Business Categories Combined_MULTIPLE DISTRICTS Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation.....	6-14
Table 6-8	Business Categories Combined_HEADQUARTERS Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation.....	6-16
Table 6-9	Business Categories Combined_STATEWIDE Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation.....	6-18
Table 6-10	Construction Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation.....	6-20
Table 6-11	Construction_DISTRICT 1 (Missoula) Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation.....	6-22

LIST OF TABLES

		PAGE
Table 6-12	Construction_DISTRICT 2 (Butte) Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation.....	6-24
Table 6-13	Construction_DISTRICT 3 (Great Falls) Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation.....	6-26
Table 6-14	Construction_DISTRICT 4 (Glendive) Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation.....	6-28
Table 6-15	Construction_DISTRICT 5 (Billings) Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation.....	6-30
Table 6-16	Construction_MULTIPLE DISTRICTS Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation.....	6-32
Table 6-17	Construction_HEADQUARTERS Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation.....	6-34
Table 6-18	Construction_STATEWIDE Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation.....	6-36
Table 6-19	Professional Services Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation.....	6-38
Table 6-20	Professional Services_DISTRICT 1 (Missoula) Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation.....	6-40

LIST OF TABLES

		PAGE
Table 6-21	Professional Services_DISTRICT 2 (Butte) Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation.....	6-42
Table 6-22	Professional Services_DISTRICT 3 (Great Falls) Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation.....	6-44
Table 6-23	Professional Services_DISTRICT 4 (Glendive) Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation.....	6-46
Table 6-24	Professional Services_DISTRICT 5 (Billings) Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation.....	6-48
Table 6-25	Professional Services_MULTIPLE DISTRICTS Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation.....	6-50
Table 6-26	Professional Services_HEADQUARTERS Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation.....	6-52
Table 6-27	Professional Services_STATEWIDE Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation.....	6-54
Table 6-28	Business Categories Combined_FHWA Fiscal Years 2000 - 2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation.....	6-56
Table 6-29	Construction_FHWA Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation.....	6-58

LIST OF TABLES

		PAGE
Table 6-30	Professional Services_FHWA Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation	6-60
Table 6-31	Business Categories Combined Fiscal Years 2000-2006 FHWA Funded Contracts without Goals Percentage of Total Dollars Montana Department of Transportation.....	6-61
Table 6-32	Business Categories Combined Fiscal Years 2000-2006 Project Goal Utilization Analysis_FHWA Percentage of Total Dollars Montana Department of Transportation.....	6-61
Table 6-33	Construction_FAA Fiscal Years 2000-2006 Subcontractor Utilization Percentage of Total Dollars Ethnicity Classification Montana Department of Transportation.....	6-62
Table 6-34	Business Categories Combined_FAA Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation	6-63
Table 6-35	Construction_FAA Fiscal Years 2000-2006 Subcontractor Disparity Analysis Ethnicity Classification Montana Department of Transportation	6-64
Table 7-1	Summary of Primary Line of Business.....	7-7
Table 7-2	Years in Business by Ethnicity	7-8
Table 7-3	Company Formation	7-8
Table 7-4	Gross Revenues by Ethnicity/Gender	7-9
Table 7-5	Firm Size by Ethnicity/Gender.....	7-9
Table 7-6	Barriers to Contracting	7-11
Table 7-7	Favoritism by Prime Contractors	7-20
Table 7-8	Experienced Discrimination by MDT	7-20
Table 7-9	Race or Gender Impact on Bidding	7-24
Table 7-10	Informal Networking	7-31

LIST OF FIGURES

	PAGE
Figure 6-1	
Business Categories Combined_FHWA	
Fiscal Years 2000-2006	
Subcontractor Disparity Analysis	
Ethnicity Classification	
Montana Department of Transportation.....	6-57
Figure 6-2	
Construction_FAA	
Fiscal Years 2000-2006	
Subcontractor Disparity Analysis	
Ethnicity Classification	
Montana Department of Transportation.....	6-65

EXECUTIVE SUMMARY



EXECUTIVE SUMMARY

In April 2007, the State of Montana engaged D. Wilson Consulting Group, LLC to conduct the Montana Department of Transportation (MDT) Availability and Disparity Study. In addition to D. Wilson Consulting Group, the research team included Fields & Brown, LLC and Turner and Associates Enterprise Development Group.

A study was conducted that included seven years of procurement activity from October 1, 1999 through September 30, 2006 (FY2000 - FY2006).

Background

The primary objectives of the study were to identify and characterize:

- The extent to which Disadvantaged Businesses participate in the procurement of federally funded highway, airports and transit contracts within Montana.
- Whether DBE participation is representative of the availability of minority and women owned businesses ready, willing and able to participate in the federally funded State contracts within Montana.
- Whether discrimination exists and if found, its identification by DOT modal group as well as individually, by race, ethnicity and gender of all groups affected.
- Presumed disadvantaged groups that are over or underutilized on federally assisted State contracts based upon their availability.
- The magnitude of differences between DBE availability (based on capacity) and DBE participation on federally assisted State contracts.

Methodology

Legal Analysis

Reviewed and analyzed the impact of relevant court decisions on Disadvantaged, Minority and Woman Owned Business programs; including *City of Richmond v. J.A. Croson Company*; *Adarand Constructor v. Pena*; and, *Western States Paving Co. v. Washington Department of Transportation*.

Review of Contracting Policies, Procedures, and Practices

- Reviewed MDT's procurement policies, procedures and programs.
- Discussed with Procurement and DBE Managers and staff the effects the contracting, purchasing and DBE policies, special provisions and manuals have on the DBE program.
- Interviewed key procurement and contracting personnel to determine how the policies and procedures have been implemented in the past and how they are currently being implemented.

- Reviewed federal and state statutes, regulations, policies and procedures that impact the DBE program or other areas of contracting and purchasing.
- Summarized contracting, purchasing and DBE programs and how they affect the utilization of DBEs.

Statistical Analysis

Data Collection

- Construction contract award and payment data were provided by MDT in electronic format. The Wilson Group collected professional services contracts from MDT in electronic format.
- Analyzed the data provided by the MDT which included prime and subcontractor contracts awarded from October 1, 1999 through September 30, 2006.
- The North American Industrial Classification System (NAICS) was utilized to define each business category. The business categories analyzed in the study are construction and professional services.
- The following race and gender classifications are included in the study:
 - Black Americans
 - Native Americans
 - Asian Pacific Americans
 - Hispanic Americans
 - Women
 - Other DBEs
 - Non-DBEs

Relevant Market Area

The geographic market area methodology was initially established through anti-trust case law and has been required by Court decisions, beginning with *Richmond v. Croson*, for business disparity studies.

The accepted methodology for determining the geographic market area is the area that includes the location of prime contractors who received 75 percent of MDTs contract dollars. In the case of MDT, firms located in Montana were awarded over 98 percent of the contract dollars.

The significance of the relevant market area is that further analysis within the context of this study will focus primarily on activity occurring within the state of Montana.

Utilization Analysis

Contracts awarded within the relevant market area for MDT were analyzed to determine if firms utilized were DBEs or non-DBEs. This analysis was used to determine the utilization of DBE or non-DBE firms. For the seven-year study period, the percentage of dollars awarded to DBEs and non-DBEs within the relevant market were calculated for construction and

professional services combined and each business category independently. The following are the results of the DBE utilization analysis:

Business Categories Combined

- Prime Contractor DBE Utilization - \$62,056,039 or 4.11 percent of total dollars expended
- Subcontractor DBE Utilization - \$109,462,476 or 7.24 percent of total dollars expended

Construction

- Prime Contractor DBE Utilization - \$50,460,909 or 3.59 percent of the total construction dollars expended
- Subcontractor DBE Utilization - \$108,610,097 or 7.73 percent of the total construction dollars expended

Professional Services

- Prime Contractor DBE Utilization - \$11,595,130 or 10.88 percent of the total professional services dollars expended
- Subcontractor DBE Utilization - \$852,379 or 0.80 percent of the total professional services dollars expended

Availability Analysis

A master data base was created based on the following data sources:

- Dun and Bradstreet Montana Firm Database (2007)
- Montana Department of Transportation Contract Data
- Montana Department of Transportation Unified Certification Program DBE Directory
- Montana Department of Transportation Prequalified Consultants
- Montana 8(a) Certified Companies
- Central Contractor Registration
- Montana Certified National Minority Supplier Development Council Vendors
- Montana Secretary of State
- Montana Department of Labor and Industry

Based on these sources, a master database was created that reflected a pool of 22,448 firms that indicated an interest in performing work in Montana by registering their firm with one or more of the data sources listed above. In order to extract a subset of qualified, willing and able firms the following filtering criteria were utilized: The firms' reported revenue; the past procurement history with MDT; and an assumption that historical buying patterns present during the study period were indicative of future buying patterns. Firms were classified into one of the business categories evaluated in this study. Excluded from consideration in this analysis were firms that did not identify lines of business and firms that provided services other than construction or professional services. The number of firms that domiciled in the relevant market

area was further analyzed to evaluate the availability of the firms to perform work. The data were evaluated and weights were developed and applied based on responses to the telephone survey, firm capacity and willingness to perform work for MDT. This process produced an adjusted list of qualified, willing and able prime contractors and subcontractors within the relevant market area. DBE firms represent approximately:

Business Categories Combined

- 3.88 percent of the prime contractors available to work on MDT contracts
- 5.83 percent of the subcontractors available to work on MDT contracts

Construction

- 2.56 percent of the prime contractors available to work on MDT contracts
- 1.88 percent of the subcontractors available to work on MDT contracts

Professional Services

- 15.56 percent of the prime contractors available to work on MDT contracts
- 16.13 percent of the subcontractors available to work on MDT contracts

Disparity Analysis

The Wilson Group conducted a disparity analysis by business category to determine the differences between the utilization of DBEs and the availability of such firms within the relevant market area. The data presented in the availability and utilization analyses were used as the basis to determine if DBEs received a fair and equitable share of the contracts awarded by MDT. This was determined through the disparity index calculation which was obtained by dividing the percent of utilization by the percent of availability and multiplying the result by 100. A disparity index of 100 indicates parity, a balance between utilization and availability. A disparity index of less than 100 may indicate that firms are underutilized or overutilized if greater than 100. An index of less than 80 may indicate significant underutilization and an index of 0.00 indicates no utilization. Although we included all data available, some of the population samples were very small and the results may not be significant statistically.

The following are the results for construction and professional services contracts combined and each business category independently:

- Business Categories Combined - **Table ES-1** shows that Asian Pacific Americans and Hispanic Americans were significantly underutilized as subcontractors with disparity indices of 70.72 and 65.59 respectively. Nonminority women were underutilized with a disparity index of 86.16. All other DBE groups were overutilized.
- Construction - **Table ES-2** shows that all DBE Groups were overutilized as subcontractors.
- Professional Services - **Table ES-3** shows that all DBE groups were significantly underutilized as subcontractors.

**Table ES-1
Business Categories Combined
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation**

Ethnicity Classifications	# of Awarded Contracts ¹	Contract Dollars ²	% of Dollars ³	% of Firms Available ⁴	Disparity Index ⁵	Disparity Impact Under/Over Utilization ⁶
OVERALL						
Black Americans	54	\$2,411,993	0.16%	0.12%	133.00	Overutilization
Native Americans	284	\$45,266,417	3.00%	0.95%	315.30	Overutilization
Asian Pacific Americans	2	\$961,870	0.06%	0.09%	70.72	* Underutilization
Hispanic Americans	23	\$1,090,401	0.07%	0.11%	65.59	* Underutilization
Nonminority Women	951	\$59,505,456	3.94%	4.57%	86.16	Underutilization
Other DBEs ⁷	4	\$226,338	0.01%	0.01%	149.77	Overutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006

Note: Total dollars awarded may not equal the total due to rounding

¹ The number of contracts awarded to subcontractors

² The dollars awarded to subcontractors

³ The percentage of dollars from the prime contractor utilization

⁴ The percentage of available firms

⁵ The disparity index is % utilization divided by % availability multiplied by 100

⁶ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100

⁷ A non-DBE male

* Significantly underutilized - disparity index below 80.00

**Table ES-2
Construction
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation**

Ethnicity Classifications	# of Awarded Contracts ¹	Contract Dollars ²	% of Dollars ³	% of Firms Available ⁴	Disparity Index ⁵	Disparity Impact Under/Over Utilization ⁶
OVERALL						
Black Americans	54	\$2,411,993	0.17%	0.05%	343.43	Overutilization
Native Americans	282	\$45,245,201	3.22%	0.44%	732.08	Overutilization
Asian Pacific Americans	2	\$961,870	0.07%	0.02%	342.39	Overutilization
Hispanic Americans	17	\$1,013,012	0.07%	0.05%	144.24	Overutilization
Nonminority Women	896	\$58,751,682	4.18%	1.31%	319.29	Overutilization
Other DBEs ⁷	4	\$226,338	0.02%	0.01%	161.14	Overutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006

Note: Total dollars awarded may not equal the total due to rounding

¹ The number of contracts awarded to subcontractors

² The dollars awarded to subcontractors

³ The percentage of dollars from the prime contractor utilization

⁴ The percentage of available firms

⁵ The disparity index is % utilization divided by % availability multiplied by 100

⁶ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100

⁷ A non-DBE male

* Significantly underutilized - disparity index below 80.00

Table ES-3
Professional Services
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation

Ethnicity Classifications	# of Awarded Contracts ¹	Contract Dollars ²	% of Dollars ³	% of Firms Available ⁴	Disparity Index ⁵	Disparity Impact Under/Over Utilization ⁶
OVERALL						
Black Americans	0	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	2	\$21,216	0.02%	2.27%	0.88	* Underutilization
Asian Pacific Americans	0	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	6	\$77,389	0.07%	0.25%	29.04	* Underutilization
Nonminority Women	55	\$753,774	0.71%	13.04%	5.42	* Underutilization
Other DBEs ⁷	0	\$0	0.00%	0.01%	0.00	* Underutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006

Note: Total dollars awarded may not equal the total due to rounding

¹ The number of contracts awarded to subcontractors

² The dollars awarded to subcontractors

³ The percentage of dollars from the prime contractor utilization

⁴ The percentage of available firms

⁵ The disparity index is % utilization divided by % availability multiplied by 100

⁶ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100

⁷ A non-DBE male

* Significantly underutilized - disparity index below 80.00

Anecdotal Analysis

Several methods were utilized to collect anecdotal data from individuals representing both DBE and non-DBE businesses. The anecdotal data collected were a result of:

- Personal Interviews - Fifty-nine (59) personal interviews were conducted with business owners who conducted business with or attempted to conduct business with MDT as a prime contractor or as a subcontractor on a project that was awarded during the study period. An interview guide was developed that covered a range of questions concerning a firm's experiences in conducting or attempting to conduct business with MDT, experiences contracting with general contractors on MDT projects, and the firm's business operations and instances of discrimination experienced by the firm.
- Public Hearings - A total of four (4) public hearings were conducted; one (1) in Helena, one (1) in Billings, one (1) in Bozeman and one (1) in Missoula. The hearings provided DBE and non-DBE business owners the opportunity to present testimony regarding any incidents of discrimination experienced when conducting business with one of the participating Agencies.
- Telephone Surveys - A total of 4,784 calls were made which resulted in 706 completed surveys. The questions asked during the telephone survey were divided into four (4) categories:
 - General demographic questions.
 - Questions that addressed possible barriers business owners may have encountered when attempting to do business with MDT.

- Questions that addressed possible discriminatory practices of prime contractors.
- Questions that addressed availability to work for MDT.

Conclusion

The Montana Department of Transportation (MDT) should continue operating in a race-neutral environment and implement a small business program. In the area of construction, the availability of DBEs is so low that MDT should focus on assisting DBE businesses to increase capacity; and, identify new DBE businesses to participate in its program. The construction program should be monitored carefully to ensure that the DBE firms continue to participate at their levels of availability. If the utilization rates decrease below availability, the MDT should consider implementing race-conscious measures for the DBE groups affected.

For professional services, the MDT has not established subcontract goals on its contracts. MDT should develop a race-neutral goals program to establish base-line data in a race-neutral environment for a period of two years. If the race-neutral program does not increase DBE subcontract participation, MDT should implement a race-conscious program for professional services.

Based on the data analyzed for the study period, the Wilson Group recommends the following:

- A race-neutral DBE Program
- A race-neutral DBE Program for Construction Contracts
- A race-neutral DBE Program for Professional Services
- Develop a stronger compliance section within the DBE programs office
- Develop a small business program

CHAPTER 1.0 - INTRODUCTION



CHAPTER 1.0 - INTRODUCTION

In April, 2007, the State of Montana engaged D. Wilson Consulting Group, LLC to conduct the Montana Department of Transportation (MDT) Availability and Disparity Study (Study). In addition to D. Wilson Consulting Group, the research team included Fields & Brown, LLC and Turner and Associates Enterprise Development Group.

The primary objectives of the study were to identify and characterize:

1. The extent to which Disadvantaged Businesses, defined as minority and women owned business, participate in the procurement of United States Department of Transportation (USDOT) federally funded highway, airports and transit contracts within Montana in general construction services and professional services.
2. Whether Disadvantaged Business Enterprise (DBE) participation is representative of the availability of minority and women owned businesses ready, willing and able to participate in federally funded State contracts within Montana. By State modal administration, calculate the percentage of ready, willing and able DBE firms by each of the presumed groups as defined in 49 CFR Part 26 to be presumed disadvantaged.
3. Whether discrimination exists, and if found, its identification by transportation modal group and individually all groups affected.
4. Presumed disadvantaged groups that are over or underutilized for federally funded State contracts based on their availability.
5. Quantify the magnitude of differences between DBE availability (based on capacity) and participation on federally funded State contracts.

To meet the objectives of the study, the study was conducted in 10 stages:

1. Reviewed the impact of relevant court decisions on Disadvantaged, Minority and Woman Owned Business programs, including *City of Richmond v. J.A. Croson Company*, *Adarand Constructor v. Pena*, and, *Western States Paving Co. v. Washington Department of Transportation*.
2. Reviewed procurement policies, procedures and programs.
 - a. Reviewed and analyzed written documents regarding contracting and procurement of construction and professional service and the DBE program.
 - b. Interviewed key personnel associated with contracting and procurement and the DBE program.
3. Determined the relevant geographic market area by modal and business category.
 - a. The relevant geographic market area is determined in two steps. The first takes in to consideration the political jurisdiction. In this case, the state of Montana. The second part takes into consideration where MDT spent at least 75 percent of its contracting dollars.
 - b. The relevant geographic market area is the state of Montana.

4. Determined the availability of non-minority, minority and woman owned businesses in the relevant market area by modal and business category.
 - a. The availability of DBE and non-DBEs were identified within the state of Montana. Through a business survey, demographic and capability data were collected and analyzed. These data parameters were then applied to the firms to determine if they were ready, willing and able.
 - b. DBE firms represent approximately 5.83 percent of the construction and professional services firms available to work on MDT contracts.
5. Determined what percentage of the contracts and contract dollars were paid to disadvantaged businesses as defined by the United States Small Business Administration (SBA).
 - a. Contract award and payment data were collected from MDT in electronic format and through a manual review of contracts.
 - b. The utilization was calculated by dividing the dollars paid to DBEs by the total dollars paid.
 - c. Utilization analyses were performed for each minority, ethnic and gender group.
 - d. DBE firm utilization averaged 7.24 percent during the study period.
6. Determined if a disparity exists between the utilization of DBE firms versus the available DBE firms; and if so, determined if the disparity is statistically significant.
 - a. Compared the availability data to the utilization data to determine if disparity exists; and, if the disparity is statistically significant.
 - b. Analyzed all MDT contracts together, the only DBE groups to demonstrate statistical disparity were Asian Pacific Americans and Hispanic Americans. The following are the results for the construction and professional services contracts independently.
 - i. Construction - All DBE groups were overutilized.
 - ii. Professional Services - All DBE groups were significantly underutilized.
7. Collected and analyzed anecdotal testimony from DBE and non-DBE firms through interviews and public hearings. The anecdotal evidence assists to explain the disparity identified, if any. The information came from business owners reciting their experiences in contracting or attempting to contract with the MDT or its prime contractors.
 - a. Personal interviews were conducted with 59 DBE and non-DBE firms.
 - b. Four public hearings were held in Helena, Billings, Bozeman and Missoula.
 - c. The anecdotal data analysis determined the need for strengthening MDT's race-neutral program.
8. Conducted an analysis of the private market contracting from questions in the telephone survey (described below) provided a basis to extrapolate data

- representative of firm experience in bidding and winning contracts in the private sector.
- a. Key areas addressed in the telephone survey asked about line of business, number of bid attempts, contracts won and largest contract secured during the study period.
 - b. The telephone survey also distinguished between public sector and private sector experiences.
9. Collected and analyzed 706 telephone survey responses. The questions asked during the telephone survey were divided into four (4) categories:
- a. General demographic questions
 - b. Questions that addressed possible barriers business owners may have encountered when attempting to do business with MDT.
 - c. Questions that addressed possible discriminatory practices of prime contractors.
 - d. Questions that addressed availability to work for MDT.
10. Reviewed current procurement and DBE programs based on the findings of the study components. The key recommendations are:
- a. Establish a small business program for construction and professional service contracts.
 - b. Establish race-neutral goals for professional services contracts and implement them in a manner similar to the construction goals program.
 - c. Develop a stronger compliance program within the DBE program office.

The following chapters detail the methodology, findings and recommendations. Appendix A provides explanations and definitions of terms useful to understanding this Availability and Disparity Study.

CHAPTER 2.0 - LEGAL ANALYSIS



CHAPTER 2.0 - LEGAL ANALYSIS

2.1 Introduction

This chapter provides a summary of the state of the law applicable to affirmative action programs of public contracting agencies as the law has been interpreted and evolved in the federal courts.

In the leading United States Supreme Court cases of *City of Richmond v. J.A. Croson Co. (Croson)* and *Adarand v. Peña (Adarand III)*,¹ the Supreme Court held that the constitutionality of remedial race conscious affirmative action programs are subject to strict judicial scrutiny under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution².

Since the *Adarand* decision, six Federal Court of Appeals decisions have addressed the evidence necessary in a disparity study to support any race-conscious remedies put into place by governmental agencies. These cases include *Contractors Ass'n. of Eastern Pennsylvania v. City of Philadelphia*, 6 F.3d 990 (3d Cir. 1993), *on remand*, 893 F.Supp. 419 (E.D. Pa. 1995), *aff'd*, 91 F.3d 586 (3d Cir. 1996) ("*Contractors I, II and III*"); *Engineering Contractors of South Florida v. Metropolitan Dade County*, 943 F. Supp. 1546 (S.D. Fla. 1996), *aff'd*, 122 F.3d 895 (11th Cir. 1997) ("*Engineering Contractors I and II*"); *Concrete Works of Colorado v. City and County of Denver*, 823 F.Supp. 821 (D. Colo. 1993), *rev'd* 321 F.3d 950 (10th Cir. 2003) ("*Concrete Works II*"); *Western States Paving Co., Inc. v. Washington State Department of Transportation*, 407 F.3d 983 (9th Cir. 2005) ("*Western States Paving*"); *Northern Contracting, Inc. v. State of Illinois, et al.*, 473 F.3d 715 (7th Cir. 2007); and *Rothe Development Corp. v. US Department of Defense ("Rothe Development Corp.")*, 545 F.3d 1023 (Fed. Cir. 2008). These cases and other lower court cases have developed the standards that are necessary for race- and gender-conscious programs since the *Croson* decision.

The basic rules for race- or gender-conscious programs include:

- A race-based remedial program is subject to strict judicial scrutiny which requires that the government must show a strong basis in the evidence for the compelling governmental interest.
- Any race- or gender-conscious programs must be narrowly tailored to remedy the identified compelling governmental interest.

¹ *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989) held that the strict scrutiny standard of judicial review applies to state and local race conscious affirmative action programs and *Adarand Constructors, Inc. v. Federico Peña ("Adarand III")*, 515 U.S. 200, 115 S. Ct. 2097 (1995) held that the strict scrutiny standard also applies to federal affirmative action programs.

² *Id.*

- Statistical evidence of discrimination is necessary; anecdotal evidence of discrimination is complementary to statistical evidence of discrimination.
- A lesser standard, intermediate judicial scrutiny, is applicable when analyzing the constitutionality of gender-based programs. The intermediate judicial scrutiny standard requires that a gender-based remedial program must serve important governmental objectives and be substantially related to the achievement of those objectives.

This chapter analyzes how these federal courts have evaluated the constitutionality of race- and gender-conscious programs. Although all federal circuits will be discussed, particular emphasis will be placed on the decisions of the Ninth Circuit.³

2.2 Standards of Review for Race- and Gender-Conscious Remedial Programs

2.2.1 Race-conscious Remedial Programs

In *Croson*, the United States Supreme Court affirmed that under the Fourteenth Amendment of the United States Constitution, the proper standard for state and local race-based programs is strict scrutiny.⁴ The governmental entity must show that the racial classification is narrowly tailored to achieve a compelling governmental interest.⁵ The Court held that a state or local governmental entity may create a race-based remedial program to rectify the effects of identified, systemic, past racial discrimination within its jurisdiction.⁶

2.2.2 Gender-Conscious Remedial Programs

In evaluating gender-conscious remedial classifications that operate to the advantage of women, the Supreme Court has used an “intermediate” level of scrutiny, which is a less stringent level of review than the strict scrutiny level of review used to analyze race-based classifications. Most “intermediate” level of review cases require the governmental entity to demonstrate an important governmental objective and to develop a program that bears a direct and substantial relation to achieving that objective.⁷ Under the intermediate level of scrutiny, some degree of discrimination must be demonstrated in a particular industry before a gender-specific remedy may be instituted in that industry. In *Coral Construction v. King County*⁸, the Ninth Circuit Court of Appeals noted that: “The mere recitation of a benign, compensatory purpose will not automatically shield a gender-specific program from constitutional scrutiny.”⁹

³ The jurisdiction of the Ninth Circuit includes the States of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon and Washington

⁴ *Croson*, 488 U.S. at 493-95.

⁵ *Id.* at 493.

⁶ *Id.* at 509.

⁷ *Mississippi University for Women v. Hogan*, 458 U.S. 718, 724 (1982); *Craig v. Boran*, 429 U.S. 190, 211 (1976) (Powell, J. concurring).

⁸ 961 F.2d 910 (9th Cir. 1991), *cert. denied*, 502 U.S. 1033 (1992).

⁹ 961 F.2d at 932.

Although the United States Supreme Court has not ruled directly on the type of scrutiny it would use for a Women Business Enterprises (“WBE”) program, the lower federal courts have applied the “intermediate” scrutiny level of review, rather than the strict scrutiny applicable to race-conscious programs.¹⁰ However, some cases have required that the classification based on gender satisfy an “exceedingly persuasive” justification test.¹¹ In the *Engineering Contractors* case, the Eleventh Circuit Court of Appeals recognized that the U.S. Supreme Court’s decision in *United States v. Virginia*,¹² may have “signaled” a heightened level of scrutiny by stating that a governmental agency must demonstrate an “exceedingly persuasive justification” for that action; however, the court concluded that unless and until the United States Supreme Court indicated otherwise, intermediate scrutiny remains the applicable Constitutional standard in gender discrimination cases and a gender-conscious program may be upheld as long as it is substantially related to an important governmental objective.¹³ Since the level of scrutiny for gender based programs is not consistently defined by the Circuit Courts and the United States Supreme Court, for purposes of this report, the strict scrutiny level of judicial review will be assumed.

2.3 Evidence Necessary For Minority, Women And Disadvantaged Business Enterprise Programs

In response to the *Adarand III* Supreme Court decision, the U.S. Department of Transportation (USDOT) revised its DBE regulations in February 1999 in an attempt to modify the federal DBE program consistent with the “narrow tailoring” requirements set forth in *Adarand III*.¹⁴ The District Court in the *Adarand I* case had held that the prior federal regulations were not narrowly tailored for various reasons.¹⁵

In response to the modifications to the federal DBE regulations, in *Adarand v. Slater (“Adarand VII”)*,¹⁶ the Tenth Circuit Court of Appeals upheld the modified federal regulations. The Court held that Congress had demonstrated a compelling interest that required the DBE program. The Court held that the government had shown two barriers that demonstrated a link

¹⁰ See, e.g., *Concrete Works II*, 321 F.3d 950 (10th Cir. 2003); *Coral Construction Co. v. King County*, 941 F.2d 910 (9th Cir. 1991); *Philadelphia*, 91 F.3d 586 (3d Cir. 1996); *Engineering Contractors Association of South Florida, Inc., et. al. v. Metropolitan Dade County, et. al.* (“*Engineering Contractors II*”), 122 F.3d 895 (11th Cir. 1997).

¹¹ *United States v. Virginia Military Institute*, 518 U.S. 515 (1996); *Mississippi University for Women v. Hogan*, 458 U.S. 718 (1982); *Michigan Road Builders Ass’n., Inc. v. Milliken*, 834 F.2d 583, 595 (6th Cir. 1987); *Associated General Contractors of California v. City and County of San Francisco*, 813 F.2d 922, 940 (9th Cir. 1987).

¹² 518 U.S. 515 (1996).

¹³ *Engineering Contractors II*, 122 F.3d at 908.

¹⁴ *Adarand III*, 515 U.S. 200 (1995); 49 CFR Parts 23 and 26, 64 Fed. Reg. 5095 (February 2, 1999).

¹⁵ For example, the District Court held that the DBE regulations were over-inclusive and under-inclusive, i.e., they caused presumptions of disadvantage for groups of individuals who were not disadvantaged, and they excluded groups of individuals who were disadvantaged.

¹⁶ 228 F.3d 1147 (10th Cir. 2000), *cert. dismissed*, *Adarand Constructors, Inc. v. Mineta (“Adarand VIII”)*, 534 U.S. 103 (2001)(*per curiam*).

between public funds for construction contracts and the channeling of those funds due to private discrimination. Those barriers included evidence of behaviors by prime contractors, unions, lenders and bonding companies that created barriers to the formation of DBE subcontractors, and informal, racially exclusionary business networks that dominated the subcontracting construction industry created barriers to fair competition between minority and nonminority subcontractors.¹⁷ These business networks were exemplified by long-standing relationships between contractors and majority subcontractors. The Court noted that while this evidence was not completely dispositive, it strongly supported the government's claim that there are significant barriers to minority competition in the public subcontracting market, raising the specter of racial discrimination.¹⁸

Subsequent to the Tenth Circuit in *Adarand* (“*Adarand VII*”), the Eighth Circuit in the *Gross Seed* and *Sherbrooke Turf* decisions held that the revisions to the federal regulations rendered DBE programs constitutional.¹⁹ In *Western States Paving Co., Inc. v. Washington State Department of Transportation*,²⁰ the Ninth Circuit Court of Appeals agreed that: “[i]n light of the substantial body of statistical and anecdotal material considered at the time of TEA-21's enactment, Congress had a strong basis in evidence for concluding that-in at least some parts of the country-discrimination within the transportation contracting industry hinders minorities' ability to compete for federally funded contracts.” By stating that Congress had a strong basis to conclude that in at least some parts of the country discrimination within the transportation exists, it left open the question of whether it exists specifically in the states and local governments of the Ninth Circuit. Therefore, it is necessary to show that discrimination in the transportation industry in the Montana market exists. In addition, the Ninth Circuit in *Western States Paving Co.* stated that both statistical and anecdotal evidence of discrimination are relevant in identifying the existence of discrimination.

Once the government has shown a compelling governmental interest, it must show that its program is narrowly tailored to remedy that interest. The Ninth Circuit noted that the Supreme Court has identified several factors that are relevant in determining whether a racial classification is narrowly tailored: “the efficacy of alternative remedies; the flexibility and duration of the relief, including the availability of waiver provisions; the relationship of the

¹⁷ *Adarand v. Slater* at 1167-1168. For purposes of the remainder of this report, women-owned and minority-owned businesses will be referred together as minority-owned businesses unless otherwise specified.

¹⁸ *Id.* at 1174.

¹⁹ *Gross Seed v. Nebraska Department of Roads*, 345 F.3d 964 (8th Cir. 2003), *cert. denied* 541 U.S. 1041 (2004); *Sherbrooke Turf, Inc. v. Minnesota Dept. of Transportation*, 345 F.3d 964 (8th Cir. 2003), *cert. denied* 541 U.S. 1041 (2004).

²⁰ 407 F.3d 983 (9th Cir. 2005).

numerical goals to the relevant labor market; and the impact of the relief on the rights of third parties.”²¹

2.4 Burden of Proof

The *Croson* decision imposes the original burden of proof upon the government to demonstrate that a challenged DBE program is supported by documented evidence of past discrimination and/or current discrimination. The plaintiff then has the burden to prove that the DBE program is unconstitutional through various methods, such as the methodology used by the government to show that past and/or present discrimination exists is flawed, the disparity exists due to race-neutral reasons, or controverting data exists.

2.4.1 Western States Paving Conclusions

In *Western States Paving*, the constitutionality of the requirement that contractors use race and gender based criteria when awarding subcontracts was challenged both “on its face” and “as applied”. A program can be constitutional “on its face”, or as applied in general, but be unconstitutional as applied in a particular case. While the Ninth Circuit Court of Appeals in *Western States Paving* held that the revised DBE regulations served a compelling government interest nationally and that the regulations were narrowly tailored for the transportation contracting industry, the Court held that the State of Washington failed to prove that there was any evidence of discrimination within its own contracting market and thus failed to meet its burden of demonstrating that its DBE program was narrowly tailored to further Congress's compelling remedial interest. It was necessary for WSDOT to conduct a disparity study to be able to show that its DBE program was narrowly tailored.

2.4.2 Rothe Development Corp. v. DOD Disparity Study Requirements

Rothe Development Corp. involved a challenge of the constitutionality the federal Department of Defense and Department of Air Force (“DOD”) DBE program, which sets a 5% DBE goal for federal contracting dollars awarded by DOD. The Federal Circuit Court of Appeals held that DOD’s DBE program is unconstitutional based on the lack of a compelling governmental interest.²² The Court’s opinion was based on the Court’s analysis of what was before Congress when it set the 5% DBE goal for DOD contracts. The primary evidence presented by DOD to the Court was six disparity studies conducted at state or local levels, offered by DOD to show that discrimination exists in the defense industry. The disparity studies

²¹ *Id.* at 993 (citing *United States v. Paradise*, 480 U.S. 149 (1987)).

²² *Id.* at 993 (citing *United States v. Paradise*, 480 U.S. 149 (1987)).

were conducted between 2002 and 2005 for Dallas, Cincinnati, New York, Cuyahoga County, Ohio, Alameda County, California and the Commonwealth of Virginia.

The Court analyzed whether it is inappropriate to rely upon disparity studies that are more than five years old. The Court refused to adopt a per se rule that disparity studies older than five years are “stale”, especially when it is the most current data available.

Second, the Court analyzed whether the six disparity studies were actually “before” Congress when it enacted the 5% DBE goal. Although the Court seemed to indicate that it believed the studies were not actually discussed before Congress, it decided that it was not necessary to decide whether they were “before” Congress because the Court said that the studies were flawed. See Section 2.4.8 below for a discussion of the other *Rothe Development Corp.* disparity requirements.

2.4.3 Race-Neutral Remedies

The *Western States Paving* case noted that although narrow tailoring does not require exhaustion of every conceivable race-neutral alternative,” it does “require serious, good faith consideration of workable race-neutral alternatives.” *Grutter v. Bollinger*, 539 U.S. 306, 339, 123 S.Ct. 2325, 156 L.Ed.2d 304 (2003); see also *Adarand III*, 515 U.S. at 237-38 (when undertaking narrow tailoring analysis, courts must inquire “whether there was any consideration of the use of race-neutral means to increase minority business participation in government contracting” (internal quotation marks omitted)).

The TEA-21 DBE regulations place a preference on the use of race-neutral means—including informational and instructional programs targeted toward all small businesses—to achieve a government’s DBE utilization goal. The regulations require a State to “meet the maximum feasible portion of [its] overall goal by using race-neutral means.” 49 C.F.R. § 26.51(a). Only when race-neutral efforts prove inadequate do the regulations authorize a State to resort to race-conscious measures to achieve the remainder of its DBE utilization goal. *Western States Paving* recognized, “[w]e therefore are dealing here with [regulations] that emphasize the continuing need to employ non-race-conscious methods even as the need for race-conscious remedies is recognized.”²³

2.4.4 Flexibility

Western States Paving also emphasizes the need for flexibility to show narrowly tailoring in the DBE program. The Court noted that a quota system is the hallmark of an inflexible affirmative action program. The Court quoted *Grutter*, stating that “[w]hile [q]uotas impose a

²³ *Id.* at 994, citing *Adarand VII*, 228 F.3d at 1179.

fixed number or percentage which must be attained, or which cannot be exceeded, a permissible goal ... requires only a good-faith effort ... to come within a range demarcated by the goal itself.”²⁴ The Court recognized that the TEA-21 DBE regulations explicitly prohibit the use of quotas. 49 C.F.R. § 26.43(a). Moreover, where race-conscious contracting goals are used, prime contractors can meet that goal either by subcontracting the requisite amount of work to DBEs or by demonstrating good faith efforts to do so. *Id.* § 26.53(a). A recipient of federal funds likewise cannot be penalized by the federal government for failing to attain its DBE utilization goal as long as it undertakes good faith compliance efforts. *Id.* § 26.47(a). TEA-21 therefore provides for a flexible system of contracting goals that contrasts sharply with the rigid quotas invalidated in *Croson*.²⁵

2.4.5 Time Limitations

The *Western States Paving* Court also noted that a narrowly tailored remedial program must also include adequate durational limitations. The Court noted that TEA-21 comports with this requirement because it is subject to periodic reauthorization by Congress. The debates concerning reauthorization ensure that Congress regularly evaluates whether a compelling interest continues to justify TEA-21's minority preference program. Other cases have noted that time limitations are required for DBE, MBE and WBE programs. See *Grutter v. Bollinger*, 539 U.S. 306 (2003); *Richmond v. Croson*, 488 U.S. 469 (1989)(federal DBE regulations are limited to three years); *Sherbrooke and Gross Seed*, 345 F.3d 964 (2003)(states may terminate their programs if they meet their annual overall goal through race-neutral means for two consecutive years); *Adarand VII* (DBE certification is limited under federal regulations to three years); *H.B.Rowe, Inc. v. Tippet*, 589 F.Supp.2d 587 (E.D..N.C. 2008) (M/WBE statute has an expiration date of August 31, 2009).

2.4.6 Relevant Market

To be narrowly tailored, a minority preference program must establish utilization goals that bear a close relationship to minority firms' availability in a particular market. In *Croson*, for example, one of the constitutional shortcomings that the Court identified in the Richmond program was the city's use of the proportion of minorities in the local population to establish the 30% quota.²⁶ The Court explained that this numerical goal “rest[ed] upon the completely

²⁴ 539 U.S. 306 (2003).

²⁵ See also *Sherbrooke Turf, Inc.*, 345 F.3d at 972 (“the [TEA-21] DBE program has substantial flexibility”).

²⁶ *Croson*, 488 U.S. at 729-730.

unrealistic assumption that minorities will choose a particular trade in lockstep proportion to their representation in the local population.”²⁷

The TEA-21 DBE regulations avoid this pitfall. The regulations do not establish a mandatory nationwide standard for minority participation in transportation contracting. The regulations clarify that the 10% DBE utilization goal found in the TEA-21 statute is “aspirational” only and that States and local governments are not required-nor authorized-to set their own DBE, MBE or WBE goals at 10% by simply relying upon the statute.²⁸

2.4.7 Ready, Willing and Able DBEs

The TEA-21 regulations provide for each State to establish a DBE utilization goal that is based upon the proportion of ready, willing, and able DBEs in the State's transportation contracting industry.²⁹ This provision ensures that each State sets a minority utilization goal that reflects the realities of its own labor market. Implementation of the race-conscious contracting goals for which TEA-21 provides will inevitably result in bids submitted by non-DBE firms being rejected in favor of higher bids from DBEs. Although this places a very real burden on non-DBE firms, the Ninth Circuit held that this fact alone does not invalidate TEA-21. If it did, all affirmative action programs would be unconstitutional because of the burden upon non-minorities.³⁰

2.4.8 Evidentiary Framework

Discriminatory Evidence. *Croson* established that a governmental entity must demonstrate identified, systemic discrimination on the basis of race.³¹ Mere statistics and broad assertions of societal discrimination will not support a race or gender-conscious remedial program. The governmental agency must demonstrate a pattern of such discrimination in the relevant market area to establish adequate evidence of discrimination.³² The evidence must cover each racial group to whom a remedy would apply.³³

In *Northern Contracting, Inc. v. State of Illinois, et al.*, 473 F.3d 715 (7th Cir. 2007), the Seventh Circuit Court of Appeals held that relative available DBE, MBE and WBE firms are those that are “ready, willing and able” to participate on DOT contracts, and it accepted use of custom census data vs. simply using prequalified DBE firms.³⁴ The Court noted that the federal

²⁷ *Western States Paving*, 407 F.3d at 995.

²⁸ *Western States Paving*, 407 F.3d at 994.

²⁹ 64 Fed.Reg. 21 (February 2, 1999).

³⁰ *Western States Paving*, 407 F.3d at 995.

³¹ *Croson*, 488 U.S. at 469.

³² *Croson*, 488 U.S. at 509.

³³ *Croson*, 488 U.S. at 506.

³⁴ *Id.* at 723.

regulations gave no indication that it intended to narrow ready, willing, and able firms to prequalified firms. In *Concrete Works of Colorado v. City and County of Denver*, 321 F.3d 950 (10th Cir. 2003), the Tenth Circuit recognized that disparity studies must only determine whether the firms are capable of “undertak[ing] prime or subcontracting work in public construction projects.”³⁵

There are several ways to establish the necessary evidence to support a race- or gender-conscious remedial program. The first and most important type of evidence is a statistically significant disparity between the number of available contractors ready, willing and able to perform a particular service and the number utilized by the governmental entity or the entity’s prime contractors. The second type of evidence is evidence of a pattern of individual discriminatory acts that are supported by appropriate statistical proof.³⁶ The third type of evidence, which was required by the Ninth Circuit Court of Appeals in *Coral Construction*, was both statistical and anecdotal evidence. The Court noted that anecdotal evidence is important because the individuals who testify about their personal experiences bring “the cold numbers convincingly to life.”³⁷ The Court recognized that the anecdotal evidence provided in *Coral Construction* was considerably more than that provided by the Richmond City Council in *Croson*, including convincing affidavits of fifty-seven minority and female contractors.³⁸

Availability Analysis. In addition to a firm being in the relevant geographic market area, the firm must be ready, willing and able to perform the work for the governmental entity or its prime contractors. In order to be ready, the DBE firm must be qualified to do the work. In *Croson*, the Supreme Court held that where special qualifications are required to fill particular types of work, comparisons to the general population, rather than to those who are capable of performing the specialized work, have no probative value.³⁹ Courts have held that when examining capacity or readiness, it is necessary to examine prime contractors and subcontractors separately.⁴⁰

³⁵ *Id.* at 984. The Tenth Circuit Court of Appeals accepted the argument that the minority-owned firm’s size is a result of discrimination instead of an indication of its qualifications, willingness, or ability to perform construction services. The Court also rejected the concept that a minority-owned firm must be capable of performing a particular contract, but instead must only be capable of performing City construction contracts.

³⁶ *Croson*, 488 U.S. at 509.

³⁷ *Coral Construction*, 941 F.2d at 919.

³⁸ *Coral Construction*, 941 F.2d at 917-18. See also, *Associated General Contractors of California v. Coalition for Economic Equity and City and County of San Francisco*, 950 F.2d 1401 (9th Cir. 1991)(Anecdotal evidence included evidence that MBEs were denied contracts even though they were the low bidders; MBEs were told that they were not qualified when later they were found to be qualified ; MBEs were refused work even when they had been awarded the contract as a low bidder; and MBEs were harassed by City personnel to discourage them from bidding on City contracts).

³⁹ *Croson*, 488 U.S. at 501.

⁴⁰ *Scott v. City of Jackson*, 199 F.3d 206 (5th Cir. 1999); *Engineering Contractors v. Dade County (Engineering Contractors I)*, 943 F.Supp. 1546 (S.D. Fla. 1996).

The DBE firms must also be willing to provide the required services. In *Contractors Association of Eastern Pennsylvania v. City of Philadelphia*,⁴¹ the Third Circuit Court of Appeals stated that in the absence of a reason to believe otherwise, one can assume that participants in a market who have the ability to perform specific work are considered legally to be “willing” to undertake such work.⁴²

Finally, the DBE firms must be able to perform the required services. Challenges to DBE programs often focus on the fact that DBE firms are not able to perform the work because of the smaller size of DBE firms.⁴³ In *Engineering Contractors*, the court held that any remaining disparity after controlling for firm size no longer provided a “strong basis in evidence” to justify a procurement preference to black firms.⁴⁴

The *Rothe Development Corp.* Court found that all six disparity studies that were used as DOD evidence to support DOD’s DBE program were flawed in their methodology of determining available DBE firms because although they may have found the firms to be willing and able, none of the studies actually determined whether the DBE firm was qualified. The Court noted that five of the six studies failed to account for potential differences in size or relative capacity of the DBE businesses vs. other businesses in the studies. The Court stated that the studies failed to account for the differences in the amount of work that bigger companies could perform, comparing what a company like Budweiser could sell vs. a small micro-brewery. All six of the disparity studies accounted for the relative size of contracts awarded to minority-owned firms by using the numerator in terms of contract dollars awarded to DBE firms and a denominator of the percentage of firms in the market area owned by minorities, instead of the percentage of total marketplace capacity those firms could provide.⁴⁵

The Court recognized that there are methods to control for capacity of DBE firms. For example, the studies could have performed a regression analysis “to determine whether there was a statistically significant correlation between the size of a firm and the share of contract-dollars awarded to it.”⁴⁶ A regression analysis is a statistical procedure for determining the relationship between a dependent and independent variable, for example, the dollar value of a contract award and firm size. The point of a regression analysis is to determine whether the relationship between the two variables is statistically meaningful.

In conclusion, *Rothe Development Corp.* held that an analysis of ready and willing DBEs must be based on a list of DBEs who have been identified through reliable sources. The

⁴¹ 91 F.3d 586, 603 (3d Cir. 1996).

⁴² See also, *Concrete Works*, 36 F.3d at 1529.

⁴³ *Concrete Works*, 6 F.3d at 1528-29.

⁴⁴ *Engineering Contractors II* at 913-924.

⁴⁵ *Engineering Contractors II* at 913-924.

⁴⁶ *Engineering Contractors II* at 913-924.

capability or availability analysis must take into account the firm's capability based on the size of the DBE firm as compared to the size of the non-DBE firms.⁴⁷

The Ninth Circuit in *Western States Paving* agreed with the *Sherbrooke* and *Gross Seed* cases that it is necessary to undertake an as-applied inquiry into whether a government's DBE program is narrowly tailored. The *Western States Paving* Court stated that even when discrimination is present within a State, a remedial program is only narrowly tailored if its application is limited to those minority groups that have actually suffered discrimination. In *Croson*, for example, one of the rationales upon which the Supreme Court relied to invalidate the city's quota system was the program's expansive definition of "[m]inority group members," which encompassed "[c]itizens of the United States who are Blacks, Spanish-speaking, Orientals, Indians, Eskimos, and Aleuts." 488 U.S. at 478, 109 S.Ct. 706 (second alteration in original). The Court admonished that the random inclusion of racial groups that, as a practical matter, may never have suffered from discrimination in the construction industry in Richmond suggested that perhaps the city's purpose was not in fact to remedy past discrimination.

The Ninth Circuit Court of Appeals noted that it had previously expressed similar concerns about the haphazard inclusion of minority groups in affirmative action programs ostensibly designed to remedy the effects of discrimination. In *Monterey Mechanical Co. v. Wilson*, 125 F.3d at 704, the Ninth Circuit relied upon *Croson* to invalidate a California statute that required prime contractors on public projects to subcontract 15% of the work to minority-owned businesses and 5% to woman-owned businesses. The statute defined the term "minority" to include Blacks, Hispanics, Native Americans, Pacific-Asians, Asian-Indians, and over two-dozen subgroups. *Id.* at 714, 109 S.Ct. 706. The Court concluded that the statute was not narrowly tailored because it provided race-based preferences to "groups highly unlikely to have been discriminated against in the California construction industry." *Id.* The overly inclusive designation of minority groups that benefited from the program was a "red flag[] signaling that the statute is not, as the Equal Protection Clause requires, narrowly tailored." *Id.*; The Court also cited *Builders Ass'n of Greater Chicago v. County of Cook*, 256 F.3d 642, 647 (7th Cir.2001) (holding that an ordinance that established minimum levels of minority participation in county construction contracts was not narrowly tailored because it afforded preferences to a "laundry list" of minorities, not all of whom had suffered discrimination); *Associated Gen. Contractors of Ohio, Inc. v. Drabik*, 214 F.3d 730, 737 (6th Cir.2000) (invalidating a state statute that set aside 5% of state construction contracts for "Blacks, American Indians, Hispanics, and Orientals" because "[b]y lumping together [these] groups, ... the [program] may well provide

⁴⁷ *Engineering Contractors II* at 913-924.

preference where there has been no discrimination, and may not provide relief to groups where discrimination might have been proven”); *O'Donnell Constr. Co. v. District of Columbia*, 963 F.2d 420, 427 (D.C.Cir.1992) (“the random inclusion of racial groups for which there is no evidence of past discrimination in the construction industry raises doubts about the remedial nature of [a minority set-aside] program” (internal quotation marks omitted)).

Accordingly, each of the principal minority groups benefited by the state’s DBE program must have suffered discrimination within the State. If that is not the case, then the DBE program provides minorities who have not encountered discriminatory barriers with an unconstitutional competitive advantage at the expense of both non-minorities and any minority groups that have actually been targeted for discrimination.

The Ninth Circuit also noted that Washington's DBE program closely tracked the sample DBE program developed by the USDOT. In setting its DBE goal for the year 2000, the WSDOT first calculated the relative availability of ready, willing, and able DBEs in the State. It did so by dividing the number of transportation contracting firms in the Washington State Office of Minority, Women and Disadvantaged Business Enterprises Directory by the total number of transportation contracting firms listed in the Census Bureau's Washington database. This calculation yielded a figure of 11.17%, which represented the baseline availability of DBEs.

The WSDOT then adjusted this figure to account for the proven capacity of DBEs to perform work, as reflected by the volume of work performed by DBEs on state projects between 1994 and 1998. The WSDOT determined that an upward adjustment was necessary to account for capacity because DBEs had performed approximately 18% of the work on state projects during that period. No adjustment was made, however, to account for discriminatory barriers in obtaining bonding and financing. The WSDOT likewise did not make any adjustment to its base figure to reflect the effects of past or present discrimination because it lacked any statistical studies evidencing such discrimination. On the basis of the upward adjustment for capacity, the WSDOT arrived at a final DBE utilization goal of 14%. The WSDOT then sought to ascertain the proportion of this goal that could be achieved through race-neutral means. In making that determination, it relied upon the 9% DBE participation rate on state-funded contracts that did not include affirmative action components. The WSDOT accordingly reasoned that it would need to achieve 5% of its 14% DBE utilization goal through race-conscious means. The USDOT approved the WSDOT's goal-setting methodology and the totality of its 2000 DBE program. The Ninth Circuit concluded, however, that the information relied upon by WSDOT was inadequate and that a disparity study was necessary. The Court referred to WSDOT’s adjustments as oversimplified and held that it had not properly adjusted its availability pool of DBEs to those ready, willing and able in its jurisdiction.

WSDOT's statistical evidence had not accounted for factors that may affect the relative capacity of DBEs to undertake contracting work. The Court noted that the fact that DBEs constituted 11.17% of the Washington market did not establish that they were able to perform 11.17% of the work. See *Md. Troopers Ass'n v. Evans*, 993 F.2d 1072, 1077 (4th Cir.1993) ("Inferring past discrimination from statistics alone assumes the most dubious of conclusions: that the true measure of racial equality is always to be found in numeric proportionality."). The Court discussed that DBE firms may be smaller and less experienced than non-DBE firms (especially if they are new businesses started by recent immigrants) or they may be concentrated in certain geographic areas of the State, rendering them unavailable for a disproportionate amount of work. See *Coral Construction Co. v. King County*, 941 F.2d 910, 919 (9th Cir.1991) ("Statistical evidence often does not fully account for the complex factors and motivations guiding employment decisions, many of which may be entirely race-neutral."); *Associated Gen. Contractors of Ohio, Inc.*, 214 F.3d at 736 ("If [minority-owned firms] comprise 10% of the total number of contracting firms in the state, but only get 3% of the dollar value of certain contracts, that does not alone show discrimination, or even disparity. It does not account for the relative size of the firms, either in terms of their ability to do particular work or in terms of the number of tasks they have the resources to complete."); *O'Donnell Construction Co.*, 963 F.2d at 426 (holding that the small proportion of D.C. public contracts awarded to minority-owned firms did not establish discrimination because "[m]inority firms may not have bid on construction contracts because they were generally small companies incapable of taking on large projects; or they may have been fully occupied on other projects; or the District's contracts may not have been as lucrative as others available in the Washington metropolitan area; or they may not have had the expertise needed to perform the contracts; or they may have bid but were rejected because others came in with a lower price."). The Court held that WSDOT's statistical evidence had not controlled for any of these factors and after controlling for those factors, there must exist a statistically significant disparity between the minority-owned firms ready, willing and able to do the work and those selected to do the work. The Court also recognized that this statistical evidence produced by WSDOT was not supported by sufficient anecdotal evidence.

Active or Passive Participation. *Crosan* requires that the governmental agency implementing a DBE program must have either actively or passively participated in the discrimination.⁴⁸ However, *Concrete Works* recently held that a court does not have to make an ultimate finding of discrimination before a municipality may take affirmative steps to eradicate

⁴⁸ *Id.*

discrimination.⁴⁹ An entity is an active participant if the evidence shows that it has created barriers that actively exclude DBEs from contracting opportunities. An entity is a passive participant in a private system of discrimination where it provides tax dollars into that discriminatory industry.⁵⁰

Post-enactment Evidence. The Supreme Court in *Croson* did not address the issue of whether post-enactment evidence could be used to justify a DBE program. However, after the *Croson* decision, numerous cases found post-enactment evidence of discrimination sufficient to justify implementation of a DBE program.⁵¹ The Ninth Circuit required both pre-enactment and post-enactment evidence in *Coral Construction v. King County*, 941 F.2d 910 (9th Cir. 1991).

In *Shaw v. Hunt*, 517 U.S. 899 (1996), the Supreme Court rejected the use of reports that provided evidence of discrimination in North Carolina because the reports were not developed before the voting districts at issue were designed. Since that case, the Federal Circuit Court of Appeals in *Rothe Development Corp.* and two district courts have rejected the use of post-enactment evidence in the evaluation of minority business programs.⁵²

Geographic Market. The Ninth Circuit Court of Appeals clarified in *Coral Construction* that a DBE (or MBE) program must limit its geographical scope to the boundaries of the enacting jurisdiction.⁵³ See also, *Concrete Works of Colorado*, (Denver's disparity study used the geographic areas in which the City of Denver spent the bulk of its construction funds).⁵⁴

Relevant Time Frame for Analysis. It is not clear how many years must be reviewed in a disparity study. One court has held that two years is inadequate.⁵⁵ Another court has held that it was acceptable to study only one year.⁵⁶ While the *Croson* case indicated that it may be a fatal flaw to rely on outdated evidence,⁵⁷ The Federal Circuit Court of Appeals refused to define when a study is outdated.⁵⁸ One District Court in the Northern District of California held that the most telling statistics may be an analysis of the evidence before there were any DBE (or MBE-

⁴⁹ *Concrete Works*, 6 F.3d at 1522. The Tenth Circuit held that the City correctly showed that it indirectly contributed to private discrimination by awarding public contracts to firms that in turn discriminated against M/WBE subcontractors in other private portions of their business. Add cite. However, most courts have required active or passive participation in the discrimination.

⁵⁰ *Croson*, 488 U.S. at 492.

⁵¹ See, e.g., *Engineering Contractors v. Dade County (Engineering Contractors II)*, 122 F.3d 895, 911 (11th Cir. 1997); *Contractors Association v. Philadelphia*, 6 F.3d 990 (2d Cir. 1993); *Concrete Works*, 36 F.3d 1513 (10th Cir. 1994).

⁵² *Associated Utility Contractors v. Baltimore*, 83 F.Supp.2d 613 (D. Md. 2000); *West Tenn. ABC v. Memphis City Schools*, 64 F.Supp.2d 714 (W.D. Tenn. 1999).

⁵³ *Coral Construction*, 941 F.2d at 925.

⁵⁴ *Engineering Contractors II* at 913-924.

⁵⁵ *Phillips & Jordan v. Watts*, 13 F.Supp. 1308, 1315 (N.D. Fla. 1998).

⁵⁶ *AGCC v. Coalition for Economic Equity and City and County of San Francisco*, 950 F.2d 1401, 1414 (9th Cir. 1991).

⁵⁷ *Croson*, 488 U.S. at 499.

⁵⁸ *Engineering Contractors II* at 913-924.

WBE) programs compared with the evidence once the programs were implemented.⁵⁹ There is no specific legal rule, however, on what time period is proper.

Statistical Significance. In order to justify the need for a race-conscious remedial program, the disparity study must conclude that the disparity between available and utilized DBEs must be justified as a significant level of disparity—the disparity index. Specifically, a disparity index measures the participation of a group in MDT contracting dollars by dividing that group’s contract dollar percentage by the related bidder or awardee percentage, and multiplying that result by 100%. The closer the resulting index is to 100%, the greater the measured group’s participation in the contracting dollars. *Engineering Contractors II*.⁶⁰ A disparity index of 80% or greater, which is close to full participation, has been accepted by cases as the cut-off percentage that is considered as not indicating discrimination. *Id.* This is consistent with *Contractors Association of Eastern Pennsylvania*,⁶¹ *Cone Corp. v. Hillsborough County*,⁶² *Concrete Works*,⁶³ *Associated General Contractors of California v. Coalition for Economic Equity*,⁶⁴ *Stuart v. Roache*,⁶⁵ and *Rothe Development Corp. v. US Department of Defense*,⁶⁶ (“A disparity ratio less than 0.80 indicates a relevant degree of disparity.”)

2.5 Conclusion

In creating and implementing a race- or gender-conscious program, it is necessary to understand how the cases have interpreted and evolved the requirements of a constitutional DBE program. The cases provide a foundation of what is necessary to withstand challenges to governmental race- and gender-conscious remedial programs. It is important to understand what the cases provide is the type of evidence necessary to justify a DBE program as well as what is necessary to narrowly tailor the program.

⁵⁹ *RGW Construction v. San Francisco Bay Area Rapid Transit District* (BART), No. C92-2938 (N.D. Cal. Sept. 18, 1992); accord, *Concrete Works of Colorado v. City and County of Denver*, 321 F.3d 950 (10th Cir., 2003).

⁶⁰ *Engineering Contractors II*, 122 F.3d at 914. (Eighty percent or greater is close to full participation by the minorities or women evaluated.)

⁶¹ 6 F.3d at 1005 (crediting disparity index of 4 percent).

⁶² 6 F.3d at 1005 (crediting disparity index of 4 percent).

⁶³ 36 F.3d at 1524 (crediting disparity index of up to 3.8 percent).

⁶⁴ 6 F.3d at 1005 (crediting disparity index of 4 percent).

⁶⁵ 6 F.3d at 1005 (crediting disparity index of 4 percent).

⁶⁶ 6 F.3d at 1005 (crediting disparity index of 4 percent).

CHAPTER 3.0 - REVIEW OF CONTRACTING POLICIES, PROCEDURES AND PROGRAMS



CHAPTER 3.0 - REVIEW OF CONTRACTING POLICIES, PROCEDURES AND PROGRAMS

This chapter provides a comprehensive review of the purchasing and contracting policies, procedures and programs of the Montana Department of Transportation (MDT) and how they impact Disadvantaged Business Enterprises (DBEs). The purpose of this chapter is to describe the current effectiveness of the race- and gender-conscious and race neutral policies, procedures and programs of MDT. These terms are defined in Appendix A. The report recommendations will be based on the effectiveness of these programs in addition to the data analysis and anecdotal analysis. The programs that will be described in this chapter include construction, procurement, DBE and other relevant MDT programs. This chapter is organized as follows:

- 3.1 Methodology of Review
- 3.2 Construction Policies, Procedures and Commodities
- 3.3 Professional Services and Commodities
- 3.4 Other Types of Procurement
- 3.5 DBE Program
- 3.6 Unified Certification Program
- 3.7 Supportive Services
- 3.8 Annual Goal Setting
- 3.9 DBE Compliance and Enforcement

Introduction

MDT is organized into five districts with the headquarters located in Helena. The Districts are located in Missoula, Butte, Great Falls, Glendive and Billings. The Director of MDT, the Construction Program and the Consulting Design Bureau, Supplies/Services Purchasing and the Civil Rights Offices are located at MDT headquarters in Helena.

3.1 Methodology of Review

The following steps were taken to analyze and evaluate MDT's contracting and purchasing policies, procedures and programs:

- Reviewed MDT contracting and purchasing manuals and special provisions currently in place.
- Reviewed MDT past contracting and purchasing manuals and policies in effect September 30, 2006 and any changes in contracting and purchasing manuals since October 1, 2002.
- Discussed with the procurement and DBE managers and staff what effects the contracting, purchasing and DBE policies, special provisions and manuals have had on the DBE program.

- Interviewed key procurement and contracting personnel to determine how the policies and procedures have been implemented in the past and how they are currently being implemented.
- Reviewed federal and state statutes, regulations, policies and procedures that impact the DBE program or other areas of contracting and purchasing.
- Summarized MDT's contracting, purchasing and DBE programs and how they affect utilization of DBEs by MDT.

MDT implements its DBE program on federally funded projects pursuant to 49 CFR Part 26. The Wilson Group reviewed the 2000 MDT DBE Program approved by the United States Department of Transportation (USDOT) on June 5, 2000 and MDT's Civil Rights Manual. We also reviewed the Statewide Standard Specifications and Special Provisions related to the DBE Program, specifically we evaluated:

- Standard specifications Section 102 and Sections 102-3 and 102-4 of the Contract Plans Special Provisions which set forth the DBE requirements applicable to federally funded MDT projects.
- DBE Quote Request Form which must be submitted with a contractor's proposal if the DBE goal is not met.
- Miscellaneous Forms which related to the required contract provisions for federal-aid construction contracts, including among other things, provisions related to equal employment opportunities, nondiscrimination, training and promotion of minority and women employees, minimum wages and recordkeeping requirements.

Also, we reviewed all of the DBE Newsletters issued by the Civil Rights Bureau since August 2001.

Finally, we reviewed Title 28, Part 21 Montana Code Annotated 2007 regarding prompt payment to contractors, Title 18, Chapters 2, 4 and 8 regarding construction of buildings and procurement and 2007 changes to those statutes, the Administrative Rules of Montana, Title 18, applicable to MDT; specifically, 18-3-105 which provides that MDT may debar a contractor for violation of the federal DBE provisions.

MDT Purchasing Policy. The purpose of the Purchasing Policy is to establish uniform methods and procedures for MDT personnel in the procurement of construction, professional services, materials, equipment and commodities.

We reviewed the MDT Consultant Services Procedures approved by the Federal Highway Administration (FHWA) on April 27, 1999.

In July and in December, 2007, we interviewed members of the MDT Civil Rights and Purchasing Bureaus. The Purchasing Bureau procures planning, environmental right-of-way and other engineering and non-engineering services, and general supply purchasing and services. Personal interviews and public hearings of both DBE and non-DBE businesses were

conducted by Fields & Brown, LLC in November 2007, and telephone interviews were conducted by Turner & Associates of both DBE and non-DBEs in March, April and May, 2008. (See Chapter 7, Anecdotal Evidence Summary).

The following sections summarize our review of the applicable policies, procedures and practices cited above and the information gathered from the interviews with the MDT personnel and the DBE and non-DBE contractors.

3.2 Construction Policies, Procedures and Programs

All MDT construction contracts that include federal funding from FHWA or Federal Aviation Administration (FAA) are required to include DBE, Equal Employment Opportunity (EEO) and On-the-Job Training (OJT) provisions. The Special Provisions for the DBE Program for construction contracts is Section 102 of the Standard and Special Provisions.

Contract preparation and bidding are implemented by the Contract Plans Bureau. For DBE goals on construction projects, the DBE Committee sets the project-specific DBE goal of willing and capable DBE firms. On MDT projects, the DBE Committee is the DBE Program Manager. The DBE Program Manager meets with the Contract Plans Bureau engineer who prepared the preliminary cost estimate for the project. Based on those preliminary cost estimates, the DBE Program Manager decides what the DBE goal should be for the project.¹ The DBE Program Manager sets project goals on contracts over \$500,000 taking into account:

- The size of the project;
- Available DBEs for the type and area of work; and
- Other factors that are project specific.

After review of the above factors, the project DBE goal is set as a percentage of the contract price.

The prime contractor is required to meet (or exceed) the DBE goal for the project with DBE subcontracts. The DBE subcontractors do not have to be in the same Work Category MDT used to set the goal as long as the DBEs are certified in the Work Category of the DBE's subcontract(s) shown by the prime contractor.

Under MDT's regular design-bid-build process for construction contracts, the contractor is required to execute and submit, as part of its bid, the DBE requirements as outlined in the electronic bidding system. MDT uses the DBE Schedule of Participation to determine whether the bidder has complied with the DBE goals of the project.

¹ The processes related to DBE participation on construction, professional services and goods and materials described in this chapter are the processes used prior to January 10, 2006, when MDT was advised to set zero goals on all projects.

Two MDT personnel not from the Civil Rights Office and the DBE Liaison Officer determine whether a prime contractor made a good faith effort (GFE) to meet the DBE goal if the prime contractor did not meet the DBE goal in its proposal. The Montana Contractor's Association (MCA) Executive Director is invited to attend the consideration of a contractor's GFE but is not a voting member. If a bidder fails to meet the DBE goal, it is required to submit a summary of its GFEs within two working days of the bid opening. MDT has had to use the GFE process only approximately three times since MDT has had a DBE program. In each of those situations, MDT determined that a bidder made a GFE to meet the DBE goal. Since July 2003, there have been no situations where the contractor has not met the DBE goal in its bid.

If the MDT DBE Panel decides that a prime contractor did not make a GFE, the Panel issues a written decision that day and the prime contractor may appeal the decision to the administration reconsideration official, who is the MDT Chief Human Resources Officer. The contractor is allowed to meet with the MDT Chief Human Resources Officer, who issues a written decision within two days of such meeting. The result is not appealable to the USDOT.

3.3 Professional Services and Commodities

The procurement procedures described in this section are the procedures that were used by MDT during the earlier period of this Disparity Study. However, as the study was being completed, MDT was in the process of changing its procedures. Therefore, this section only described the procedures that were in place while new procedures were in the process of development.

MDT has been delegated the authority to procure goods, services and professional services regardless of estimated value. Consultant Design and Purchasing are centralized in Helena, however, all MDT offices are authorized to directly and individually purchase specific limited commodities. Professional services are defined as engineers, architects and surveyors.

For procurements that are \$20,000 and under, the procurement is informal. Many of these procurements are sole source procurements. No Request for Proposal (RFP) is issued and MDT uses pre-qualified consultants. These types of procurements are not used very often and usually involve environmental or planning type issues.

The following describes the procedures that were used by MDT during the period that MDT was changing its procedures. Most professional service contracts were more than \$20,000 and involved consultant design engineers. MDT's staff of eight Project Engineers worked on the procurement and administered the contracts. The Consultant Design Engineer would have a goal setting meeting with the Engineering Fiscal Officer and the DBE Program Manager, and they set DBE goals based on the type of work to be performed for which there

were ready, willing, and able certified DBEs. The DBE goals set on professional services contracts ranged from 0% to 3%. If the consultant did not meet the DBE goal, it was required to send a letter explaining why it could not meet the DBE goal and the DBE Committee (the Consultant Design Engineer, the engineering fiscal officer and the DBE Program Manager) met and decided if the reason was acceptable. DBE compliance was tracked by the Consultant Design Engineer through invoicing, and the DBE Program Manager conducted random audits.

As stated above, the consultant procedures were under review during the study period and have been re-written. At the time of the study, MDT sent out a Request for Qualifications (RFQ) and ranked the firms. The prequalification process was conducted every two years. The Consultant Selection Board selected firms from the prequalified list. At the time of the study, there were four DBE consulting firms on the pre-qualified list.

For supplies, materials and consultant services—consultants who do not fall in the professional engineering area—MDT has a staff of four purchasers. For contractors, either a Request for Proposal or an Invitation to Bid (ITB) is issued. If a Request for Proposal is issued, the RFP selection committee may include individuals outside of MDT, e.g., cities, counties and FHWA. In addition, MDT has Memoranda of Understanding with all of the tribes where they pay the tribes for work within their tribal boundaries and have to use Native Americans on the project.

The supplies, materials and non-engineering consultant RFPs and Invitations to Bid (ITBs), other than research and specialty contracts have project DBE goals. If the supplier, contractor or consultant does not meet the DBE goals, they are not awarded the contract. Many of these contracts have been awarded to DBEs as prime contractors. However, there is no formal monitoring of these types of contracts by the Civil Rights Bureau.

MDT sends letters and posts electronically the supplies, materials and non-engineering consultant RFPs and ITBs that are \$5,000 and more. If they are less than \$5,000, no formal method of purchasing is required. For contracts more than \$5,000 and less than \$25,000, a purchaser is required to obtain three companies to solicit a bid. It is up to the purchaser whether to contact a certified DBE as one of the three companies. For purchases above \$25,000, other than research consultant contracts, selection is made on the basis of low bid. Whether to require bonding depends upon whether there is any risk to MDT. At times, bonding is not required for these types of purchases.

3.4 Design-Build Contracts

Section 60-2-137 Montana Code Annotated 2007 provides MDT with the authority to use the design-build method of contracting. It provides a two-step process: first, short-listing no more than five proposers through a request for qualifications process; and second, evaluating technical and price proposals through a request for proposal process. The statutory authority allows MDT to pay a stipend to the unsuccessful proposers.

The DBE provisions apply to the design-build contracts. The first two design-build projects applied the DBE provisions in the same manner as design-bid-build projects. The third design-build project conducted by MDT scored the proposers on their plan to meet the DBE goal, giving them ten points of their technical proposal score.

3.5 DBE Program

All MDT construction contracts that include federal funding from the United States Department of Transportation (USDOT), Federal Highway Administration (FHWA) and Federal Aviation Administration (FAA) are required to include DBE provisions. MDT's DBE program is based upon 49 CFR Part 26 and incorporated into state law through 18-2-313, MCA and 60-3-101, MCA. Pursuant to the federal regulations, MDT has implemented the DBE program through its DBE Program, Civil Rights Manual and DBE Special Provisions.

MDT is currently operating under a DBE Program approved by USDOT. MDT has recently submitted a revised DBE Program to USDOT for approval. The current DBE program proposes using no DBE goals on projects, pending the results of this Disparity Study.

The MDT Civil Rights Bureau is centralized in Helena. There are seven positions in the Civil Rights Bureau; the Chief Human Resources Officer is the DBE Liaison Officer for the DBE Program and the DBE Program Manager is in charge of the day-to-day operation of the DBE Program. The positions include the Civil Rights Bureau Chief who oversees all civil rights programs, the DBE Program Manager, the DBE Supportive Services Coordinator, a Compliance Technician, an ADA Coordinator and two compliance Specialists who handle Title VI, EEO and Labor.

The DBE Program Manager performs all certifications for the Unified Certification Program and performs compliance on FHWA projects when a project manager brings the issue to her attention. Compliance information from project managers is provided inconsistently, depending upon the project manager. MDT generally does not have DBEs qualified to perform on FTA contracts. In addition, MDT has very few FAA contracts. The FAA DBE contract data is provided to the Civil Rights Bureau of MDT as available.

The DBE Program provides that project goals are set by a MDT goal setting committee. The DBE Program Manager is the DBE committee on all projects except projects that are located within the interior boundaries of an Indian reservation, where the Tribal Employment Rights Office (TERO) Officer and Civil Rights Bureau Chief will be included in the goal setting process. Also, on projects where local agencies are responsible for administering the contracts involving federal funds, for example, Congestion Mitigation and Air Quality Improvement Program (CMAQ) and Community Transportation Enhancement Program (CTEP), the local agency will be included in the goal setting process.

When establishing project goals, the DBE Program Manager considers the following factors:

- The availability of certified DBE's who are ready, willing and able to perform the work identified in the contract;
- The size of the projects;
- The type of work specified for the projects that has been historically subcontracted in accordance with MDT specifications and procedures; and
- Whether there is an over-concentration of DBEs in specified work areas.

3.6 Montana Unified Certification Program

In accordance with 49 CFR § 26.81(b), MDT is the agency that has assumed the responsibility as the Unified Certification Program (UCP) Lead Agency for Montana. The MDT UCP currently has approximately 125 DBEs certified in its Unified Certification Program. As part of the certification, MDT reviews the DBE Program Unified Certification Application, Personal Net Worth of the DBE and Work Category List that allows the DBE applicant to indicate the types of work the DBE is applying for certification. Since the USDOT directed MDT to implement only a race neutral DBE program and to set 0 percent goals on construction contracts (unless a state had a current disparity study that showed a need to set race-specific goals) on January 10, 2006, the number of certified DBEs dropped dramatically the first six months but now they have come back up to approximately 125.

MDT then performs an on-site inspection of the DBE applicant. The interview is conducted by telephone if the DBE is an out-of-state applicant to supplement the on-site inspection conducted by the home state. Currently, MDT has approximately 33 out-of-state certified DBEs.

The requirements for eligibility for DBE certification are set forth in 49 CFR Part 26. If a firm is awarded DBE certification, it is placed on the MDT Certified DBE Directory with the work categories for which it is certified. The certified DBE firms are listed on a DBE Directory, which

is updated automatically as the firm is certified. The DBE directory is on-line and allows the certified DBE businesses to be searched by work type, North American Industry Classification system (NAICS) Code or business name. Other information on the DBE directory includes the owner's address, telephone number, fax number, e-mail address, website, if applicable and DBE class. The DBE Directory also allows downloading in a spreadsheet format for mailing labels.

If the firm is not awarded DBE certification, MDT notifies the firm the reasons it was denied and the rights of appeal the firm has to the USDOT pursuant to 49 CFR § 26.89. If, based on information that comes to MDT's attention, that a firm has violated MDT's DBE Program, MDT has the authority to give the firm written notice that it intends to impose sanctions. If the firm is given a notice of intent to impose sanctions, it is notified that it has an opportunity for an informal hearing before the Chief of MDT's Civil Rights Bureau. An appeal of the decision of the Chief of MDT's Civil Rights Bureau may be made in writing to the USDOT.

The certification is valid for a three-year period. The Civil Rights Bureau of MDT visits each certified DBE at least once within the three year time period. MDT relies on the annual certification instead of requiring DBEs to submit a re-certification application every three years. MDT requires the DBEs to submit annually a notarized affidavit that no circumstances affecting its DBE eligibility have changed. The DBE is also required to submit copies of bank and financial documents, financial statements, the current year tax documents for the company and the eligible individual and the company owner's personal net worth.

After a DBE has been certified, a DBE's certification may be removed pursuant to 49 CFR § 26.87, if it is determined that the DBE no longer complies with the DBE certification requirements. The MDT DBE Program Manager makes the initial decision and the DBE is notified that it has the right to appeal that decision to the USDOT pursuant to 49 CFR § 26.89. The business has the right to re-apply for DBE certification within one year from the date of MDT's decision or from the final decision of the USDOT if MDT's decision is affirmed.

3.7 Supportive Services

The MDT Civil Rights Bureau provides several forms of supportive services for DBEs, including:

- A training and assistance program which provides reimbursement to DBEs up to \$600 per year.
- Numerous free workshops and conferences, including many meetings with Montana Contractor's Association (MCA) members to provide opportunities for DBEs and prime contractors to meet and market to each other, on-line training, training on marketing and other areas. Numerous different programs with the MCA have been developed and have been modified based on their success or lack of success.

- Online plans and specifications for new projects.
- A DBE Newsletter published since August 2001 which is sent to all certified DBEs, Montana TERO Officers and other MDT contractors via e-mail and/or US mail. The DBE Newsletter includes extensive information regarding upcoming projects, the Statewide Transportation Improvement Program (STIP), MDT library opportunities, new DBEs, new programs, upcoming conferences and workshops conducted by MDT and other agencies, financing opportunities available for DBEs and other contracting opportunities for DBEs.
- Information and training on how to obtain bid lettings on-line for DBEs.
- A DBE internship program where the MDT DBE Program will pay half the wages of a student intern up to a certain amount (depending upon the year).

3.8 Annual Goal-Setting Process

3.8.1 Fiscal Year 2002-January 2006

From fiscal year 2002 until January 2006, MDT followed the two-step process set forth in 49 CFR Part 26 to set annual DBE goals. The first step used by MDT was to take the total number of firms certified as DBEs that were ready, willing and able to perform work for MDT and to reflect a level of participation that MDT would expect in the absence of discrimination. The goal setting process was based on the following steps:

First, the primary business activity codes or Standard Industry Activity Classification Codes based on the North American Industry Classification System were selected which corresponded to the services used by MDT.

Second, the list of business activity codes were compared to information contained in the MDT DBE Bidder's List.

Third, the business categories were divided into three categories: prime contractor, subcontractor or consultant. These categories were then divided into the type of work traditionally performed by that type of contractor or consultant. These categories were then assigned a contribution percentage based on work completed in the prior construction season.

Fourth, in each category, the total number of certified DBEs was divided by the total number of firms. Based on this step, MDT identified the base figure of the DBE goal which was Step 1 according to 49 CFR § 26.45(c).

Once the base figure was established, MDT adjusted the figures in Step 1 based on the current capacity of DBEs to perform work in federally-assisted construction contracts as measured by the volume of work DBEs performed in recent years. MDT also considered statistical disparities in the ability of DBEs to get the financing, bonding and insurance necessary to participate in the federal-aid highway program. Finally, MDT considered data on

employment, self-employment, education, training and union apprenticeship programs to the extent they could be related to DBEs to perform in the federal-aid highway program.

Once the percentage goal was set by MDT, MDT consulted with minority, women, general contractor groups and other public organizations to receive comments from the public.

3.8.2 January 2006 through Fiscal Year 2008

Beginning in 2006 and continuing through 2008, the annual goal setting procedure was set based on demonstrative evidence of the availability of ready, willing and able DBEs relative to all businesses ready, willing and able to participate on DOT-assisted contracts.

Step One. MDT used the bidder's list maintained by MDT which includes information supplied by firms' responding to the bidder's survey. The bidder's list includes MDT certified DBE firms and Non-DBE firms. On an annual basis, MDT surveys all firms that have requested plans or proposals in the preceding year and requests information on contracting category, DBE or non-DBE, and major type of work (NAICS codes). These annual surveys and bidders list enables MDT to accurately track dollars per contracting category. These contract categories are used to represent the available group of ready, willing, and able firms, consistent with 49 CFR § 26.45 (c)(1)-(5). The survey information captures the data necessary to populate the bidder's list. MDT's bidder's list data was acquired beginning in 2004. This list includes all successful and unsuccessful prime contractors, subcontractors, suppliers, and manufacturers (DBE and non-DBE firms) who provided quotes or awarded contracts. Also included are the professional discipline firm types utilized for design services. Bid surveys include the following: general information on firms, DBE certification status, gross receipts data, NAICS code category, and identification as prime or subcontractor for project. MDT compiled the NAICS data utilizing the NAICS codes supplied by firms responding to the bidder's survey, using only NAICS code categories pertaining exclusively to highway work.

In order to determine a base figure that best reflected the contracting community, MDT conducted Industry Assessments to ensure adequate representation of the following categories: Prime Contractor, Subcontractor, and Consultant. On MDT projects, unit bid costs are recorded, tracked, and categorized as Prime Contractor, Subcontractor, or Consultant. Although associated DBE costs were not in the past obtained, MDT now tracks actual dollars paid for each category, rather than contract amounts.

MDT calculated the percentage of DBE firms within each specific NAICS code area based on the total number of firms (DBE and Non-DBE). The next step weighed each category as a percentage of the total amount of federal contracted funds. The percentage of DBE contractors within each NAICS category is calculated and a weighting factor applied to provide a more accurate Step One figure. The weighting reflects the actual contribution in dollars of that category to the total program for each year. The final Step One base figure DBE goal is calculated by multiplying the DBE ratio by the weighting values and summing each NAICS category.

Step Two: While MDT is in the process of conducting a disparity study, no disparity studies had been conducted for programs within the jurisdiction of the

MDT or the State of Montana from 2006 through 2008. MDT tracks actual contract and subcontract payments and uses this data to assess current participation which correlates to actual DBE payments. MDT supports this method since actual payments on current and completed projects serve as a better indicator of actual participation. The difference between the FY2006 and FY2007 participation rates primarily was due to the use of project specific goals between May 1, 2005 through January 1, 2006 followed by implementation of an all race and gender neutral program thereafter and through FY2007. MDT calculated the median percentage value of the past three years of DBE participation. MDT then calculated the DBE availability percentage plus the average median from the past three years, divided by two to adjust the DBE goal.

Until this Disparity Study is completed, MDT is utilizing all race- and gender-neutral goals for FY 2008. MDT has successfully demonstrated the ability to achieve previous years DBE goals using a combination of race- conscience and race- and gender- neutral measures. Race-neutral measures employed by MDT include such activities as training; technical assistance, bonding assistance; business development or mentor-protégé programs; breaking contracts up into pieces that small businesses can readily perform; and awards of prime contracts to DBEs through the regular competitive process.

MDT has included public involvement in its goal setting process during the last three years through consultation with two standing committees of the Montana Contractor's Association and MDT. The private sector organizations involved in reviewing the DBE Goal and Methodology were the non-government Native American Business Development Offices, the non-profit, non-government Small Business Development Offices, and other local DBE firm representatives including minority and woman-owned businesses. Although the comments generated from this process were beneficial, Step 2 adjustments were not deemed necessary. The primary comments focused on the lack of project specific DBE goal setting and the impacts the race neutral program has when prime contractors select subcontractors on projects. MDT also published legal notices in major newspapers within at least twenty-three of Montana's major counties announcing the 45-day public review period for MDT's DBE goal and methodology. This notice was administered in compliance with the requirements of 49 CFR §26.

Although MDT operated using the above process from 2006 through 2008, it has not received an official approval from FHWA but on February 25, 2008, MDT received an e-mail from FHWA acknowledging that its methodology is legally sufficient.

Table 3-1 shows the annual goals and number achieved since 2002.

**Table 3-1
 Montana Department of Transportation Annual Goal 2002 - 2008**

Federal Fiscal Year	Annual Goal	Amount of Goal Achieved
FY 2008*	9.89%	3.015%
FY 2007*	10.5%	5.09%
FY 2006*	8.75	13.16%
FY 2005	7.74% (5.81% race neutral and 1.93% race conscious)	7.68%
FY 2004**	7.36% (4.76% race neutral and 2.5% race conscious)	5.38%
FY 2003**	7.36% (5.6% race neutral and 1.76% race conscious)	7.01%
FY 2002**	8.2% (7.0% race neutral and 1.2% race conscious)	8.1%

*These goals were all race-neutral goals.

**These goals were based on committed amounts—not paid amounts.

3.9 DBE Compliance and Enforcement

The MDT individual managers of the projects (“Project Managers”) determine whether a DBE is performing a commercially useful function (CUF), however, the DBE Program Manager reviews all of the CUF reports submitted by the Project Managers, and conducts additional CUF reviews on some of the projects.

The DBE Program Manager also reviews whether the DBEs have been paid within seven days of payment of prime contractors by MDT. The Project Manager is also supposed to notify the DBE Program Manager of any of the following situations:

- Any significant reduction of DBE contract items or quantities;
- Any DBE work being completed by the prime contractor or others;
- Failure by the DBE to perform or complete any contracted item;
- Any employee sharing between the DBE and the prime or other contractor;
- Whether a DBE has been substituted by a non-DBE;
- Whether the contractor actually meets the DBE goal; or
- Any other event that would not be considered “normal industry practice” pertaining to the DBE.

Once the DBE has satisfactorily completed its work, the contractor must release any retainage to the DBE within thirty days. If the contractor does not believe that the DBE has satisfactorily completed the work, it must provide written justification to the Project Manager who must forward a copy of the written justification to the DBE Program Manager.

While the procedure for the DBE Program Manager to receive the reports and notifications are written in the DBE Program Manual, there are no other written procedures and

requirements for the Project Manager to provide the DBE information to the DBE Program Manager.

If the contractor is not in compliance with any of the DBE requirements and it is the contractor's first offense, the contractor may be suspended from participating on all MDT projects in the next regularly scheduled bid opening and the contractor must submit a formal statement outlining the efforts it will take to prevent re-occurrence. If it is the contractor's second offense, such actions may result in suspension from participating on all MDT projects in the next four regularly scheduled bid openings. If it is the contractor's third offense, the contractor may be suspended from participating on all MDT projects for a full year or the contractor may be debarred.

CHAPTER 4.0 - AVAILABILITY ANALYSIS



CHAPTER 4.0 - AVAILABILITY ANALYSIS

Availability provides one of the most critical elements for assessing how equitable public contracting has been in the past. In essence, availability analysis predicts number of firms in the relevant market area and the capacity of those firms to provide the services needed by public organizations.

This section of the report discusses the results of our analysis of firm availability. By utilizing primary data extrapolation in conjunction with secondary data for verification purposes, the characteristics of firms in the marketplace is surmised. Based on evidence of past success in performing work at certain levels, firms are judged to be qualified, willing and able for future contract and bid opportunities. Specifically, our analysis includes a discussion of our approach and methodology, results of our estimations by relevant category, and impact of various characteristics on the ability of firms to win contracts.

4.1 Approach

Current case law provides little direct guidance on how to measure the degree of availability of a firm. As the courts weighed in more on the availability issue, the emphasis has been more of what was not right with the current methodologies rather than a tutorial discussion of methodologies that would pass legal muster.

Social scientists have developed several approaches to attempt to meet the threefold criterion: qualified, willing, and able. The most prevalent practices occupy the extremes of the analytical spectrum. At the most conservative extreme, only firms that are included in bidder, vendor, and certification records of the reviewed organization represent all available firms. The most liberal estimates would include all firms that are recognized by the US Census or a similar estimating organization as being present within the relevant market area regardless of size, interest, workload, or even status.

More recently, most disparity study methodologies have sought “middle ground” between the two extremes with varying degrees of success. A variety of secondary data sources have been utilized to estimate the population of the firms working in the relevant market and industry segment areas and based on this data a sample of primary data has been collected. The move away from bidder, vendor, and certification data created opportunities for additional analysis as well as challenges. Another issue that has grown in importance relates to the impact of business relationships as it relates to working as a prime contractor or subcontractor. In essence, if a firm is available to work as a subcontractor, at what point does it become available to work as a prime contractor.

On December 16, 2005, the United States Commission on Civil Rights conducted a “briefing to gather facts so that it could better evaluate the methodological and empirical strength and quality of these seminal efforts and subsequent disparity studies, which in part form the foundation of affirmative action in federal contracting.”¹ As a result of the briefing, several recommendations were made regarding disparity studies and the methodologies used to gather empirical evidence. Of particular note with regard to availability analysis are the following points:

- Recommendation 3: Researchers must develop explicit rationale for including businesses in the availability measure as qualified, willing and able to carry out contract work. Their work should compare only businesses that are able to perform the same services. Analysts should remove from the pool of available businesses any companies offering services that a government does not purchase or that are distinctively different.
- Recommendation 6: Analysts should use measures of available firms that account for the businesses’ capacity to perform work. At a minimum, they should examine disparity ratios by size of business. For example, instead of contrasting small minority businesses with all other firms, researchers should compare them to other small businesses. Yet, categorizing businesses as small, medium, and large is only a weak measure of capacity. The research should attempt to include additional and more fine-tuned measures of capacity, such as revenue, number of employees, or the firm’s payroll.
- Recommendation 8: Similarly, utilization and availability measures, that are numerators and denominators, must represent the same time period to avoid any distortion from changes in the composition of the business community.

4.2 Methodology

Several major data collection and analysis efforts were undertaken based on our approach to develop the list of available firms. First, an assessment of secondary data was completed to identify potential data sources. The following databases were collected:

- Montana Department of Transportation Departmental Vendors (Civil Rights, Construction, Consult or Design, Purchasing, and Highway Safety)
- Montana Department of Transportation Tracking Systems (PES/LAS and DBE Suite)
- Montana Contractors Association Vendor List
- Dun and Bradstreet Montana Firm Database (2007)
- National Center for American Indian Enterprises Directory
- National Minority Suppliers Directory (Montana Firms)

¹ *Disparity Studies as Evidence of Discrimination in Federal Contracting*, A Briefing Before the United States Commission on Civil Rights Held in Washington, D.C. December 16, 2005, published May 2006, pg. 77.

Based on these sources, a master database was created of 22,448 firms that indicated an interest in performing work for the Montana Department of Transportation by registering their firm with one or more of the source agencies listed on the preceding page. The database was further verified by comparisons to other databases and found to be representative of the results from the 2002 Economic Census and other secondary data sources.

The source agencies do not maintain time-phased lists of registrants. Therefore, the availability analysis in this report assumes that firms included in the master database were viable businesses that continued operations in the same line(s) of business throughout the study period as indicated in the database.

An argument could reasonably be made that other businesses not listed in the source agency registration lists were actually available to provide goods and services. In other words, the overall pool of firms should be higher than reflected herein and there is some validity to that argument. However, concern about unduly inflating the basis for availability precluded an upward adjustment in our methodology to determine available firms.

Subsequent to compiling the list of firms, filtering criteria were developed in order to extract a subset of qualified, willing and able firms from the overall pool of firms. This process provided a means to move from an analysis based solely on headcount to one that considered firm capability to perform work on contracts like those awarded by the Montana Department of Transportation. Ideally, each firm in the pool would be contacted to confirm the firm's continued operations and willingness to do business with the agency but that is not practical. However, a suitable alternative for the purposes of this study was to extract data from the telephone survey upon which to base assumptions about the availability pool.

Questions in the telephone survey generated responses about firm experiences with public sector work and interest in continuing to work in the public sector. There were also inquiries into past contracting successes. Answers to these questions provided one way to infer responses that might have been received if the entire availability pool was polled. (See Appendix B1-Availability Telephone Survey and Appendix B2-Telephone Survey Analysis. In addition, the telephone survey was used for the private sector and regression analyses in Appendix C.).

At the prime contracting level, the analysis focused on firms that indicated past success winning bids in the public sector. The basis for that assumption was that firms won contracts in the past must have met the respective criteria associated with the public sector bids and proposals. At the subcontracting level, the approach considered all firms that submitted bids and proposals in the public sector without regard to success in the process. The premise here was that firms that submitted bids and proposals not only had an interest in doing work but took

the next steps to express their interest in being considered. For the purposes of this study, these firms were deemed available subcontractors.

A telephone survey of over 700 participants provided additional empirical evidence to assess not only firm qualifications, willingness and availability; but also provided a means to determine firm capacity. Key assumptions in the filtering processes were that the telephone survey respondents were representative of the firms in the overall database therefore patterns of revenue generation and business patterns evident in the survey were similar to those of firms in the master vendor database; firm capacity to perform future work was sufficiently demonstrated by past revenue generation which adequately demonstrated available resources to satisfactorily complete contracts; and the residual of firms excluded from further analysis using the above criteria (not all survey participants responded to all questions used in the above process) was immaterial and equal to the level database limitations (incorrect contact information, lack of firm interest in performing work, etc.) that procurement officials might encounter in seeking firms for contract opportunities.

4.3 Results

Table 4-1 shows the number of firms included for initial analysis of availability and groups that data by business category and business owner classification. **Table 4-2** shows the relative distribution of these firms.

Over 92 percent of the firms in the final master vendor database were owned by nonminority males. **Table 4-2** shows the distribution of firms by percentage. Woman-owned firms represented over five percent of all firms in the database. The analysis by individual business category shows that there were higher percentages of minority and woman-owned firms in goods and supplies and professional services than the other business categories analyzed in this study.

Tables 4-3 and **4-4** provide the results of the analysis of the adjusted prime contractors. As mentioned earlier, the telephone survey gave us an indication of ready, willing and able for the respondents by racial and gender category. In essence, how they answered the questions. Based on those characteristics, the whole database was adjusted to match the telephone survey results. Following the presentation of the number of firms, we show the impact on the percentage distribution of firms. Observations show similar patterns to the overall database distribution in terms of the groupings of firms. That is to say, nonminority-owned firms account for 9 of 10 firms, woman-owned firms follow in terms of the next largest group, and Native American-owned firms are next in succession.

**Table 4-1
 Total Firms by Business Category
 and Owner Classification**

Business Category	Black American	Native American	Asian American	Hispanic American	Nonminority	Nonminority Women	Total
Construction	10	60	3	6	5,598	136	5,813
Professional Services	7	54	5	5	2,060	321	2,452
Total	17	114	8	11	7,658	457	8,265

**Table 4-2
 Distribution of Firms by Business Category
 and Owner Classification**

Business Category	Black American	Native American	Asian American	Hispanic American	Nonminority	Nonminority Women	Total
Construction	0.17%	1.03%	0.05%	0.10%	96.30%	2.34%	100.00%
Professional Services	0.29%	2.20%	0.20%	0.20%	84.01%	13.09%	100.00%
Total	0.21%	1.38%	0.10%	0.13%	92.66%	5.53%	100.00%

**Table 4-3
 Adjusted Prime Contractors**

Business Category	Black American	Native American	Asian American	Hispanic American	Nonminority	Nonminority Women	Total
Construction	3	23	1	3	4816	67	4913
Professional Services	0	2	0	0	76	12	90
Total	3	25	1	3	4892	79	5003

**Table 4-4
 Adjusted Prime Contractor Distribution**

Business Category	Black American	Native American	Asian American	Hispanic American	Nonminority	Nonminority Women	Total
Construction	0.06%	0.47%	0.02%	0.06%	98.03%	1.36%	100.00%
Professional Services	0.00%	2.22%	0.00%	0.00%	84.44%	13.33%	100.00%
Total	0.06%	0.50%	0.02%	0.06%	97.78%	1.58%	100.00%

The following charts (**Tables 4-5** and **4-6**) show the results of the analysis of available subcontractors. We identified the number of firms that indicated past work experience as a subcontractor in the public sector and applied that percentage to the pool of firms listed in the master vendor database. Generally speaking, prime contractors can perform work as subcontractors and may be more inclined to consider subcontract work in tight economic conditions. We did not presuppose a firm's willingness to perform work as a subcontractor. We based our analysis solely on responses provided during the telephone survey interviews. It is possible that some firms included in the prime level analysis were also included in the subcontractor analysis if there were telephone survey participants who indicated a willingness to work on either level.

4.4 Analysis by District

Tables 4-7 through **4-26** show the results of the availability analysis by district for the Montana Department of Transportation.

**Table 4-5
 Adjusted Subcontractors**

Business Category	Black American	Native American	Asian American	Hispanic American	Nonminority	Nonminority Women	Total
Construction	2	18	1	2	4,049	54	4,126
Professional Services	5	36	4	4	1,332	207	1,588
Total	7	54	5	6	5,381	261	5,714

**Table 4-6
 Adjusted Subcontractor Distribution**

Business Category	Black American	Native American	Asian American	Hispanic American	Nonminority	Nonminority Women	Total
Construction	0.05%	0.44%	0.02%	0.05%	98.13%	1.31%	100.00%
Professional Services	0.31%	2.27%	0.25%	0.25%	83.88%	13.04%	100.00%
Total	0.12%	0.95%	0.09%	0.11%	94.17%	4.57%	100.00%

**Table 4-7
 Adjusted Prime Contractors (District 1 - Missoula)**

Business Category	Black American	Native American	Asian American	Hispanic American	Nonminority	Nonminority Women	Total
Construction	1	1	0	1	308	5	316
Professional Services	0	1	0	0	26	5	32
Total	1	2	0	1	334	10	348

**Table 4-8
 Adjusted Prime Contractor Distribution (District 1 - Missoula)**

Business Category	Black American	Native American	Asian American	Hispanic American	Nonminority	Nonminority Women	Total
Construction	0.32%	0.32%	0.00%	0.32%	97.46%	1.58%	100.00%
Professional Services	0.00%	3.13%	0.00%	0.00%	81.24%	15.63%	100.00%
Total	0.29%	0.57%	0.00%	0.29%	95.98%	2.87%	100.00%

**Table 4-9
 Adjusted Subcontractors (District 1 - Missoula)**

Business Category	Black American	Native American	Asian American	Hispanic American	Nonminority	Nonminority Women	Total
Construction	1	5	0	1	1,624	18	1,649
Professional Services	1	14	1	3	450	78	547
Total	2	19	1	4	2,074	96	2,196

**Table 4-10
 Adjusted Subcontractor Distribution (District 1 - Missoula)**

Business Category	Black American	Native American	Asian American	Hispanic American	Nonminority	Nonminority Women	Total
Construction	0.06%	0.31%	0.00%	0.06%	98.48%	1.09%	100.00%
Professional Services	0.18%	2.56%	0.18%	0.55%	82.27%	14.26%	100.00%
Total	0.09%	0.87%	0.05%	0.18%	94.44%	4.37%	100.00%

**Table 4-11
 Adjusted Prime Contractors (District 2 - Butte)**

Business Category	Black American	Native American	Asian American	Hispanic American	Nonminority	Nonminority Women	Total
Construction	0	0	0	0	185	2	187
Professional Services	0	0	0	0	19	2	21
Total	0	0	0	0	204	4	208

**Table 4-12
 Adjusted Prime Contractor Distribution (District 2 - Butte)**

Business Category	Black American	Native American	Asian American	Hispanic American	Nonminority	Nonminority Women	Total
Construction	0.00%	0.00%	0.00%	0.00%	98.93%	1.07%	100.00%
Professional Services	0.00%	0.00%	0.00%	0.00%	90.48%	9.52%	100.00%
Total	0.00%	0.00%	0.00%	0.00%	98.08%	1.92%	100.00%

Table 4-13
Adjusted Subcontractors (District 2 - Butte)

Business Category	Black American	Native American	Asian American	Hispanic American	Nonminority	Nonminority Women	Total
Construction	0	1	0	0	978	7	986
Professional Services	0	0	1	1	340	41	383
Total	0	1	1	1	1,318	48	1,369

Table 4-14
Adjusted Subcontractor Distribution (District 2 - Butte)

Business Category	Black American	Native American	Asian American	Hispanic American	Nonminority	Nonminority Women	Total
Construction	0.00%	0.10%	0.00%	0.00%	99.19%	0.71%	100.00%
Professional Services	0.00%	0.00%	0.26%	0.26%	88.78%	10.70%	100.00%
Total	0.00%	0.07%	0.07%	0.07%	96.28%	3.51%	100.00%

Table 4-15
Adjusted Prime Contractors (District 3 - Great Falls)

Business Category	Black American	Native American	Asian American	Hispanic American	Nonminority	Nonminority Women	Total
Construction	0	1	0	0	110	2	113
Professional Services	0	1	0	0	17	3	21
Total	0	2	0	0	127	5	134

Table 4-16
Adjusted Prime Contractor Distribution (District 3 - Great Falls)

Business Category	Black American	Native American	Asian American	Hispanic American	Nonminority	Nonminority Women	Total
Construction	0.00%	0.89%	0.00%	0.00%	97.34%	1.77%	100.00%
Professional Services	0.00%	4.76%	0.00%	0.00%	80.95%	14.29%	100.00%
Total	0.00%	1.49%	0.00%	0.00%	94.78%	3.73%	100.00%

Table 4-17
Adjusted Subcontractors (District 3 - Great Falls)

Business Category	Black American	Native American	Asian American	Hispanic American	Nonminority	Nonminority Women	Total
Construction	0	5	1	1	581	9	597
Professional Services	3	14	1	0	292	46	356
Total	3	19	2	1	873	55	953

Table 4-18
Adjusted Subcontractor Distribution (District 3 - Great Falls)

Business Category	Black American	Native American	Asian American	Hispanic American	Nonminority	Nonminority Women	Total
Construction	0.00%	0.84%	0.17%	0.17%	97.32%	1.50%	100.00%
Professional Services	0.84%	3.93%	0.28%	0.00%	82.03%	12.92%	100.00%
Total	0.31%	1.99%	0.21%	0.11%	91.61%	5.77%	100.00%

**Table 4-19
 Adjusted Prime Contractors (District 4 - Glendive)**

Business Category	Black American	Native American	Asian American	Hispanic American	Nonminority	Nonminority Women	Total
Construction	0	1	0	0	42	1	44
Professional Services	0	0	0	0	2	0	2
Total	0	1	0	0	44	1	46

**Table 4-20
 Adjusted Prime Contractor Distribution (District 4 - Glendive)**

Business Category	Black American	Native American	Asian American	Hispanic American	Nonminority	Nonminority Women	Total
Construction	0.00%	2.27%	0.00%	0.00%	95.46%	2.27%	100.00%
Professional Services	0.00%	0.00%	0.00%	0.00%	100.00%	0.00%	100.00%
Total	0.00%	2.17%	0.00%	0.00%	95.65%	2.17%	100.00%

**Table 4-21
 Adjusted Subcontractors (District 4 - Glendive)**

Business Category	Black American	Native American	Asian American	Hispanic American	Nonminority	Nonminority Women	Total
Construction	0	2	0	0	223	6	231
Professional Services	0	5	0	0	41	5	51
Total	0	7	0	0	264	11	282

**Table 4-22
 Adjusted Subcontractor Distribution (District 4 - Glendive)**

Business Category	Black American	Native American	Asian American	Hispanic American	Nonminority	Nonminority Women	Total
Construction	0.00%	0.86%	0.00%	0.00%	96.54%	2.60%	100.00%
Professional Services	0.00%	9.80%	0.00%	0.00%	80.40%	9.80%	100.00%
Total	0.00%	2.48%	0.00%	0.00%	93.62%	3.90%	100.00%

Table 4-23
Adjusted Prime Contractors (District 5 - Billings)

Business Category	Black American	Native American	Asian American	Hispanic American	Nonminority	Nonminority Women	Total
Construction	0	2	0	0	122	3	127
Professional Services	0	0	0	0	12	2	14
Total	0	2	0	0	134	5	141

Table 4-24
Adjusted Prime Contractor Distribution (District 5 - Billings)

Business Category	Black American	Native American	Asian American	Hispanic American	Nonminority	Nonminority Women	Total
Construction	0.00%	1.57%	0.00%	0.00%	96.07%	2.36%	100.00%
Professional Services	0.00%	0.00%	0.00%	0.00%	85.71%	14.29%	100.00%
Total	0.00%	1.42%	0.00%	0.00%	95.04%	3.54%	100.00%

Table 4-25
Adjusted Subcontractors (District 5 - Billings)

Business Category	Black American	Native American	Asian American	Hispanic American	Nonminority	Nonminority Women	Total
Construction	1	5	0	0	643	14	663
Professional Services	1	3	1	0	209	37	251
Total	2	8	1	0	852	51	914

Table 4-26
Adjusted Subcontractor Distribution (District 5 - Billings)

Business Category	Black American	Native American	Asian American	Hispanic American	Nonminority	Nonminority Women	Total
Construction	0.15%	0.75%	0.00%	0.00%	96.99%	2.11%	100.00%
Professional Services	0.40%	1.20%	0.40%	0.00%	83.26%	14.74%	100.00%
Total	0.22%	0.87%	0.11%	0.00%	93.22%	5.58%	100.00%

**CHAPTER 5.0 - MONTANA DEPARTMENT OF
TRANSPORTATION RELEVANT MARKET AREA
AND UTILIZATION ANALYSES**



CHAPTER 5.0 - MONTANA DEPARTMENT OF TRANSPORTATION RELEVANT MARKET AREA AND UTILIZATION ANALYSES

This Chapter provides an overview of our analysis of the contracting activity occurring between October 1, 1999 through September 30, 2006 for the Montana Department of Transportation (MDT). We will also define MDT’s relative market area and analyze the utilization of firms available.

5.1 Data Collection and Management

This section describes the data parameters and the process utilized to collect and manage the data used in this study.

Business Categories

This study analyzed the spending patterns of the MDT to determine the business categories of purchases made during the study period and the relevant market area. To define each business category the Wilson Group utilized the primary industry classification under the North American Industrial Classification System (NAICS). Procurements were generally assigned to one of following business categories for the MDT (**Table 5-1**).

**Table 5-1
 Montana Department of Transportation Construction and
 Professional Services NAICS Codes Utilized**

Construction	
NAICS CODES	NAICS DESCRIPTION
111421	Nursery and Tree Production
210000	Mining
221310	Water Supply and Irrigation Systems
230000	Construction
310000	Manufacturing
420000	Wholesale Trade
480000	Warehousing and Utilities
Professional Services	
NAICS CODES	NAICS DESCRIPTION
531390	Other Activities Related to Real Estate
540000	Professional, Scientific and Technical Services
560000	Administrative and Support and Waste Management and Remediation Services
920000	Public Administration

Disadvantaged Business Enterprises (DBEs)

Title 49, Part 26 of the Code of Federal Regulations defines a disadvantaged business enterprise as a firm with at least 51 percent ownership and control by a DBE from one of six subgroups: Black Americans, Native Americans, Asian-Pacific Americans, Hispanic Americans,

Other DBEs and Women. These groups are defined in Appendix A. Firm classification was determined based on data provided by the MDT and telephone or personal interviews that were conducted by the Wilson Group.

The Wilson Group used data from MDTs files to develop and initially classify firms into business owner classifications. Subsequently, representatives from MDT served as resources to review the classifications and identify firms that should be reclassified to another category. Where firm ownership was undetermined, the firms were considered to be non-minority owned and therefore classified as non-DBEs for the analytical purpose of this study.

Data Collection

During the months of September 2008 through mid-January 2009, the MDT conducted a manual review of contracts and provided in electronic format contract award and payment data to the Wilson Group.

Relevant data collected from the above vendor and contract sources included but are not limited to the following:

Vendors

- Vendor Name
- Geographic County or Region
- Owner's Ethnicity
- Primary NAICS
- Primary Services

Contract and Subcontract Data

- Prime Contractor
- Subcontractor
- Contract ID
- Contract Award Date
- Contract Award Amount
- Subcontract Amount
- Payment to Prime Contractor
- Contract Funding Source
- Contract Type
- Primary Service

Vendor Data

The Wilson Group collected company records from multiple sources to create a Master Vendor table. Data sources included in the study are shown in **Table 5-2**.

**Table 5-2
Montana Department of Transportation Vendor Data Sources**

MASTER VENDOR DATA SOURCES
Secretary of State of Montana Vendors
Montana Contractor Association Vendors
State of Montana Electrical Permits
National Minority Suppliers List
National Center for American Indians Vendors
Dunn & Bradstreet Data
DBE Bidders' List by NAICS
MDT Civil Rights DBE Suite
PES/LAS Vendor List
MDT Departmental Vendor Lists

From the vendor sources (totaling 22,448), a total of 14,667 individual construction vendors, and 2528 individual professional services vendors were included in the Master Vendor Table. In order to limit the vendors to the type of services contracted by MDT, below is a list of the types of vendors that were excluded (**Table 5-3**). The final Master Vendor Table included 5,813 construction vendors and 2,452 professional services vendors.

**Table 5-3
Types of Vendors excluded from Study**

VENDORS EXCLUDED		
Air Transportation/Airlines	Farming/Cattle Feed	Personal Care Services
Amusement and Recreation	Fitness/Sports Centers	Pharmacies
Apartment/Rental Complex	Fisheries	Radio/TV Broadcasting
Associations/Nonprofits	Florists/Novelty/Gift Shops	Real Estate Agency
Banking/Financial Institutes	Food Services/Processing	Schools and Instruction
Bars/Lounges/Clubs	Gambling/Gaming	Sporting Goods/Supplies
Barber/Beauty Shops	Gas Stations/Convenience Stores	Touring/Sightseeing
Breweries/Wineries	Government Agencies	Transit Vehicle Dealers
Car Rentals	Grocery/Supermarkets	Travel Agency
Catering/Restaurants	Ground Transportation	US Postal Services
Cemeteries/Funeral Services	Hotels/Motels/Resorts	Union/Labor Groups
Childcare/Daycare	Insurance	University/Schools/Colleges
Clothing Stores	Museums/National Parks/Zoo	Unknown Data (address, services provided, etc.)
Duplicates	Nonprofit Organizations	Utilities
Employee/Individual	Nursing Home/Hospice	
Entertainment/Theatres	Pet Care/Grooming	

Contract and Subcontract Data Collection

Electronic and hardcopy data was provided by MDT for contracts awarded during the seven-year study period. The Wilson Group created a contract table, which included prime contractor and subcontractor data. The following is a list of the contracting sources utilized:

- MDT Contract Data
- DBE Contract Tracking
- CTEP Contract Data (FY2005)
- Highway Safety Contract Data

A contract database was compiled using the above mentioned sources. Based on the parameters of the study that were discussed with the client's contract manager, certain contracts were excluded from further analysis. Reasons for exclusion include contracts that were:

- Out of the Study Period - the study period included activity occurring between October 1, 1999 and September 30, 2006.
- State Funded - the study included only federally funded contracts.
- Contracts with missing variables - missing contractor information.

Once all data were cleaned, a total of 1,311 contracts and 3497 subcontracts were included in the market area analysis. The total federally funded contract dollars expended by the MDT for prime contracts and subcontracts was \$1,511,218,775.

Table 5-4 shows the actual number of prime contracts and subcontracts for each business category analyzed for the study:

Table 5-4
Number of MDT prime contracts and subcontracts by Business Category

MDT Prime Contracts		
Business Category	Contract Amounts	# of Contracts
Construction	\$1,404,630,921.00	921
Professional Services	\$ 106,587,854.00	390
Total	\$1,511,218,775.00	1311
MDT Subcontracts		
Business Category	Amount of Payments	# of Contracts
Construction	\$ 429,091,075.96	3130
Professional Services	\$ 11,536,435.17	367
Total	\$440,627,511.13	3497

5.2 Market Area Analysis

The geographic market area methodology was initially established through anti-trust case law and has been required by Court decisions, beginning with *Richmond v. Croson*,¹ for business disparity studies.

The accepted methodology for determining the geographic market area is the area that includes the location of prime contractors who received 75 percent of MDTs contract dollars. In the case of MDT, firms located in Montana were awarded over 98 percent of the contract dollars.

¹ 488 U.S. 469 (1989).

The significance of the relevant market area is that further analysis within the context of this study will focus primarily on activity occurring within the state of Montana.

During the study period, MDT expended over \$1.5 billion on federally funded contracts, utilizing 207 individual firms on 1,311 contracts. **Table 5-5** presents dollar amounts and percentage of contracts for MDTs relevant market area. The utilization, availability and disparity analyses will use only the contracts included in the relevant market area.

Table 5-5
Relevant Market Area
Fiscal Years 2000 - 2006
Montana Department of Transportation

	State of Montana	Totals
Total Dollars	\$1,511,218,775	\$1,511,218,775
Percent of Dollars	98.61%	98.61%
Percent of Contracts	98.50%	98.50%

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
 Note: Total dollars awarded may not equal the total due to rounding

5.3 Prime Contractor Utilization Analysis

For each business category the Wilson Group conducted utilization analyses of all DBE and non-DBE prime and subcontractors during the study period.

The overall utilization analysis of prime contractors for the MDT is shown in **Table 5-6**. DBEs were awarded over \$62.0 million or 4.11 percent of the total federal prime contracting dollars expended by the MDT during the seven year study period. The most utilized DBEs as prime contractors were firms owned by Women, receiving over \$46.6 million or 3.09 percent of the total amount of federally funded contracts; Native Americans were second, receiving over \$11.1 million or 0.74 percent. Firms owned by Hispanic Americans did not receive any prime contracting federal dollars spent within the seven year study period.

5.3.1 Business Categories Combined - District 1 (Missoula)

The overall utilization analysis of prime contractors in District 1 is shown in **Table 5-7**. The total amount expended in District 1 was over \$307.9 million or 20.38 percent of the total federal dollars spent on construction and professional services projects. During the seven year study period, DBEs were awarded over \$12.3 million or 4.00 percent of the total federal contracting dollars expended in District 1 by the MDT. The DBEs most utilized as prime contractors were firms owned by Women, receiving over \$8.3 million or 2.71 percent, followed by Native Americans receiving over \$2.7 million or 0.90 percent of the total funds expended in District 1 for construction and professional services projects.

Table 5-6
 Business Categories Combined
 Fiscal Years 2000 - 2006
 Prime Contractor Utilization - Contracts & Firms
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Total DBEs	Non-DBEs	TOTALS
Total Prime Contractor Dollars Percent of Dollars	\$1,953,630 0.13%	\$11,134,565 0.74%	\$2,335,353 0.15%	\$0 0.00%	\$46,632,490 3.09%	\$62,056,039 4.11%	\$1,449,162,737 95.89%	\$1,511,218,775 100.00%
Total Number of Contracts Percent of Contracts	8 0.61%	38 2.90%	36 2.75%	0 0.00%	197 15.03%	279 21.28%	1,032 78.72%	1,311 100.00%
Individual Firms Utilized Percent of Firms	1 0.48%	5 2.42%	1 0.48%	0 0.00%	21 10.14%	28 13.53%	179 86.47%	207 100.00%

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.

Note: Total dollars awarded may not equal the total due to rounding

Table 5-7
Business Categories Combined
Fiscal Years 2000 - 2006
Prime Contractor Utilization_DISTRICT 1 (Missoula)
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Total DBEs	Non-DBEs	Total Dollars Awarded
2000	\$744,437 2.04%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$639,976 1.75%	\$1,384,413 3.79%	\$35,154,559 96.21%	\$36,538,972
2001	\$463,173 1.72%	\$32,035 0.12%	\$0 0.00%	\$0 0.00%	\$487,125 1.81%	\$982,333 3.65%	\$25,919,809 96.35%	\$26,902,142
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$1,128,109 2.89%	\$1,128,109 2.89%	\$37,872,996 97.11%	\$39,001,105
2003	\$0 0.00%	\$264,962 0.81%	\$0 0.00%	\$0 0.00%	\$2,284,876 6.95%	\$2,549,838 7.75%	\$30,331,228 92.25%	\$32,881,066
2004	\$0 0.00%	\$1,702,652 3.94%	\$0 0.00%	\$0 0.00%	\$1,905,245 4.41%	\$3,607,896 8.35%	\$39,598,828 91.65%	\$43,206,724
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$465,334 0.77%	\$465,334 0.77%	\$59,699,924 99.23%	\$60,165,258
2006	\$0 0.00%	\$760,437 1.10%	\$0 0.00%	\$0 0.00%	\$1,449,126 2.09%	\$2,209,563 3.19%	\$67,017,560 96.81%	\$69,227,123
Total	\$1,207,609 0.39%	\$2,760,086 0.90%	\$0 0.00%	\$0 0.00%	\$8,359,792 2.71%	\$12,327,487 4.00%	\$295,594,903 96.00%	\$307,922,390

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.

Note: Total dollars awarded may not equal the total due to rounding

5.3.2 Business Categories Combined - District 2 (Butte)

The overall utilization analysis of prime contractors in District 2 is shown in **Table 5-8**. The total amount expended in District 2 was over \$283.1 million or 18.74 percent of the total federal dollars spent on construction and professional services projects. During the seven year study period, DBEs were awarded over \$11.8 million or 4.17 percent of the total federal contracting dollars expended in District 2 by the MDT. The DBEs most utilized as prime contractors were owned firms by Women, receiving over \$10.2 million or 3.62 percent, followed by Native Americans receiving \$595,240 or 0.21; followed closely by Asian Pacific Americans receiving \$576,065 or 0.20 percent of the total funds expended in District 2 for construction and professional services projects.

5.3.3 Business Categories Combined - District 3 (Great Falls)

The overall utilization analysis of prime contractors in District 3 is shown in **Table 5-9**. The total amount expended in District 3 was over \$242.3 million or 16.04 percent of the total federal dollars spent on construction and professional services projects. During the seven year study period, DBEs were awarded over \$9.4 million or 3.92 percent of the total federal contracting dollars expended in District 3 by the MDT. The only DBEs utilized as prime contractors were firms owned by Women, receiving over \$6.6 million or 2.73 percent, followed by Native Americans receiving over \$2.6 million or 1.11 percent; followed by Asian Pacific Americans receiving \$200,101 or 0.08 percent of the total funds expended in District 3 for construction and professional services projects.

5.3.4 Business Categories Combined - District 4 (Glendive)

The overall utilization analysis of prime contractors in District 4 is shown in **Table 5-10**. The total amount expended in District 4 was over \$357.2 million or 23.64 percent of the total federal dollars spent on construction and professional services projects. During the seven year study period, DBEs were awarded over \$10.3 million or 2.90 percent of the total federal contracting dollars expended in District 4 by the MDT. The DBEs most utilized as prime contractors were firms owned by Women, receiving over \$7.6 million or 2.13 percent; followed by Native Americans receiving over \$1.6 million or 0.48 percent; followed by Asian Pacific Americans receiving over \$1.0 million or 0.30 percent of the total funds expended in District 4 for construction and professional services projects.

Table 5-8
Business Categories Combined
Fiscal Years 2000 - 2006
Prime Contractor Utilization_DISTRICT 2 (Butte)
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Total DBEs	Non-DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$82,497 0.14%	\$63,500 0.11%	\$0 0.00%	\$663,032 1.11%	\$809,028 1.35%	\$59,085,302 98.65%	\$59,894,330
2001	\$380,384 0.94%	\$51,599 0.13%	\$160,499 0.39%	\$0 0.00%	\$211,704 0.52%	\$804,186 1.98%	\$39,852,123 98.02%	\$40,656,308
2002	\$0 0.00%	\$81,132 0.18%	\$108,753 0.25%	\$0 0.00%	\$491,817 1.12%	\$681,702 1.55%	\$43,354,407 98.45%	\$44,036,108
2003	\$0 0.00%	\$94,944 0.24%	\$195,849 0.49%	\$0 0.00%	\$1,319,141 3.29%	\$1,609,934 4.01%	\$38,533,442 95.99%	\$40,143,376
2004	\$0 0.00%	\$86,850 0.37%	\$47,464 0.20%	\$0 0.00%	\$1,024,058 4.41%	\$1,158,372 4.99%	\$22,038,829 95.01%	\$23,197,201
2005	\$0 0.00%	\$174,800 0.35%	\$0 0.00%	\$0 0.00%	\$4,591,366 9.13%	\$4,766,166 9.48%	\$45,502,951 90.52%	\$50,269,117
2006	\$0 0.00%	\$23,419 0.09%	\$0 0.00%	\$0 0.00%	\$1,961,723 7.85%	\$1,985,142 7.94%	\$23,018,341 92.06%	\$25,003,483
Total	\$380,384 0.13%	\$595,240 0.21%	\$576,065 0.20%	\$0 0.00%	\$10,262,840 3.62%	\$11,814,529 4.17%	\$271,385,394 95.83%	\$283,199,924

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.

Note: Total dollars awarded may not equal the total due to rounding

Table 5-9
Business Categories Combined
Fiscal Years 2000 - 2006
Prime Contractor Utilization_DISTRICT 3 (Great Falls)
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Total DBEs	Non-DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$448,846 1.70%	\$448,846 1.70%	\$25,992,212 98.30%	\$26,441,058
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$1,130,937 4.08%	\$1,130,937 4.08%	\$26,568,459 95.92%	\$27,699,397
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$238,369 0.51%	\$238,369 0.51%	\$46,629,180 99.49%	\$46,867,549
2003	\$0 0.00%	\$1,368,914 3.35%	\$102,015 0.25%	\$0 0.00%	\$1,324,215 3.24%	\$2,795,144 6.83%	\$38,110,891 93.17%	\$40,906,035
2004	\$0 0.00%	\$373,479 0.98%	\$98,086 0.26%	\$0 0.00%	\$1,376,477 3.62%	\$1,848,042 4.87%	\$36,125,403 95.13%	\$37,973,445
2005	\$0 0.00%	\$299,273 0.93%	\$0 0.00%	\$0 0.00%	\$1,217,274 3.80%	\$1,516,547 4.74%	\$30,492,674 95.26%	\$32,009,221
2006	\$0 0.00%	\$644,985 2.12%	\$0 0.00%	\$0 0.00%	\$868,816 2.85%	\$1,513,801 4.97%	\$28,927,860 95.03%	\$30,441,661
Total	\$0 0.00%	\$2,686,651 1.11%	\$200,101 0.08%	\$0 0.00%	\$6,604,934 2.73%	\$9,491,686 3.92%	\$232,846,679 96.08%	\$242,338,365

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.

Note: Total dollars awarded may not equal the total due to rounding

Table 5-10
Business Categories Combined
Fiscal Years 2000 - 2006
Prime Contractor Utilization_ DISTRICT 4 (Glendive)
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Total DBEs	Non-DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$200,715 0.59%	\$0 0.00%	\$713,583 2.10%	\$914,298 2.69%	\$33,094,689 97.31%	\$34,008,987
2001	\$0 0.00%	\$0 0.00%	\$311,197 0.39%	\$0 0.00%	\$461,390 0.57%	\$772,587 0.96%	\$79,513,874 99.04%	\$80,286,461
2002	\$0 0.00%	\$0 0.00%	\$148,171 0.45%	\$0 0.00%	\$0 0.00%	\$148,171 0.45%	\$32,984,067 99.55%	\$33,132,238
2003	\$0 0.00%	\$0 0.00%	\$180,694 0.26%	\$0 0.00%	\$2,232,670 3.27%	\$2,413,364 3.54%	\$65,799,059 96.46%	\$68,212,423
2004	\$0 0.00%	\$1,699,692 2.88%	\$214,161 0.36%	\$0 0.00%	\$1,906,407 3.23%	\$3,820,260 6.47%	\$55,218,939 93.53%	\$59,039,199
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$1,276,390 2.40%	\$1,276,390 2.40%	\$51,845,424 97.60%	\$53,121,814
2006	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$1,033,231 3.51%	\$1,033,231 3.51%	\$28,425,555 96.49%	\$29,458,787
Total	\$0 0.00%	\$1,699,692 0.48%	\$1,054,938 0.30%	\$0 0.00%	\$7,623,672 2.13%	\$10,378,302 2.90%	\$346,881,608 97.10%	\$357,259,910

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.

Note: Total dollars awarded may not equal the total due to rounding

5.3.5 Business Categories Combined - District 5 (Billings)

The overall utilization analysis of prime contractors in District 5 is shown in **Table 5-11**. The total amount expended in District 5 was over \$234.5 million or 15.52 percent of the total federal dollars spent on construction and professional services projects. During the seven year study period, DBEs were awarded over \$9.1 million or 3.90 percent of the total federal contracting dollars expended in District 5 by the MDT. The DBEs utilized as prime contractors were firms owned by Women, receiving over \$6.3 million or 2.71 percent, followed by Native Americans receiving over \$1.9 million or 0.82 percent; followed by Asian Pacific Americans receiving \$504,249 or 0.22; followed closely by Black Americans, receiving \$365,637 or 0.16 percent of the total funds expended in District 5 for construction and professional services projects.

5.3.6 Business Categories Combined - (Multiple Districts)

The overall utilization analysis of prime contractors for contracts awarded in Multiple Districts is shown in **Table 5-12**. The total amount expended for contracts awarded in Multiple Districts was over \$9.6 million or 0.64 percent of the total federal dollars spent on construction and professional services projects. During the seven year study period, all prime contractors utilized for contracts awarded in Multiple Districts were non-DBE owned firms.

5.3.7 Business Categories Combined - (Headquarters)

The overall utilization analysis of prime contractors awarded contracts by MDTs Headquarters is shown in **Table 5-13**. The total amount expended by MDTs Headquarters was over \$71.2 million or 4.71 percent of the total federal dollars spent on construction and professional services projects. During the seven year study period, DBEs were awarded over \$8.7 million or 12.35 percent of the total federal contracting dollars expended by MDTs Headquarters. The only DBEs utilized as prime contractors were firms owned by Women, receiving over \$7.3 million or 10.29 percent, followed by Native Americans receiving over \$1.4 million or 2.07 percent of the total federal funds expended by MDTs Headquarters for construction and professional services projects.

Table 5-11
Business Categories Combined
Fiscal Years 2000 - 2006
Prime Contractor Utilization_DISTRICT 5 (Billings)
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Total DBEs	Non-DBEs	Total Dollars Awarded
2000	\$15,980 0.06%	\$247,667 1.00%	\$71,413 0.29%	\$0 0.00%	\$1,048,500 4.24%	\$1,383,561 5.59%	\$23,352,036 94.41%	\$24,735,597
2001	\$349,657 0.81%	\$19,697 0.05%	\$114,673 0.27%	\$0 0.00%	\$421,466 0.98%	\$905,493 2.10%	\$42,219,038 97.90%	\$43,124,530
2002	\$0 0.00%	\$24,445 0.11%	\$36,310 0.16%	\$0 0.00%	\$1,099,463 4.95%	\$1,160,217 5.22%	\$21,045,947 94.78%	\$22,206,165
2003	\$0 0.00%	\$977,537 2.69%	\$0 0.00%	\$0 0.00%	\$840,756 2.32%	\$1,818,293 5.01%	\$34,464,326 94.99%	\$36,282,620
2004	\$0 0.00%	\$0 0.00%	\$207,501 0.61%	\$0 0.00%	\$659,004 1.93%	\$866,505 2.54%	\$33,212,775 97.46%	\$34,079,279
2005	\$0 0.00%	\$0 0.00%	\$74,353 0.54%	\$0 0.00%	\$658,909 4.76%	\$733,261 5.30%	\$13,097,798 94.70%	\$13,831,059
2006	\$0 0.00%	\$651,996 1.08%	\$0 0.00%	\$0 0.00%	\$1,633,045 2.71%	\$2,285,041 3.79%	\$57,971,680 96.21%	\$60,256,721
Total	\$365,637 0.16%	\$1,921,342 0.82%	\$504,249 0.22%	\$0 0.00%	\$6,361,142 2.71%	\$9,152,371 3.90%	\$225,363,601 96.10%	\$234,515,972

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.

Note: Total dollars awarded may not equal the total due to rounding

Table 5-12
 Business Categories Combined
 Fiscal Years 2000 - 2006
 Prime Contractor Utilization_ MULTIPLE DISTRICTS
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Total DBEs	Non-DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$105,386 100.00%	\$105,386
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$37,188 100.00%	\$37,188
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$5,662,803 100.00%	\$5,662,803
2003	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$197,621 100.00%	\$197,621
2004	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$323,729 100.00%	\$323,729
2006	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$3,362,963 100.00%	\$3,362,963
Total	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$9,689,690 100.00%	\$9,689,690

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.

Note: Total dollars awarded may not equal the total due to rounding

Table 5-13
Business Categories Combined
Fiscal Years 2000 - 2006
Prime Contractor Utilization_HEADQUARTERS
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Total DBEs	Non-DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$185,000 3.60%	\$185,000 3.60%	\$4,947,526 96.40%	\$5,132,526
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$1,105,773 7.59%	\$1,105,773 7.59%	\$13,468,057 92.41%	\$14,573,830
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$556,577 7.00%	\$556,577 7.00%	\$7,392,238 93.00%	\$7,948,815
2003	\$0 0.00%	\$1,213,363 10.29%	\$0 0.00%	\$0 0.00%	\$1,492,179 12.66%	\$2,705,542 22.96%	\$9,080,541 77.04%	\$11,786,082
2004	\$0 0.00%	\$100,000 0.80%	\$0 0.00%	\$0 0.00%	\$1,731,955 13.93%	\$1,831,955 14.74%	\$10,600,250 85.26%	\$12,432,205
2005	\$0 0.00%	\$158,190 1.53%	\$0 0.00%	\$0 0.00%	\$826,884 7.98%	\$985,074 9.51%	\$9,375,542 90.49%	\$10,360,616
2006	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$1,429,743 15.87%	\$1,429,743 15.87%	\$7,577,418 84.13%	\$9,007,161
Total	\$0 0.00%	\$1,471,553 2.07%	\$0 0.00%	\$0 0.00%	\$7,328,111 10.29%	\$8,799,664 12.35%	\$62,441,571 87.65%	\$71,241,235

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.

Note: Total dollars awarded may not equal the total due to rounding

5.3.8 Business Categories Combined - (Statewide)

The overall utilization analysis of prime contractors awarded Statewide contracts is shown in **Table 5-14**. The total amount expended for Statewide contracts was over \$5.0 million or 0.33 percent of the total federal dollars spent on construction and professional services projects. The only DBE s utilized were Women owned firms, receiving \$92,000 or 1.82 percent of the Statewide contracts awarded by the MDT.

5.3.9 Construction

The utilization analysis of prime contractors for Construction projects is shown in **Table 5-15**. Construction projects account for 92.95 percent of the federally funded contracts awarded by the MDT. During the seven year study period, DBEs were awarded \$50.4 million or 3.59 percent of the total federal prime contracting dollars expended by the MDT for Construction projects. The most utilized DBEs were firms owned by Women, receiving over \$35.2 million, or 2.51 percent; followed by Native Americans, receiving over \$10.8 million or 0.77 percent of the construction contract dollars awarded. Hispanic Americans did not receive any of the federally funded prime contract dollars spent for Construction projects.

5.3.10 Construction - District 1 (Missoula)

The overall utilization analysis of prime contractors in District 1 is shown in **Table 5-16**. The total amount expended in District 1 was over \$292.4 million or 20.82 percent of the total federal dollars spent on construction projects. During the seven year study period, DBEs were awarded over \$12.3 million or 4.22 percent of the total federal contracting dollars expended in District 1 by the MDT. The DBEs utilized as prime contractors were firms owned by Women, receiving over \$8.3 million or 2.86 percent; followed by Native Americans, receiving over \$2.7 million or 0.94 percent; followed by Black Americans, receiving over 1.2 million or 0.41 percent of the total federally funded contract dollars expended in District 1 for construction projects.

5.3.11 Construction - District 2 (Butte)

The overall utilization analysis of prime contractors in District 2 is shown in **Table 5-17**. The total amount expended in District 2 was over \$275.4 million or 19.61 percent of the total federal dollars spent on construction projects. During the seven year study period, DBEs were awarded over \$10.1 million or 3.68 percent of the total federal contracting dollars expended in District 2 by the MDT. The DBEs most utilized as prime contractors were firms owned by Women, receiving over \$8.5 million or 3.12 percent; followed by Native Americans receiving \$595,240 or 0.22; followed closely by Asian Pacific Americans receiving \$576,065 or 0.21 percent; followed by Black Americans, receiving \$380,384 or 0.14 percent of the total federally funded contract dollars expended in District 2 for construction projects.

Table 5-14
Business Categories Combined
Fiscal Years 2000 - 2006
Prime Contractor Utilization_STATEWIDE
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Total DBEs	Non-DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$65,000 3.46%	\$65,000 3.46%	\$1,811,594 96.54%	\$1,876,594
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$50,000 100.00%	\$50,000
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$1,163,000 100.00%	\$1,163,000
2003	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2004	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$1,834,696 100.00%	\$1,834,696
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$100,000 100.00%	\$100,000
2006	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$27,000 100.00%	\$27,000 100.00%	\$0 0.00%	\$27,000
Total	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$92,000 1.82%	\$92,000 1.82%	\$4,959,290 98.18%	\$5,051,290

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.

Note: Total dollars awarded may not equal the total due to rounding

Table 5-15
 Construction
 Fiscal Years 2000 - 2006
 Prime Contractor Utilization - Contracts & Firms
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Total DBEs	Non-DBEs	TOTALS
Total Prime Contractor Dollars Percent of Dollars	\$1,953,630 0.14%	\$10,876,375 0.77%	\$2,335,353 0.17%	\$0 0.00%	\$35,295,551 2.51%	\$50,460,909 3.59%	\$1,354,170,013 96.41%	\$1,404,630,921 100.00%
Total Number of Contracts Percent of Contracts	8 0.87%	36 3.91%	36 3.91%	0 0.00%	147 15.96%	227 24.65%	694 75.35%	921 100.00%
Individual Firms Utilized Percent of Firms	1 0.76%	4 3.05%	1 0.76%	0 0.00%	14 10.69%	20 15.27%	111 84.73%	131 100.00%

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.

Note: Total dollars awarded may not equal the total due to rounding

Table 5-16
Construction
Fiscal Years 2000 - 2006
Prime Contractor Utilization_DISTRICT 1 (Missoula)
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Total DBEs	Non-DBEs	Total Dollars Awarded
2000	\$744,437 2.05%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$639,976 1.76%	\$1,384,413 3.81%	\$34,929,559 96.19%	\$36,313,972
2001	\$463,173 1.72%	\$32,035 0.12%	\$0 0.00%	\$0 0.00%	\$487,125 1.81%	\$982,333 3.65%	\$25,919,809 96.35%	\$26,902,142
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$1,128,109 3.90%	\$1,128,109 3.90%	\$27,777,805 96.10%	\$28,905,914
2003	\$0 0.00%	\$264,962 0.82%	\$0 0.00%	\$0 0.00%	\$2,284,876 7.05%	\$2,549,838 7.86%	\$29,881,228 92.14%	\$32,431,066
2004	\$0 0.00%	\$1,702,652 4.25%	\$0 0.00%	\$0 0.00%	\$1,905,245 4.75%	\$3,607,896 9.00%	\$36,497,642 91.00%	\$40,105,538
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$465,334 0.79%	\$465,334 0.79%	\$58,708,533 99.21%	\$59,173,867
2006	\$0 0.00%	\$760,437 1.11%	\$0 0.00%	\$0 0.00%	\$1,449,126 2.11%	\$2,209,563 3.22%	\$66,420,706 96.78%	\$68,630,269
Total	\$1,207,609 0.41%	\$2,760,086 0.94%	\$0 0.00%	\$0 0.00%	\$8,359,792 2.86%	\$12,327,487 4.22%	\$280,135,281 95.78%	\$292,462,768

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.

Note: Total dollars awarded may not equal the total due to rounding

Table 5-17
Construction
Fiscal Years 2000 - 2006
Prime Contractor Utilization_DISTRICT 2 (Butte)
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Total DBEs	Non-DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$82,497 0.14%	\$63,500 0.11%	\$0 0.00%	\$663,032 1.11%	\$809,028 1.36%	\$58,851,435 98.64%	\$59,660,463
2001	\$380,384 0.95%	\$51,599 0.13%	\$160,499 0.40%	\$0 0.00%	\$211,704 0.53%	\$804,186 2.01%	\$39,126,401 97.99%	\$39,930,586
2002	\$0 0.00%	\$81,132 0.19%	\$108,753 0.25%	\$0 0.00%	\$491,817 1.12%	\$681,702 1.56%	\$43,144,749 98.44%	\$43,826,450
2003	\$0 0.00%	\$94,944 0.24%	\$195,849 0.49%	\$0 0.00%	\$1,319,141 3.32%	\$1,609,934 4.05%	\$38,133,442 95.95%	\$39,743,376
2004	\$0 0.00%	\$86,850 0.38%	\$47,464 0.21%	\$0 0.00%	\$1,024,058 4.48%	\$1,158,372 5.07%	\$21,700,244 94.93%	\$22,858,616
2005	\$0 0.00%	\$174,800 0.37%	\$0 0.00%	\$0 0.00%	\$2,911,345 6.21%	\$3,086,145 6.58%	\$43,832,334 93.42%	\$46,918,479
2006	\$0 0.00%	\$23,419 0.10%	\$0 0.00%	\$0 0.00%	\$1,961,723 8.71%	\$1,985,142 8.82%	\$20,525,632 91.18%	\$22,510,774
Total	\$380,384 0.14%	\$595,240 0.22%	\$576,065 0.21%	\$0 0.00%	\$8,582,819 3.12%	\$10,134,508 3.68%	\$265,314,236 96.32%	\$275,448,745

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.

Note: Total dollars awarded may not equal the total due to rounding

5.3.12 Construction - District 3 (Great Falls)

The overall utilization analysis of prime contractors in District 3 is shown in **Table 5-18**. The total amount expended in District 3 was over \$239.1 million or 17.02 percent of the total federal dollars spent on construction projects. During the seven year study period, DBEs were awarded over \$9.2 million or 3.89 percent of the total federal contracting dollars expended in District 3 by the MDT. The DBEs most utilized as prime contractors were firms owned by Women, receiving over \$6.4 million or 2.68 percent; followed by Native Americans receiving over \$2.6 million or 1.12 percent; followed by Asian Pacific Americans receiving \$200,101 or 0.08 percent of the total federally funded contract dollars expended in District 3 for construction projects.

5.3.13 Construction - District 4 (Glendive)

The overall utilization analysis of prime contractors in District 4 is shown in **Table 5-19**. The total amount expended in District 4 was over \$355.0 million or 25.28 percent of the total federal dollars spent on construction projects. During the seven year study period, DBEs were awarded over \$9.9 million or 2.79 percent of the total federal contracting dollars expended in District 4 by the MDT. The DBEs most utilized as prime contractors were firms owned by Women, receiving over \$7.1 million or 2.01 percent; followed by Native Americans receiving over \$1.6 million or 0.48 percent; followed by Asian Pacific Americans receiving over \$1.0 million or 0.30 percent of the total federally funded contract dollars expended in District 4 for construction projects.

5.3.14 Construction - District 5 (Billings)

The overall utilization analysis of prime contractors in District 5 is shown in **Table 5-20**. The total amount expended in District 5 was over \$227.7 million or 16.21 percent of the total federal dollars spent on construction projects. During the seven year study period, DBEs were awarded over \$7.2 million or 3.16 percent of the total federal contracting dollars expended in District 5 by the MDT. The DBEs utilized as prime contractors were firms owned by Women, receiving over \$4.4 million or 1.94 percent; followed by Native Americans receiving over \$1.9 million or 0.84 percent; followed by Asian Pacific Americans receiving \$504,249 or 0.22 percent; followed by Black Americans receiving \$365,637 or 0.16 percent of the total funds expended in District 5 for construction projects.

Table 5-18
Construction
Fiscal Years 2000 - 2006
Prime Contractor Utilization_DISTRICT 3 (Great Falls)
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Total DBEs	Non-DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$448,846 1.73%	\$448,846 1.73%	\$25,547,644 98.27%	\$25,996,490
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$1,130,937 4.08%	\$1,130,937 4.08%	\$26,568,459 95.92%	\$27,699,397
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$238,369 0.52%	\$238,369 0.52%	\$45,241,162 99.48%	\$45,479,531
2003	\$0 0.00%	\$1,368,914 3.38%	\$102,015 0.25%	\$0 0.00%	\$1,324,215 3.27%	\$2,795,144 6.91%	\$37,672,629 93.09%	\$40,467,773
2004	\$0 0.00%	\$373,479 0.99%	\$98,086 0.26%	\$0 0.00%	\$1,376,477 3.64%	\$1,848,042 4.89%	\$35,954,921 95.11%	\$37,802,963
2005	\$0 0.00%	\$299,273 0.95%	\$0 0.00%	\$0 0.00%	\$1,020,282 3.23%	\$1,319,555 4.17%	\$30,292,674 95.83%	\$31,612,229
2006	\$0 0.00%	\$644,985 2.15%	\$0 0.00%	\$0 0.00%	\$868,816 2.89%	\$1,513,801 5.04%	\$28,549,750 94.96%	\$30,063,551
Total	\$0 0.00%	\$2,686,651 1.12%	\$200,101 0.08%	\$0 0.00%	\$6,407,942 2.68%	\$9,294,694 3.89%	\$229,827,239 96.11%	\$239,121,933

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.

Note: Total dollars awarded may not equal the total due to rounding

Table 5-19
Construction
Fiscal Years 2000 - 2006
Prime Contractor Utilization_DISTRICT 4 (Glendive)
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Total DBEs	Non-DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$200,715 0.60%	\$0 0.00%	\$563,583 1.67%	\$764,298 2.27%	\$32,922,157 97.73%	\$33,686,455
2001	\$0 0.00%	\$0 0.00%	\$311,197 0.39%	\$0 0.00%	\$461,390 0.58%	\$772,587 0.96%	\$79,381,862 99.04%	\$80,154,449
2002	\$0 0.00%	\$0 0.00%	\$148,171 0.45%	\$0 0.00%	\$0 0.00%	\$148,171 0.45%	\$32,903,671 99.55%	\$33,051,842
2003	\$0 0.00%	\$0 0.00%	\$180,694 0.27%	\$0 0.00%	\$2,082,670 3.07%	\$2,263,364 3.34%	\$65,599,059 96.66%	\$67,862,423
2004	\$0 0.00%	\$1,699,692 2.88%	\$214,161 0.36%	\$0 0.00%	\$1,906,407 3.23%	\$3,820,260 6.47%	\$55,196,405 93.53%	\$59,016,665
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$1,101,390 2.09%	\$1,101,390 2.09%	\$51,670,424 97.91%	\$52,771,814
2006	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$1,033,231 3.62%	\$1,033,231 3.62%	\$27,478,319 96.38%	\$28,511,551
Total	\$0 0.00%	\$1,699,692 0.48%	\$1,054,938 0.30%	\$0 0.00%	\$7,148,672 2.01%	\$9,903,302 2.79%	\$345,151,898 97.21%	\$355,055,200

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.

Note: Total dollars awarded may not equal the total due to rounding

Table 5-20
 Construction
 Fiscal Years 2000 - 2006
 Prime Contractor Utilization_DISTRICT 5 (Billings)
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Total DBEs	Non-DBEs	Total Dollars Awarded
2000	\$15,980 0.07%	\$247,667 1.04%	\$71,413 0.30%	\$0 0.00%	\$439,206 1.84%	\$774,267 3.24%	\$23,152,036 96.76%	\$23,926,303
2001	\$349,657 0.84%	\$19,697 0.05%	\$114,673 0.28%	\$0 0.00%	\$421,466 1.01%	\$905,493 2.18%	\$40,675,001 97.82%	\$41,580,493
2002	\$0 0.00%	\$24,445 0.11%	\$36,310 0.17%	\$0 0.00%	\$366,167 1.71%	\$426,921 1.99%	\$20,980,926 98.01%	\$21,407,848
2003	\$0 0.00%	\$977,537 2.72%	\$0 0.00%	\$0 0.00%	\$490,756 1.37%	\$1,468,293 4.09%	\$34,464,326 95.91%	\$35,932,620
2004	\$0 0.00%	\$0 0.00%	\$207,501 0.63%	\$0 0.00%	\$659,004 1.99%	\$866,505 2.62%	\$32,234,323 97.38%	\$33,100,827
2005	\$0 0.00%	\$0 0.00%	\$74,353 0.54%	\$0 0.00%	\$658,909 4.80%	\$733,261 5.35%	\$12,982,145 94.65%	\$13,715,406
2006	\$0 0.00%	\$651,996 1.12%	\$0 0.00%	\$0 0.00%	\$1,374,695 2.37%	\$2,026,691 3.49%	\$56,027,646 96.51%	\$58,054,337
Total	\$365,637 0.16%	\$1,921,342 0.84%	\$504,249 0.22%	\$0 0.00%	\$4,410,202 1.94%	\$7,201,431 3.16%	\$220,516,404 96.84%	\$227,717,835

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.

Note: Total dollars awarded may not equal the total due to rounding

5.3.15 Construction - (Multiple Districts)

The overall utilization analysis of prime contractors for contracts awarded in Multiple Districts is shown in **Table 5-21**. The total amount expended for contracts awarded in Multiple Districts was over \$9.3 million or 0.67 percent of the total federal dollars spent on construction and projects. During the seven year study period, all prime contractors utilized on contracts awarded in Multiple Districts were non-DBE owned firms.

5.3.16 Construction - (Headquarters)

The overall utilization analysis of prime contractors awarded contracts by MDTs Headquarters is shown in **Table 5-22**. The total amount expended by MDTs Headquarters was over \$2.4 million or 0.17 percent of the total federal dollars spent on construction projects. During the seven year study period, DBEs were awarded over \$1.5 million or 65.90 percent of the total federal contracting dollars expended by MDTs Headquarters. The only DBEs utilized as prime contractors were firms owned by Native Americans, receiving over \$1.2 million or 49.99 percent and Women, receiving over \$386,124 or 15.91 percent of the total federally funded contract dollars expended by MDTs Headquarters for construction projects.

5.3.17 Construction - (Statewide)

The overall utilization analysis of prime contractors awarded Statewide contracts is shown in **Table 5-23**. The total amount expended for Statewide contracts was over \$3.0 million or 0.22 percent of the total federal dollars spent on construction projects. During the seven year study period, all prime contractors awarded Statewide construction contracts were non-DBE owned firms.

5.3.18 Professional Services

The utilization analysis of prime contractors for Professional Services provided to the MDT is shown in **Table 5-24**. Professional Services accounts for 7.05 percent of the total federal dollars awarded by the MDT. During the seven year study period, DBEs received \$11.5 million or 10.88 percent of the total federal prime contracting dollars expended by the MDT for professional services. The only utilized DBEs were Women owned firms, receiving \$11.3 million or 10.64 percent and Native American owned firms, receiving \$258,190 or 0.24 of the federal dollars expended by the MDT for professional services.

Table 5-21
 Construction
 Fiscal Years 2000 - 2006
 Prime Contractor Utilization_MULTIPLE DISTRICTS
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Total DBEs	Non-DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$5,662,803 100.00%	\$5,662,803
2003	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2004	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$323,729 100.00%	\$323,729
2006	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$3,362,963 100.00%	\$3,362,963
Total	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$9,349,495 100.00%	\$9,349,495

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.

Note: Total dollars awarded may not equal the total due to rounding

Table 5-22
Construction
Fiscal Years 2000 - 2006
Prime Contractor Utilization_HEADQUARTERS
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Total DBEs	Non-DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$7,977 41.54%	\$7,977 41.54%	\$11,225 58.46%	\$19,202
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$278,147 72.75%	\$278,147 72.75%	\$104,165 27.25%	\$382,312
2003	\$0 0.00%	\$1,213,363 92.96%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$1,213,363 92.96%	\$91,886 7.04%	\$1,305,249
2004	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$100,000 26.63%	\$100,000 26.63%	\$275,515 73.37%	\$375,515
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$337,872 100.00%	\$337,872
2006	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$7,100 100.00%	\$7,100
Total	\$0 0.00%	\$1,213,363 49.99%	\$0 0.00%	\$0 0.00%	\$386,124 15.91%	\$1,599,487 65.90%	\$827,763 34.10%	\$2,427,250

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.

Note: Total dollars awarded may not equal the total due to rounding

Table 5-23
 Construction
 Fiscal Years 2000 - 2006
 Prime Contractor Utilization_STATEWIDE
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Total DBEs	Non-DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$50,000 100.00%	\$50,000
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$1,163,000 100.00%	\$1,163,000
2003	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2004	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$1,834,696 100.00%	\$1,834,696
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2006	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
Total	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$3,047,696 100.00%	\$3,047,696

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.
 Note: Total dollars awarded may not equal the total due to rounding

Table 5-24
 Professional Services
 Fiscal Years 2000 - 2006
 Prime Contractor Utilization - Contracts & Firms
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Total DBEs	Non-DBEs	TOTALS
Total Prime Contractor Dollars	\$0	\$258,190	\$0	\$0	\$11,336,940	\$11,595,130	\$94,992,724	\$106,587,854
Percent of Dollars	0.00%	0.24%	0.00%	0.00%	10.64%	10.88%	89.12%	100.00%
Total Number of Contracts	0	2	0	0	50	52	338	390
Percent of Contracts	0.00%	0.51%	0.00%	0.00%	12.82%	13.33%	86.67%	100.00%
Individual Firms Utilized	0	1	0	0	7	8	70	78
Percent of Firms	0.00%	1.28%	0.00%	0.00%	8.97%	10.26%	89.74%	100.00%

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.

Note: Total dollars awarded may not equal the total due to rounding

5.3.19 Professional Services - District 1 (Missoula)

The overall utilization analysis of prime contractors in District 1 is shown in **Table 5-25**. The total amount expended in District 1 was over \$15.4 million or 14.5 percent of the total federal dollars spent on professional services projects. During the seven year study period, the only prime contractors awarded professional services contracts in District 1 were non-DBE owned firms.

5.3.20 Professional Services - District 2 (Butte)

The overall utilization analysis of prime contractors in District 2 is shown in **Table 5-26**. The total amount expended in District 2 was over \$7.7 million or 7.27 percent of the total federal dollars spent on professional services projects. During the seven year study period, DBEs were awarded over \$1.6 million or 21.67 percent of the total federal contracting dollars expended in District 2 by the MDT. The only DBEs utilized as prime contractors were firms owned by Women.

5.3.21 Professional Services - District 3 (Great Falls)

The overall utilization analysis of prime contractors in District 3 is shown in **Table 5-27**. The total amount expended in District 3 was over \$3.2 million or 3.02 percent of the total federal dollars spent on professional services projects. During the seven year study period, DBEs were awarded \$196,992 or 6.12 percent of the total federal contracting dollars expended in District 3 by the MDT. The only DBEs utilized as prime contractors were firms owned by Women.

5.3.22 Professional Services- District 4 (Glendive)

The overall utilization analysis of prime contractors in District 4 is shown in **Table 5-28**. The total amount expended in District 4 was over \$2.2 million or 2.07 percent of the total federal dollars spent on professional services projects. During the seven year study period, DBEs were awarded \$475,000 or 21.54 percent of the total federal contracting dollars expended in District 4 by the MDT. The only DBEs utilized as prime contractors were firms owned by Women.

5.3.23 Professional Services - District 5 (Billings)

The overall utilization analysis of prime contractors in District 5 is shown in **Table 5-29**. The total amount expended in District 5 was over \$6.7 million or 6.38 percent of the total federal dollars spent on professional services projects. During the seven year study period, DBEs were awarded over \$1.9 million or 28.70 percent of the total federal contracting dollars expended in District 5 by the MDT. The only DBEs utilized as prime contractors were firms owned by Women.

Table 5-25
Professional Services
Fiscal Years 2000 - 2006
Prime Contractor Utilization_ DISTRICT 1 (Missoula)
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Total DBEs	Non-DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$225,000 100.00%	\$225,000
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$10,095,191 100.00%	\$10,095,191
2003	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$450,000 100.00%	\$450,000
2004	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$3,101,186 100.00%	\$3,101,186
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$991,391 100.00%	\$991,391
2006	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$596,854 100.00%	\$596,854
Total	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$15,459,622 100.00%	\$15,459,622

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.

Note: Total dollars awarded may not equal the total due to rounding

Table 5-26
 Professional Services
 Fiscal Years 2000 - 2006
 Prime Contractor Utilization_DISTRICT 2 (Butte)
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Total DBEs	Non-DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$233,867 100.00%	\$233,867
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$725,722 100.00%	\$725,722
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$209,658 100.00%	\$209,658
2003	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$400,000 100.00%	\$400,000
2004	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$338,585 100.00%	\$338,585
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$1,680,021 50.14%	\$1,680,021 50.14%	\$1,670,617 49.86%	\$3,350,638
2006	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$2,492,709 100.00%	\$2,492,709
Total	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$1,680,021 21.67%	\$1,680,021 21.67%	\$6,071,158 78.33%	\$7,751,179

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.

Note: Total dollars awarded may not equal the total due to rounding

Table 5-27
Professional Services
Fiscal Years 2000 - 2006
Prime Contractor Utilization_DISTRICT 3 (Great Falls)
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Total DBEs	Non-DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$444,568 100.00%	\$444,568
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$1,388,018 100.00%	\$1,388,018
2003	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$438,262 100.00%	\$438,262
2004	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$170,482 100.00%	\$170,482
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$196,992 49.62%	\$196,992 49.62%	\$200,000 50.38%	\$396,992
2006	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$378,110 100.00%	\$378,110
Total	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$196,992 6.12%	\$196,992 6.12%	\$3,019,440 93.88%	\$3,216,432

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.

Note: Total dollars awarded may not equal the total due to rounding

Table 5-28
 Professional Services
 Fiscal Years 2000 - 2006
 Prime Contractor Utilization_DISTRICT 4 (Glendive)
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Total DBEs	Non-DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$150,000 46.51%	\$150,000 46.51%	\$172,532 53.49%	\$322,532
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$132,012 100.00%	\$132,012
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$80,396 100.00%	\$80,396
2003	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$150,000 42.86%	\$150,000 42.86%	\$200,000 57.14%	\$350,000
2004	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$22,534 100.00%	\$22,534
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$175,000 50.00%	\$175,000 50.00%	\$175,000 50.00%	\$350,000
2006	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$947,236 100.00%	\$947,236
Total	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$475,000 21.54%	\$475,000 21.54%	\$1,729,710 78.46%	\$2,204,710

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.

Note: Total dollars awarded may not equal the total due to rounding

Table 5-29
 Professional Services
 Fiscal Years 2000 - 2006
 Prime Contractor Utilization_DISTRICT 5 (Billings)
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Total DBEs	Non-DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$609,294 75.29%	\$609,294 75.29%	\$200,000 24.71%	\$809,294
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$1,544,037 100.00%	\$1,544,037
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$733,296 91.86%	\$733,296 91.86%	\$65,021 8.14%	\$798,317
2003	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$350,000 100.00%	\$350,000 100.00%	\$0 0.00%	\$350,000
2004	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$978,452 100.00%	\$978,452
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$115,653 100.00%	\$115,653
2006	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$258,350 11.73%	\$258,350 11.73%	\$1,944,034 88.27%	\$2,202,384
Total	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$1,950,940 28.70%	\$1,950,940 28.70%	\$4,847,197 71.30%	\$6,798,137

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.

Note: Total dollars awarded may not equal the total due to rounding

5.3.24 Professional Services - (Multiple Districts)

The overall utilization analysis of prime contractors for contracts awarded in Multiple Districts is shown in **Table 5-30**. The total amount expended for contracts awarded in Multiple Districts was \$340,195 or 0.32 percent of the total federal dollars spent on professional services projects. During the seven year study period, all prime contractors utilized for contracts awarded in Multiple Districts were non-DBE owned firms.

5.3.25 Professional Services - (Headquarters)

The overall utilization analysis of prime contractors awarded contracts by MDTs Headquarters is shown in **Table 5-31**. The total amount expended by MDTs Headquarters was over \$68.8 million or 64.56 percent of the total federal dollars spent on professional services projects. During the seven year study period, DBEs were awarded over \$7.2 million or 10.46 percent of the total federal contracting dollars expended by MDTs Headquarters. The only DBEs utilized as prime contractors were firms owned by Women, receiving over \$6.9 million or 10.09 percent and Native Americans, receiving \$258,190 or 0.38 percent of the total federal funds expended by MDTs Headquarters for professional services projects.

5.3.26 Professional Services - (Statewide)

The overall utilization analysis of prime contractors awarded Statewide contracts is shown in **Table 5-32**. The total amount expended for Statewide contracts was over \$2.0 million or 1.88 percent of the total federal dollars spent on professional services projects. During the seven year study period, DBEs were awarded \$92,000 or 4.59 percent. The only DBEs utilized as prime contractors were firms owned by Women.

Table 5-30
 Professional Services
 Fiscal Years 2000 - 2006
 Prime Contractor Utilization_MULTIPLE DISTRICTS
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Total DBEs	Non-DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$105,386 0.00%	\$105,386
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$37,188 0.00%	\$37,188
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2003	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$197,621 0.00%	\$197,621
2004	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2006	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
Total	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$340,195 100.00%	\$340,195

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.
 Note: Total dollars awarded may not equal the total due to rounding

Table 5-31
Professional Services
Fiscal Years 2000 - 2006
Prime Contractor Utilization_HEADQUARTERS
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Total DBEs	Non-DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$185,000 3.60%	\$185,000 3.60%	\$4,947,526 96.40%	\$5,132,526
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$1,105,773 7.59%	\$1,105,773 7.59%	\$13,456,832 92.41%	\$14,562,605
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$548,600 7.00%	\$548,600 7.00%	\$7,288,073 93.00%	\$7,836,673
2003	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$1,214,032 11.90%	\$1,214,032 11.90%	\$8,988,655 88.10%	\$10,202,687
2004	\$0 0.00%	\$100,000 0.82%	\$0 0.00%	\$0 0.00%	\$1,731,955 14.25%	\$1,831,955 15.07%	\$10,324,735 84.93%	\$12,156,690
2005	\$0 0.00%	\$158,190 1.59%	\$0 0.00%	\$0 0.00%	\$726,884 7.33%	\$885,074 8.92%	\$9,037,669 91.08%	\$9,922,743
2006	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$1,429,743 15.89%	\$1,429,743 15.89%	\$7,570,318 84.11%	\$9,000,061
Total	\$0 0.00%	\$258,190 0.38%	\$0 0.00%	\$0 0.00%	\$6,941,987 10.09%	\$7,200,177 10.46%	\$61,613,808 89.54%	\$68,813,985

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.

Note: Total dollars awarded may not equal the total due to rounding

Table 5-32
 Professional Services
 Fiscal Years 2000 - 2006
 Prime Contractor Utilization_STATEWIDE
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Total DBEs	Non-DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$65,000 3.46%	\$65,000 3.46%	\$1,811,594 96.54%	\$1,876,594
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2003	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2004	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$100,000 100.00%	\$100,000
2006	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$27,000 100.00%	\$27,000 100.00%	\$0 0.00%	\$27,000
Total	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$92,000 4.59%	\$92,000 4.59%	\$1,911,594 95.41%	\$2,003,594

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.

Note: Total dollars awarded may not equal the total due to rounding

5.4 Subcontractor Utilization Analysis

Subcontractor utilization data were provided by MDT in both electronic and hardcopy format. From the data, the Wilson Group conducted the subcontractor utilization analyses of all federally funded subcontracts awarded by prime contractors during the study period.

The overall subcontractor utilization information presented in **Table 5-33** shows that DBEs received over \$109.4 million in subcontracts with the MDT, which accounts for 7.24 percent of the total amount of federally funded contracts awarded. The most utilized DBEs were owned by Women, receiving \$59.5 million or 3.94 percent; followed by Native American owned firms, receiving \$45.2 million or 3.00 percent; followed by Black American owned firms, receiving over \$2.4 million or 0.16 percent of the total federal contracting dollars spent within the study period.

5.4.1 Business Categories Combined - District 1 (Missoula)

The overall utilization analysis of subcontractors in District 1 is shown in **Table 5-34**. The total amount expended in District 1 was over \$307.9 million or 20.38 percent of the total federal dollars spent on construction and professional services projects. During the seven year study period, DBEs were awarded subcontracts totaling over \$20.2 million or 6.57 percent of the total federal contracting dollars expended in District 1 by the MDT. The DBEs most utilized as subcontractors were owned by Women, receiving over \$13.7 million or 4.48 percent, followed by Native Americans receiving over \$5.7 million or 1.86 percent of the total funds expended in District 1 for construction and professional services projects.

5.4.2 Business Categories Combined - District 2 (Butte)

The overall utilization analysis of subcontractors in District 2 is shown in **Table 5-35**. The total amount expended in District 2 was over \$283.1 million or 18.74 percent of the total federal dollars spent on construction and professional services projects. During the seven year study period, DBEs were awarded subcontracts totaling over \$21.7 million or 7.67 percent of the total federal contracting dollars expended in District 2 by the MDT. The DBEs most utilized as subcontractors were owned by Women, receiving over \$11.5 million or 4.09 percent, followed closely by Native Americans receiving over \$9.5 million or 3.38 percent; followed by Black American owned firms, receiving \$588,375 or 0.21 percent of the total funds expended in District 2 for construction and professional services projects. Asian Pacific and Hispanic American owned firms were not utilized as subcontractors in District 2.

Table 5-33
 Business Categories Combined
 Fiscal Years 2000 - 2006
 Subcontractor Utilization - Contracts & Firms
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	DBE Totals
DBE Subcontract Dollars	\$2,411,993	\$45,266,417	\$961,870	\$1,090,401	\$59,505,456	\$226,338	\$109,462,476
Percent of DBE Subcontract Dollars	2.20%	41.35%	0.88%	1.00%	54.36%	0.21%	100%
Percent of Total Contract Dollars	0.16%	3.00%	0.06%	0.07%	3.94%	0.01%	7.24%
SubContracts Total	54	284	2	23	951	4	1,318
Percent of Contracts	4.10%	21.55%	0.15%	1.75%	72.15%	0.30%	100%
Individual Firms Utilized	1	12	2	4	55	1	75
Percent of Firms	1.33%	16.00%	2.67%	5.33%	73.33%	1.33%	100%

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.

Note: Total dollars awarded may not equal the total due to rounding

Table 5-34
Business Categories Combined
Fiscal Years 2000 - 2006
Subcontractor Utilization_DISTRICT 1 (Missoula)
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	Total DBEs	Total Dollars Awarded
2000	\$304,673 0.83%	\$247,665 0.68%	\$49,047 0.13%	\$0 0.00%	\$1,130,688 3.09%	\$0 0.00%	\$1,732,072 4.74%	\$36,538,972
2001	\$203,330 0.76%	\$327,929 1.22%	\$0 0.00%	\$1,880 0.01%	\$699,620 2.60%	\$0 0.00%	\$1,232,759 4.58%	\$26,902,142
2002	\$0 0.00%	\$1,274,587 3.27%	\$0 0.00%	\$18,900 0.05%	\$884,866 2.27%	\$0 0.00%	\$2,178,353 5.59%	\$39,001,105
2003	\$0 0.00%	\$540,477 1.64%	\$0 0.00%	\$0 0.00%	\$1,272,172 3.87%	\$0 0.00%	\$1,812,649 5.51%	\$32,881,066
2004	\$0 0.00%	\$945,776 2.19%	\$0 0.00%	\$120,626 0.28%	\$1,211,969 2.81%	\$0 0.00%	\$2,278,370 5.27%	\$43,206,724
2005	\$0 0.00%	\$1,555,995 2.59%	\$0 0.00%	\$0 0.00%	\$6,036,174 10.03%	\$0 0.00%	\$7,592,170 12.62%	\$60,165,258
2006	\$0 0.00%	\$843,216 1.22%	\$0 0.00%	\$0 0.00%	\$2,564,473 3.70%	\$0 0.00%	\$3,407,689 4.92%	\$69,227,123
Total	\$508,003 0.16%	\$5,735,644 1.86%	\$49,047 0.02%	\$141,406 0.05%	\$13,799,963 4.48%	\$0 0.00%	\$20,234,062 6.57%	\$307,922,390

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006

Note: Total dollars awarded may not equal the total due to rounding

Table 5-35
 Business Categories Combined
 Fiscal Years 2000 - 2006
 Subcontractor Utilization_DISTRICT 2 (Butte)
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	Total DBEs	Total Dollars Awarded
2000	\$366,009 0.61%	\$1,888,078 3.15%	\$0 0.00%	\$0 0.00%	\$1,795,867 3.00%	\$0 0.00%	\$4,049,953 6.76%	\$59,894,330
2001	\$144,903 0.36%	\$1,635,427 4.02%	\$0 0.00%	\$0 0.00%	\$957,580 2.36%	\$0 0.00%	\$2,737,910 6.73%	\$40,656,308
2002	\$77,464 0.18%	\$934,921 2.12%	\$0 0.00%	\$0 0.00%	\$2,418,431 5.49%	\$0 0.00%	\$3,430,816 7.79%	\$44,036,108
2003	\$0 0.00%	\$1,551,678 3.87%	\$0 0.00%	\$0 0.00%	\$979,838 2.44%	\$0 0.00%	\$2,531,516 6.31%	\$40,143,376
2004	\$0 0.00%	\$742,956 3.20%	\$0 0.00%	\$0 0.00%	\$1,768,725 7.62%	\$0 0.00%	\$2,511,681 10.83%	\$23,197,201
2005	\$0 0.00%	\$2,085,012 4.15%	\$0 0.00%	\$0 0.00%	\$2,141,889 4.26%	\$0 0.00%	\$4,226,901 8.41%	\$50,269,117
2006	\$0 0.00%	\$724,149 2.90%	\$0 0.00%	\$0 0.00%	\$1,512,074 6.05%	\$0 0.00%	\$2,236,224 8.94%	\$25,003,483
Total	\$588,375 0.21%	\$9,562,220 3.38%	\$0 0.00%	\$0 0.00%	\$11,574,405 4.09%	\$0 0.00%	\$21,725,000 7.67%	\$283,199,924

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006

Note: Total dollars awarded may not equal the total due to rounding

5.4.3 Business Categories Combined - District 3 (Great Falls)

The overall utilization analysis of subcontractors in District 3 is shown in **Table 5-36**. The total amount expended in District 3 was over \$242.3 million or 16.04 percent of the total federal dollars spent on construction and professional services projects. During the seven year study period, DBEs were awarded subcontracts totaling over \$17.6 million or 7.30 percent of the total federal contracting dollars expended in District 3 by the MDT. The DBE firms most utilized as subcontractors were owned by Women, receiving over \$13.8 million or 5.71 percent, followed by Native Americans receiving over \$3.6 million or 1.50 percent of the total funds expended in District 3 for construction and professional services projects. Asian Pacific American and Other DBE owned firms were not utilized as subcontractors in District 3.

5.4.4 Business Categories Combined - District 4 (Glendive)

The overall utilization analysis of subcontractors in District 4 is shown in **Table 5-37**. The total amount expended in District 4 was over \$357.2 million or 23.64 percent of the total federal dollars spent on construction and professional services projects. During the seven year study period, DBEs were awarded subcontracts totaling over \$25.9 million or 7.27 percent of the total federal contracting dollars expended in District 4 by the MDT. The DBEs most utilized as subcontractors were owned by Native Americans, receiving over 14.20 million or 3.94 percent; followed by Women, receiving over \$10.4 million or 2.93 percent of the total funds expended in District 4 for construction and professional services projects. Asian Pacific American owned firms were not utilized as subcontractors in District 4.

5.4.5 Business Categories Combined - District 5 (Billings)

The overall utilization analysis of subcontractors in District 5 is shown in **Table 5-38**. The total amount expended in District 5 was over \$234.5 million or 15.52 percent of the total federal dollars spent on construction and professional services projects. During the seven year study period, DBEs were awarded subcontracts totaling over \$22.7 million or 9.70 percent of the total federal contracting dollars expended in District 5 by the MDT. The DBEs most utilized as subcontractors were owned by Native Americans, receiving over 12.0 million or 5.15 percent; followed by Women, receiving over \$8.9 million or 3.80 percent of the total funds expended in District 5 for construction and professional services projects.

Table 5-36
Business Categories Combined
Fiscal Years 2000 - 2006
Subcontractor Utilization_DISTRICT 3 (Great Falls)
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	Total DBEs	Total Dollars Awarded
2000	\$67,493 0.26%	\$415,831 1.57%	\$0 0.00%	\$0 0.00%	\$1,257,843 4.76%	\$0 0.00%	\$1,741,167 6.59%	\$26,441,058
2001	\$0 0.00%	\$695,648 2.51%	\$0 0.00%	\$0 0.00%	\$1,988,247 7.18%	\$0 0.00%	\$2,683,895 9.69%	\$27,699,397
2002	\$122,783 0.26%	\$1,254,855 2.68%	\$0 0.00%	\$0 0.00%	\$1,724,929 3.68%	\$0 0.00%	\$3,102,566 6.62%	\$46,867,549
2003	\$0 0.00%	\$133,556 0.33%	\$0 0.00%	\$0 0.00%	\$2,574,768 6.29%	\$0 0.00%	\$2,708,324 6.62%	\$40,906,035
2004	\$0 0.00%	\$186,581 0.49%	\$0 0.00%	\$0 0.00%	\$2,418,449 6.37%	\$0 0.00%	\$2,605,029 6.86%	\$37,973,445
2005	\$0 0.00%	\$604,010 1.89%	\$0 0.00%	\$25,344 0.08%	\$1,250,327 3.91%	\$0 0.00%	\$1,879,681 5.87%	\$32,009,221
2006	\$0 0.00%	\$345,383 1.13%	\$0 0.00%	\$0 0.00%	\$2,628,736 8.64%	\$0 0.00%	\$2,974,118 9.77%	\$30,441,661
Total	\$190,276 0.08%	\$3,635,863 1.50%	\$0 0.00%	\$25,344 0.01%	\$13,843,298 5.71%	\$0 0.00%	\$17,694,781 7.30%	\$242,338,365

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006

Note: Total dollars awarded may not equal the total due to rounding

Table 5-37
Business Categories Combined
Fiscal Years 2000 - 2006
Subcontractor Utilization_DISTRICT 4 (Glendive)
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	Total DBEs	Total Dollars Awarded
2000	\$172,661 0.51%	\$1,307,293 3.84%	\$0 0.00%	\$100,006 0.29%	\$1,757,493 5.17%	\$0 0.00%	\$3,337,453 9.81%	\$34,008,987
2001	\$124,917 0.16%	\$3,049,224 3.80%	\$0 0.00%	\$110,318 0.14%	\$2,092,598 2.61%	\$202,338 0.25%	\$5,579,395 6.95%	\$80,286,461
2002	\$0 0.00%	\$2,032,549 6.13%	\$0 0.00%	\$35,370 0.11%	\$959,120 2.89%	\$0 0.00%	\$3,027,039 9.14%	\$33,132,238
2003	\$0 0.00%	\$1,278,039 1.87%	\$0 0.00%	\$274,644 0.40%	\$1,259,665 1.85%	\$24,000 0.04%	\$2,836,348 4.16%	\$68,212,423
2004	\$0 0.00%	\$2,832,986 4.80%	\$0 0.00%	\$35,640 0.06%	\$1,429,355 2.42%	\$0 0.00%	\$4,297,981 7.28%	\$59,039,199
2005	\$0 0.00%	\$2,076,146 3.91%	\$0 0.00%	\$315,628 0.59%	\$1,678,626 3.16%	\$0 0.00%	\$4,070,400 7.66%	\$53,121,814
2006	\$0 0.00%	\$1,514,095 5.14%	\$0 0.00%	\$0 0.00%	\$1,298,489 4.41%	\$0 0.00%	\$2,812,583 9.55%	\$29,458,787
Total	\$297,578 0.08%	\$14,090,331 3.94%	\$0 0.00%	\$871,606 0.24%	\$10,475,346 2.93%	\$226,338 0.06%	\$25,961,199 7.27%	\$357,259,910

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006

Note: Total dollars awarded may not equal the total due to rounding

Table 5-38
Business Categories Combined
Fiscal Years 2000 - 2006
Subcontractor Utilization_DISTRICT 5 (Billings)
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	Total DBEs	Total Dollars Awarded
2000	\$198,376 0.80%	\$1,056,019 4.27%	\$0 0.00%	\$0 0.00%	\$463,826 1.88%	\$0 0.00%	\$1,718,221 6.95%	\$24,735,597
2001	\$624,441 1.45%	\$2,381,241 5.52%	\$0 0.00%	\$0 0.00%	\$1,058,547 2.45%	\$0 0.00%	\$4,064,229 9.42%	\$43,124,530
2002	\$4,944 0.02%	\$1,346,084 6.06%	\$0 0.00%	\$6,935 0.03%	\$1,080,213 4.86%	\$0 0.00%	\$2,438,177 10.98%	\$22,206,165
2003	\$0 0.00%	\$280,344 0.77%	\$0 0.00%	\$0 0.00%	\$765,992 2.11%	\$0 0.00%	\$1,046,337 2.88%	\$36,282,620
2004	\$0 0.00%	\$1,441,506 4.23%	\$0 0.00%	\$0 0.00%	\$1,551,521 4.55%	\$0 0.00%	\$2,993,027 8.78%	\$34,079,279
2005	\$0 0.00%	\$1,041,019 7.53%	\$0 0.00%	\$0 0.00%	\$330,756 2.39%	\$0 0.00%	\$1,371,775 9.92%	\$13,831,059
2006	\$0 0.00%	\$4,542,827 7.54%	\$912,823 1.51%	\$0 0.00%	\$3,657,473 6.07%	\$0 0.00%	\$9,113,123 15.12%	\$60,256,721
Total	\$827,762 0.35%	\$12,089,042 5.15%	\$912,823 0.39%	\$6,935 0.00%	\$8,908,328 3.80%	\$0 0.00%	\$22,744,889 9.70%	\$234,515,972

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006

Note: Total dollars awarded may not equal the total due to rounding

5.4.6 Business Categories Combined - (Multiple Districts)

The overall utilization analysis of subcontractors for contracts awarded in Multiple Districts is shown in **Table 5-39**. The total amount expended for contracts awarded in Multiple Districts was over \$9.6 million or 0.64 percent of the total federal dollars spent on construction and professional services projects. During the seven year study period, the only DBE subcontractors utilized on contracts awarded in Multiple Districts were Women owned firms, receiving \$336,703 or 3.47 percent and Native American owned firms, receiving \$132,101 or 1.36 percent of total funds expended for contracts awarded in Multiple Districts.

5.4.7 Business Categories Combined - (Headquarters)

The overall utilization analysis of subcontractors awarded contracts by MDTs Headquarters is shown in **Table 5-40**. The total amount expended by MDTs Headquarters was over \$71.2 million or 4.71 percent of the total federal dollars spent on construction and professional services projects. During the seven year study period, DBEs were awarded \$617,003 or 0.87 percent of the total federal contracting dollars expended by MDTs Headquarters. The DBEs most utilized as subcontractors were owned by Women, receiving \$550,678 or 0.77 percent; followed by Hispanic American owned firms receiving \$45,100 or 0.06 percent; followed by Native American owned firms, receiving \$21,216 or 0.03 percent of the total federal funds expended by MDTs Headquarters for construction and professional services projects.

5.4.8 Business Categories Combined - (Statewide)

The overall utilization analysis of subcontractors awarded Statewide contracts is shown in **Table 5-41**. The total amount expended for Statewide contracts was over \$5.0 million or 0.33 percent of the total federal dollars spent on construction and professional services projects. The only DBEs utilized as subcontractors were Women owned firms, receiving \$16,737 or 0.33 percent of the Statewide contracts awarded by the MDT.

Table 5-39
 Business Categories Combined
 Fiscal Years 2000 - 2006
 Subcontractor Utilization_MULTIPLE DISTRICTS
 Ethnicity Classification
 Percentage of Total Dollars
 Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	Total DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$105,386
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$37,188
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$135,022 2.38%	\$0 0.00%	\$135,022 2.38%	\$5,662,803
2003	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$13,131 6.64%	\$0 0.00%	\$13,131 6.64%	\$197,621
2004	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$57,375 17.72%	\$0 0.00%	\$57,375 17.72%	\$323,729
2006	\$0 0.00%	\$132,101 3.93%	\$0 0.00%	\$0 0.00%	\$131,175 3.90%	\$0 0.00%	\$263,276 7.83%	\$3,362,963
Total	\$0 0.00%	\$132,101 1.36%	\$0 0.00%	\$0 0.00%	\$336,703 3.47%	\$0 0.00%	\$468,804 4.84%	\$9,689,690

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006

Note: Total dollars awarded may not equal the total due to rounding

Table 5-40
 Business Categories Combined
 Fiscal Years 2000 - 2006
 Subcontractor Utilization_HEADQUARTERS
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	Total DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$182,946 3.56%	\$0 0.00%	\$182,946 3.56%	\$5,132,526
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$36,274 0.25%	\$156,611 1.07%	\$0 0.00%	\$192,885 1.32%	\$14,573,830
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$8,836 0.11%	\$35,795 0.45%	\$0 0.00%	\$44,631 0.56%	\$7,948,815
2003	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$2,175 0.02%	\$0 0.00%	\$2,175 0.02%	\$11,786,082
2004	\$0 0.00%	\$21,216 0.17%	\$0 0.00%	\$0 0.00%	\$131,097 1.05%	\$0 0.00%	\$152,312 1.23%	\$12,432,205
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$42,054 0.41%	\$0 0.00%	\$42,054 0.41%	\$10,360,616
2006	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$9,007,161
Total	\$0 0.00%	\$21,216 0.03%	\$0 0.00%	\$45,110 0.06%	\$550,678 0.77%	\$0 0.00%	\$617,003 0.87%	\$71,241,235

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006

Note: Total dollars awarded may not equal the total due to rounding

Table 5-41
 Business Categories Combined
 Fiscal Years 2000 - 2006
 Subcontractor Utilization STATEWIDE
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	Total DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$16,737 0.89%	\$0 0.00%	\$16,737 0.89%	\$1,876,594
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$50,000
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$1,163,000
2003	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2004	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$1,834,696
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$100,000
2006	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$27,000
Total	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$16,737 0.33%	\$0 0.00%	\$16,737 0.33%	\$5,051,290

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006

Note: Total dollars awarded may not equal the total due to rounding

5.4.9 Construction

The utilization analysis of subcontractors for Construction projects is shown in **Table 5-42**. During the seven year study period, DBEs were awarded over \$108.6 million or 7.73 percent of the total federal contracting dollars expended by the MDT for Construction projects. Overall, the total amount expended for Construction projects was approximately \$1.4 billion. The DBEs most utilized as subcontractors were owned by Women, receiving over \$58.7 million or 4.18 percent; followed by Native Americans, receiving over \$45.2 million or 3.22 percent; followed by Black American owned firms, receiving over \$2.4 million or 0.17 percent of the total federal funds expended for Construction projects.

5.4.10 Construction - District 1 (Missoula)

The utilization analysis of subcontractors for Construction projects conducted in District 1 is shown in **Table 5-43**. The total amount expended in District 1 was over \$292.4 million or 20.82 percent of the total federal dollars spent on Construction projects. During the seven year study period, DBEs were awarded over \$20.0 million or 6.87 percent of the total federal contracting dollars expended in District 1 by the MDT for Construction projects. The DBEs most utilized as subcontractors were firms owned by Women, receiving over \$13.6 million or 4.67 percent; followed by Native Americans receiving over \$5.7 million or 1.96 percent of the total funds expended in District 1 for Construction projects.

5.4.11 Construction - District 2 (Butte)

The utilization analysis of subcontractors for Construction projects conducted in District 2 is shown in **Table 5-44**. Overall, the total amount expended in District 2 was over \$275.4 million or 19.61 percent of the total federal dollars spent on Construction projects. During the seven year study period, DBEs were awarded over \$21.7 million or 7.89 percent of the total federal contracting dollars expended in District 2 by the MDT for Construction projects. The DBE firms utilized as subcontractors were owned by Women, receiving over \$11.5 million or 4.20 percent; followed by Native Americans, receiving over \$9.5 million or 3.47 percent; followed by Black Americans, receiving over \$588,375 or 0.21 percent of the total funds expended in District 2 for Construction projects. Asian Pacific American, Hispanic American, and Other DBE owned firms did not receive any of the federal dollars expended in District 2.

Table 5-42
 Construction
 Fiscal Years 2000 - 2006
 Subcontractor Utilization - Contract & Firms
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	DBE Totals
DBE Subcontract Dollars	\$2,411,993	\$45,245,201	\$961,870	\$1,013,012	\$58,751,682	\$226,338	\$108,610,097
Percent of DBE Subcontract Dollars	2.22%	41.66%	0.89%	0.93%	54.09%	0.21%	100%
Percent of Total Contract Dollars	0.17%	3.22%	0.07%	0.07%	4.18%	0.02%	7.73%
SubContracts Total	54	282	2	17	896	4	1,255
Percent of Contracts	4.30%	22.47%	0.16%	1.35%	71.39%	0.32%	100%
Individual Firms Utilized	1	10	2	2	40	1	56
Percent of Firms	1.79%	17.86%	3.57%	3.57%	71.43%	1.79%	100%

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.

Table 5-43
Construction
Fiscal Years 2000 - 2006
Subcontractor Utilization_DISTRICT 1 (Missoula)
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	Total DBEs	Total Dollars Awarded
2000	\$304,673 0.84%	\$247,665 0.68%	\$49,047 0.14%	\$0 0.00%	\$1,130,688 3.11%	\$0 0.00%	\$1,732,072 4.77%	\$36,313,972
2001	\$203,330 0.76%	\$327,929 1.22%	\$0 0.00%	\$1,880 0.01%	\$699,620 2.60%	\$0 0.00%	\$1,232,759 4.58%	\$26,902,142
2002	\$0 0.00%	\$1,274,587 4.41%	\$0 0.00%	\$18,900 0.07%	\$767,888 2.66%	\$0 0.00%	\$2,061,375 7.13%	\$28,905,914
2003	\$0 0.00%	\$540,477 1.67%	\$0 0.00%	\$0 0.00%	\$1,272,172 3.92%	\$0 0.00%	\$1,812,649 5.59%	\$32,431,066
2004	\$0 0.00%	\$945,776 2.36%	\$0 0.00%	\$120,626 0.30%	\$1,207,669 3.01%	\$0 0.00%	\$2,274,070 5.67%	\$40,105,538
2005	\$0 0.00%	\$1,555,995 2.63%	\$0 0.00%	\$0 0.00%	\$6,022,149 10.18%	\$0 0.00%	\$7,578,145 12.81%	\$59,173,867
2006	\$0 0.00%	\$843,216 1.23%	\$0 0.00%	\$0 0.00%	\$2,561,465 3.73%	\$0 0.00%	\$3,404,681 4.96%	\$68,630,269
Total	\$508,003 0.17%	\$5,735,644 1.96%	\$49,047 0.02%	\$141,406 0.05%	\$13,661,652 4.67%	\$0 0.00%	\$20,095,752 6.87%	\$292,462,768

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006

Note: Total dollars awarded may not equal the total due to rounding

**Table 5-44
Construction
Fiscal Years 2000 - 2006
Subcontractor Utilization_DISTRICT 2 (Butte)
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation**

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	Total DBEs	Total Dollars Awarded
2000	\$366,009 0.61%	\$1,888,078 3.16%	\$0 0.00%	\$0 0.00%	\$1,795,867 3.01%	\$0 0.00%	\$4,049,953 6.79%	\$59,660,463
2001	\$144,903 0.36%	\$1,635,427 4.10%	\$0 0.00%	\$0 0.00%	\$957,580 2.40%	\$0 0.00%	\$2,737,910 6.86%	\$39,930,586
2002	\$77,464 0.18%	\$934,921 2.13%	\$0 0.00%	\$0 0.00%	\$2,418,431 5.52%	\$0 0.00%	\$3,430,816 7.83%	\$43,826,450
2003	\$0 0.00%	\$1,551,678 3.90%	\$0 0.00%	\$0 0.00%	\$979,838 2.47%	\$0 0.00%	\$2,531,516 6.37%	\$39,743,376
2004	\$0 0.00%	\$742,956 3.25%	\$0 0.00%	\$0 0.00%	\$1,768,725 7.74%	\$0 0.00%	\$2,511,681 10.99%	\$22,858,616
2005	\$0 0.00%	\$2,085,012 4.44%	\$0 0.00%	\$0 0.00%	\$2,141,889 4.57%	\$0 0.00%	\$4,226,901 9.01%	\$46,918,479
2006	\$0 0.00%	\$724,149 3.22%	\$0 0.00%	\$0 0.00%	\$1,512,074 6.72%	\$0 0.00%	\$2,236,224 9.93%	\$22,510,774
Total	\$588,375 0.21%	\$9,562,220 3.47%	\$0 0.00%	\$0 0.00%	\$11,574,405 4.20%	\$0 0.00%	\$21,725,000 7.89%	\$275,448,745

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006

Note: Total dollars awarded may not equal the total due to rounding

5.4.12 Construction - District 3 (Great Falls)

The utilization analysis of subcontractors for Construction projects conducted in District 3 is shown in **Table 5-45**. Overall, the total amount expended in District 3 was over \$239 million or 17.02 percent of the total federal dollars spent on Construction projects. During the seven year study period, DBEs were awarded over \$17.6 million or 7.38 percent of the total federal contracting dollars expended in District 3 by the MDT for Construction projects. The only DBE firms utilized as subcontractors were owned by Women, receiving over \$13.8 million or 5.78 percent; followed by Native Americans, receiving over \$3.6 million or 1.52 percent; followed by Black Americans, receiving \$190,276 or 0.08 percent of the total funds expended in District 3 for Construction projects.

5.4.13 Construction - District 4 (Glendive)

The utilization analysis of subcontractors for Construction projects conducted in District 4 is shown in **Table 5-46**. Overall, the total amount expended in District 4 was over \$355.0 million or 25.28 percent of the total federal dollars spent on Construction projects. During the seven year study period, DBEs were awarded over \$25.9 million or 7.31 percent of the total federal contracting dollars expended in District 4 by the MDT for Construction projects. The DBE firms most utilized as subcontractors were owned by Native Americans, receiving over \$14.0 million or 3.97 percent; followed by Women, receiving over \$10.4 million or 2.95 percent; of the total funds expended in District 4 for Construction projects. Asian Pacific American owned firms did not receive any of the federal dollars expended in District 4.

5.4.14 Construction - District 5 (Billings)

The utilization analysis of subcontractors for Construction projects conducted in District 5 is shown in **Table 5-47**. The total amount expended in District 5 was over \$227.7 million or 16.21 percent of the total federal dollars spent on Construction projects. During the seven year study period, DBEs were awarded over \$22.6 million or 9.96 percent of the total federal contracting dollars expended in District 5 by the MDT for Construction projects. The DBEs most utilized as subcontractors were Native American owned firms, receiving over \$12.0 million or 5.31 percent; followed by Women owned firms, receiving over \$8.8 million or 3.88 percent; of the total funds expended in District 5 for Construction projects. Hispanic American and Other DBE owned firms did not receive any of the federal dollars expended in District 5.

**Table 5-45
Construction
Fiscal Years 2000 - 2006
Subcontractor Utilization_DISTRICT 3 (Great Falls)
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation**

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	Total DBEs	Total Dollars Awarded
2000	\$67,493 0.26%	\$415,831 1.60%	\$0 0.00%	\$0 0.00%	\$1,257,843 4.84%	\$0 0.00%	\$1,741,167 6.70%	\$25,996,490
2001	\$0 0.00%	\$695,648 2.51%	\$0 0.00%	\$0 0.00%	\$1,988,247 7.18%	\$0 0.00%	\$2,683,895 9.69%	\$27,699,397
2002	\$122,783 0.27%	\$1,254,855 2.76%	\$0 0.00%	\$0 0.00%	\$1,708,640 3.76%	\$0 0.00%	\$3,086,278 6.79%	\$45,479,531
2003	\$0 0.00%	\$133,556 0.33%	\$0 0.00%	\$0 0.00%	\$2,570,279 6.35%	\$0 0.00%	\$2,703,835 6.68%	\$40,467,773
2004	\$0 0.00%	\$186,581 0.49%	\$0 0.00%	\$0 0.00%	\$2,418,449 6.40%	\$0 0.00%	\$2,605,029 6.89%	\$37,802,963
2005	\$0 0.00%	\$604,010 1.91%	\$0 0.00%	\$0 0.00%	\$1,250,327 3.96%	\$0 0.00%	\$1,854,337 5.87%	\$31,612,229
2006	\$0 0.00%	\$345,383 1.15%	\$0 0.00%	\$0 0.00%	\$2,628,736 8.74%	\$0 0.00%	\$2,974,118 9.89%	\$30,063,551
Total	\$190,276 0.08%	\$3,635,863 1.52%	\$0 0.00%	\$0 0.00%	\$13,822,520 5.78%	\$0 0.00%	\$17,648,659 7.38%	\$239,121,933

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006

Note: Total dollars awarded may not equal the total due to rounding

Table 5-46
Construction
Fiscal Years 2000 - 2006
Subcontractor Utilization_DISTRICT 4 (Glendive)
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	Total DBEs	Total Dollars Awarded
2000	\$172,661 0.51%	\$1,307,293 3.88%	\$0 0.00%	\$100,006 0.30%	\$1,757,493 5.22%	\$0 0.00%	\$3,337,453 9.91%	\$33,686,455
2001	\$124,917 0.16%	\$3,049,224 3.80%	\$0 0.00%	\$110,318 0.14%	\$2,092,598 2.61%	\$202,338 0.25%	\$5,579,395 6.96%	\$80,154,449
2002	\$0 0.00%	\$2,032,549 6.15%	\$0 0.00%	\$35,370 0.11%	\$959,120 2.90%	\$0 0.00%	\$3,027,039 9.16%	\$33,051,842
2003	\$0 0.00%	\$1,278,039 1.88%	\$0 0.00%	\$274,644 0.40%	\$1,259,665 1.86%	\$24,000 0.04%	\$2,836,348 4.18%	\$67,862,423
2004	\$0 0.00%	\$2,832,986 4.80%	\$0 0.00%	\$35,640 0.06%	\$1,429,355 2.42%	\$0 0.00%	\$4,297,981 7.28%	\$59,016,665
2005	\$0 0.00%	\$2,076,146 3.93%	\$0 0.00%	\$315,628 0.60%	\$1,678,626 3.18%	\$0 0.00%	\$4,070,400 7.71%	\$52,771,814
2006	\$0 0.00%	\$1,514,095 5.31%	\$0 0.00%	\$0 0.00%	\$1,298,489 4.55%	\$0 0.00%	\$2,812,583 9.86%	\$28,511,551
Total	\$297,578 0.08%	\$14,090,331 3.97%	\$0 0.00%	\$871,606 0.25%	\$10,475,346 2.95%	\$226,338 0.06%	\$25,961,199 7.31%	\$355,055,200

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006

Note: Total dollars awarded may not equal the total due to rounding

**Table 5-47
 Construction
 Fiscal Years 2000 - 2006
 Subcontractor Utilization_DISTRICT 5 (Billings)
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation**

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	Total DBEs	Total Dollars Awarded
2000	\$198,376 0.83%	\$1,056,019 4.41%	\$0 0.00%	\$0 0.00%	\$463,826 1.94%	\$0 0.00%	\$1,718,221 7.18%	\$23,926,303
2001	\$624,441 1.50%	\$2,381,241 5.73%	\$0 0.00%	\$0 0.00%	\$1,051,069 2.53%	\$0 0.00%	\$4,056,751 9.76%	\$41,580,493
2002	\$4,944 0.02%	\$1,346,084 6.29%	\$0 0.00%	\$0 0.00%	\$1,021,876 4.77%	\$0 0.00%	\$2,372,905 11.08%	\$21,407,848
2003	\$0 0.00%	\$280,344 0.78%	\$0 0.00%	\$0 0.00%	\$765,992 2.13%	\$0 0.00%	\$1,046,337 2.91%	\$35,932,620
2004	\$0 0.00%	\$1,441,506 4.35%	\$0 0.00%	\$0 0.00%	\$1,551,521 4.69%	\$0 0.00%	\$2,993,027 9.04%	\$33,100,827
2005	\$0 0.00%	\$1,041,019 7.59%	\$0 0.00%	\$0 0.00%	\$330,756 2.41%	\$0 0.00%	\$1,371,775 10.00%	\$13,715,406
2006	\$0 0.00%	\$4,542,827 7.83%	\$912,823 1.57%	\$0 0.00%	\$3,657,473 6.30%	\$0 0.00%	\$9,113,123 15.70%	\$58,054,337
Total	\$827,762 0.36%	\$12,089,042 5.31%	\$912,823 0.40%	\$0 0.00%	\$8,842,512 3.88%	\$0 0.00%	\$22,672,139 9.96%	\$227,717,835

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006

Note: Total dollars awarded may not equal the total due to rounding

5.4.15 Construction - (Multiple Districts)

The overall utilization analysis of subcontractors for contracts awarded in Multiple Districts is shown in **Table 5-48**. The total amount expended for contracts awarded in Multiple Districts was over \$9.3 million or 0.67 percent of the total federal dollars spent on construction projects. During the seven year study period, the only DBE subcontractors utilized on contracts awarded in Multiple Districts were Women owned firms, receiving \$323,572 or 3.46 percent and Native American owned firms, receiving \$132,101 or 1.41 percent of total funds expended for construction contracts awarded in Multiple Districts.

5.4.16 Construction - (Headquarters)

The overall utilization analysis of subcontractors awarded contracts by MDTs Headquarters is shown in **Table 5-49**. The total amount expended by MDTs Headquarters was over \$2.4 million or 0.17 percent of the total federal dollars spent on construction projects. During the seven year study period, the only DBE firms utilized as subcontractors were owned by Women, receiving \$51,676 or 2.13 percent of the total federal funds expended by MDTs Headquarters for construction projects.

5.4.17 Construction - (Statewide)

The overall utilization analysis of subcontractors awarded Statewide contracts is shown in **Table 5-50**. The total amount expended for Statewide contracts was over \$3.0 million or 0.22 percent of the total federal dollars spent on construction projects. During the seven year study period, all subcontractors awarded Statewide construction subcontracts were non-DBE owned firms.

5.4.18 Professional Services

The utilization analysis of subcontractors for Professional Services is shown in **Table 5-51**. During the study period DBEs were awarded \$852,379 or 0.80 percent of the total federal contracting dollars expended for Professional Services. The DBEs utilized as subcontractors were owned by Women receiving \$753,774 or 0.71 percent; followed by Hispanic American owned firms, receiving \$77,389 or 0.07 percent; followed by Native American owned firms, receiving \$21,216 or 0.02 percent of the total federal funds expended for Professional Services. However, Black American and Asian-Pacific American owned firms did not receive any of the federal subcontracting dollars spent for Professional Services.

Table 5-48
 Construction
 Fiscal Years 2000 - 2006
 Subcontractor Utilization_MULTIPLE DISTRICTS
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	Total DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$135,022 2.38%	\$0 0.00%	\$135,022 2.38%	\$5,662,803
2003	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2004	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$57,375 17.72%	\$0 0.00%	\$57,375 17.72%	\$323,729
2006	\$0 0.00%	\$132,101 3.93%	\$0 0.00%	\$0 0.00%	\$131,175 3.90%	\$0 0.00%	\$263,276 7.83%	\$3,362,963
Total	\$0 0.00%	\$132,101 1.41%	\$0 0.00%	\$0 0.00%	\$323,572 3.46%	\$0 0.00%	\$455,673 4.87%	\$9,349,495

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006

Note: Total dollars awarded may not equal the total due to rounding

Table 5-49
 Construction
 Fiscal Years 2000 - 2006
 Subcontractor Utilization_HEADQUARTERS
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	Total DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$19,202
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$382,312
2003	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$1,305,249
2004	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$51,676 13.76%	\$0 0.00%	\$51,676 13.76%	\$375,515
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$337,872
2006	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$7,100
Total	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$51,676 2.13%	\$0 0.00%	\$51,676 2.13%	\$2,427,250

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006

Note: Total dollars awarded may not equal the total due to rounding

Table 5-50
Construction
Fiscal Years 2000 - 2006
Subcontractor Utilization STATEWIDE
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	Total DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$50,000
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$1,163,000
2003	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2004	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$1,834,696
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2006	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
Total	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$3,047,696

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006

Note: Total dollars awarded may not equal the total due to rounding

Table 5-51
 Professional Services
 Fiscal Years 2000 - 2006
 Subcontractor Utilization - Contracts & Firms
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	DBE Totals
DBE Subcontract Dollars	\$0	\$21,216	\$0	\$77,389	\$753,774	\$0	\$852,379
Percent of DBE Subcontract Dollars	0.00%	2.49%	0.00%	9.08%	88.43%	0.00%	100%
Percent of Total Contract Dollars	0.00%	0.02%	0.00%	0.07%	0.71%	0.00%	0.80%
SubContracts Total	0	2	0	6	55	0	63
Percent of Contracts	0.00%	3.17%	0.00%	9.52%	87.30%	0.00%	100%
Individual Firms Utilized	0	2	0	2	18	0	22
Percent of Firms	0.00%	9.09%	0.00%	9.09%	81.82%	0.00%	100%

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.

Note: Total dollars awarded may not equal the total due to rounding

5.4.19 Professional Services - District 1 (Missoula)

The utilization analysis of subcontractors for Professional Services projects conducted in District 1 is shown in **Table 5-52**. The total amount expended in District 1 was over \$15.4 million or 14.50 percent of the total federal dollars spent on Professional Services. During the seven year study period, DBEs were awarded \$138,311 or 0.89 percent of the total federal contracting dollars expended in District 1 by the MDT for Professional Services. The only DBE firms utilized as subcontractors were owned by Women.

5.4.20 Professional Services - District 2 (Butte)

The utilization analysis of subcontractors for Professional Services projects conducted in District 2 is shown in **Table 5-53**. The total amount expended in District 2 was over \$7.7 million or 7.27 percent of the total federal dollars spent on Professional Services. During the seven year study period, all subcontractors awarded professional services subcontracts were non-DBE owned firms.

5.4.21 Professional Services - District 3 (Great Falls)

The utilization analysis of subcontractors for Professional Services projects conducted in District 3 is shown in **Table 5-54**. The total amount expended in District 3 was over \$3.2 million or 3.02 percent of the total federal dollars spent on Professional Services. During the seven year study period, DBEs were awarded \$46,122 or 1.43 percent of the total federal contracting dollars expended in District 3 by the MDT for Professional Services. The only DBEs utilized as subcontractors were firms owned by Hispanic Americans, receiving \$25,344 or 0.79 percent and Women, receiving \$20,778 or 0.65 percent of the total funds expended in District 3 for Professional Services.

5.4.22 Professional Services - District 4 (Glendive)

The utilization analysis of subcontractors for Professional Services projects conducted in District 4 is shown in **Table 5-55**. The total amount expended in District 4 was over \$2.2 million or 2.07 percent of the total federal dollars spent on Professional Services. During the seven year study period, all subcontractors awarded professional services subcontracts were non-DBE owned firms.

Table 5-52
 Professional Services
 Fiscal Years 2000 - 2006
 Subcontractor Utilization_DISTRICT 1 (Missoula)
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	Total DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$225,000
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$116,978 1.16%	\$0 0.00%	\$116,978 1.16%	\$10,095,191
2003	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$450,000
2004	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$4,300 0.14%	\$0 0.00%	\$4,300 0.14%	\$3,101,186
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$14,025 1.41%	\$0 0.00%	\$14,025 1.41%	\$991,391
2006	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$3,008 0.50%	\$0 0.00%	\$3,008 0.50%	\$596,854
Total	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$138,311 0.89%	\$0 0.00%	\$138,311 0.89%	\$15,459,622

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006

Note: Total dollars awarded may not equal the total due to rounding

Table 5-53
 Professional Services
 Fiscal Years 2000 - 2006
 Subcontractor Utilization_DISTRICT 2 (Butte)
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	Total DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$233,867
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$725,722
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$209,658
2003	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$400,000
2004	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$338,585
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$3,350,638
2006	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$2,492,709
Total	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$7,751,179

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006

Note: Total dollars awarded may not equal the total due to rounding

Table 5-54
 Professional Services
 Fiscal Years 2000 - 2006
 Subcontractor Utilization_DISTRICT 3 (Great Falls)
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	Total DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$444,568
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$16,289 1.17%	\$0 0.00%	\$16,289 1.17%	\$1,388,018
2003	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$4,489 1.02%	\$0 0.00%	\$4,489 1.02%	\$438,262
2004	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$170,482
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$25,344 6.38%	\$0 0.00%	\$0 0.00%	\$25,344 6.38%	\$396,992
2006	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$378,110
Total	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$25,344 0.79%	\$20,778 0.65%	\$0 0.00%	\$46,122 1.43%	\$3,216,432

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006

Note: Total dollars awarded may not equal the total due to rounding

Table 5-55
 Professional Services
 Fiscal Years 2000 - 2006
 Subcontractor Utilization_DISTRICT 4 (Glendive)
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	Total DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$322,532
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$132,012
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$80,396
2003	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$350,000
2004	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$22,534
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$350,000
2006	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$947,236
Total	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$2,204,710

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
 Note: Total dollars awarded may not equal the total due to rounding

5.4.23 Professional Services - District 5 (Billings)

The utilization analysis of subcontractors for Professional Services projects conducted in District 5 is shown in **Table 5-56**. The total amount expended in District 5 was over \$6.7 million or 6.38 percent of the total federal dollars spent on Professional Services. During the seven year study period, DBEs were awarded \$72,750 or 1.07 percent of the total federal contracting dollars expended in District 5 by the MDT for Professional Services. The only DBEs utilized as subcontractors were firms owned by Women, receiving \$65,815 or 0.97 percent and Hispanic Americans, receiving \$6,935 or 0.10 percent of the total funds expended in District 5 for Professional Services.

5.4.24 Professional Services - Multiple Districts

The overall utilization analysis of subcontractors for contracts awarded in Multiple Districts is shown in **Table 5-57**. The total amount expended for contracts awarded in Multiple Districts was \$340,195 or 0.32 percent of the total federal dollars spent on professional services projects. During the seven year study period, the only DBE subcontractors utilized on contracts awarded in Multiple Districts were Women owned firms, receiving \$13,131 or 3.86 of the total funds expended for professional services contracts awarded in Multiple Districts.

5.4.25 Professional Services - (Headquarters)

The overall utilization analysis of subcontractors awarded contracts by MDTs Headquarters is shown in **Table 5-58**. The total amount expended by MDTs Headquarters was over \$68.8 million or 64.56 percent of the total federal dollars spent on professional services projects. During the seven year study period, DBE subcontractors were awarded \$565,328 or 0.82 percent of the total dollars expended by MDT Headquarters. The only DBEs utilized as subcontractors were firms owned by Women, receiving \$499,002 or 0.73 percent; followed by Hispanic Americans, receiving \$45,110 or 0.07 percent and Native Americans, receiving \$21,216 or 0.03 percent of the total federal funds expended by MDTs Headquarters for professional services projects.

5.4.26 Professional Services - (Statewide)

The overall utilization analysis of subcontractors awarded Statewide contracts is shown in **Table 5-59**. The total amount expended for Statewide contracts was over \$2.0 million or 1.88 percent of the total federal dollars spent on professional services projects. During the seven year study period, the only DBE subcontractors awarded Statewide professional services subcontracts were Women owned firms.

Table 5-56
 Professional Services
 Fiscal Years 2000 - 2006
 Subcontractor Utilization_DISTRICT 5 (Billings)
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	Total DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$809,294
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$7,478 0.48%	\$0 0.00%	\$7,478 0.48%	\$1,544,037
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$6,935 0.87%	\$58,337 7.31%	\$0 0.00%	\$65,272 8.18%	\$798,317
2003	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$350,000
2004	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$978,452
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$115,653
2006	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$2,202,384
Total	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$6,935 0.10%	\$65,815 0.97%	\$0 0.00%	\$72,750 1.07%	\$6,798,137

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006

Note: Total dollars awarded may not equal the total due to rounding

Table 5-57
 Professional Services
 Fiscal Years 2000 - 2006
 Subcontractor Utilization_MULTIPLE DISTRICTS
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	Total DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$105,386
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$37,188
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2003	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$13,131 6.64%	\$0 0.00%	\$13,131 6.64%	\$197,621
2004	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2006	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
Total	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$13,131 3.86%	\$0 0.00%	\$13,131 3.86%	\$340,195

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006

Note: Total dollars awarded may not equal the total due to rounding

Table 5-58
 Professional Services
 Fiscal Years 2000 - 2006
 Subcontractor Utilization_HEADQUARTERS
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	Total DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$182,946 0.00%	\$0 0.00%	\$182,946 0.00%	\$5,132,526
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$36,274 0.25%	\$156,611 1.08%	\$0 0.00%	\$192,885 1.32%	\$14,562,605
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$8,836 0.11%	\$35,795 0.46%	\$0 0.00%	\$44,631 0.57%	\$7,836,673
2003	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$2,175 0.02%	\$0 0.00%	\$2,175 0.02%	\$10,202,687
2004	\$0 0.00%	\$21,216 0.17%	\$0 0.00%	\$0 0.00%	\$79,421 0.65%	\$0 0.00%	\$100,637 0.83%	\$12,156,690
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$42,054 0.42%	\$0 0.00%	\$42,054 0.42%	\$9,922,743
2006	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$9,000,061
Total	\$0 0.00%	\$21,216 0.03%	\$0 0.00%	\$45,110 0.07%	\$499,002 0.73%	\$0 0.00%	\$565,328 0.82%	\$68,813,985

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006

Note: Total dollars awarded may not equal the total due to rounding

Table 5-59
 Professional Services
 Fiscal Years 2000 - 2006
 Subcontractor Utilization STATEWIDE
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

Fiscal Years	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	Total DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$16,737 0.00%	\$0 0.00%	\$16,737 0.00%	\$1,876,594
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2003	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2004	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$100,000
2006	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$27,000
Total	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$16,737 0.84%	\$0 0.00%	\$16,737 0.84%	\$2,003,594

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006

Note: Total dollars awarded may not equal the total due to rounding

5.5 DBE and Non-DBE Prime and Subcontractor Utilization

The Wilson Group also conducted a utilization analysis to determine the total dollars retained by DBE and non-DBE companies for each contract (Appendix D1-22-D1-45). **Table 5-60** shows that of the total federally funded contract dollars awarded, DBEs received over \$166.5 million or 11.02 percent and non-DBEs received over \$1.3 billion or 88.98 percent. The following is a breakdown of the total contract dollars received by each business category:

- Construction - DBEs received over \$154.7 million or 11.02 percent
Non-DBEs received over \$1.2 billion or 88.98 percent
- Professional Services - DBEs received over \$11.7 million or 11.05 percent
Non-DBEs received over 94.8 million or 88.95 percent

5.6 MDT Goal Analyses

The Wilson Group conducted a goal analysis of contracts awarded by the MDT (Appendix D1-67-D1-117). The overall results of this analysis for all business categories combined shows that of the 1311 contracts awarded, 99 or 7.55 percent of the contracts were assigned a DBE goal and 1212 or 92.45 percent of the contracts did not have a DBE goal assigned.

Contracts awarded with an assigned DBE goal totaled over \$472 million or 31.26 percent of the total federal dollars expended. Of this amount, DBEs received over \$37.9 million or 13.70 percent of the contracts awarded with assigned goals or 2.51 percent of the total federal dollars expended on contracts awarded by the MDT. The total amount of federally funded contracts awarded that did not have an assigned DBE goal was over \$1.0 billion or 68.75 percent of the total federal dollars expended. Of this amount, DBEs received over \$71.5 million or 6.89 percent of the contracts awarded that did not have an assigned goal or 4.73 percent of the total federal dollars expended on contracts by the MDT.

During the seven year study period the MDT projected a DBE goal of all business categories combined of approximately \$16.2 million or 1.07 percent of the total contract dollars awarded. The achieved DBE participation amount was over \$109.4 million or 7.24 percent of the total federal dollars expended.

Table 5-60
 Business Categories Combined
 Fiscal Years 2000 - 2006
 Prime and Subcontractor Utilization
 Percentage of Total Dollars
 Montana Department of Transportation

Business Categories	Total DBE Dollars Awarded	% of Total DBE Dollars	Total Non-DBE Dollars Awarded	% of Total Non-DBE	Total Dollars Awarded	% of Total Contract Dollars by Business Category
Construction	\$154,773,190	11.02%	\$1,249,857,731	88.98%	\$1,404,630,921	100.00%
Professional Services	\$11,773,337	11.05%	\$94,814,517	88.95%	\$106,587,854	100.00%
Total Dollars Awarded	\$166,546,527	11.02%	\$1,344,672,248	88.98%	\$1,511,218,775	100.00%

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006

Note: Total dollars awarded may not equal the total due to rounding

Table 5-61 presents a summary by fiscal year of the projected and achieved DBE goals for all projects awarded by the MDT.

Table 5-61
MDT DBE Assigned Contract Goals and DBE Goals Achieved for all
Business Categories Combined

Fiscal Year	Total Contract Dollars	DBE Contract Goal Amount	DBE Contract Goal %	DBE Achieved Contract Goal Amount	DBE Achieved Goal %
2000	\$ 188,733,451	\$0.00	0.00%	\$12,778,550	6.77%
2001	\$233,329,856	\$1,846,478	0.79%	\$16,491,073	7.07%
2002	\$200,017,782	\$3,259,386	1.63%	\$14,356,603	7.18%
2003	\$230,409,223	\$3,583,199	1.56%	\$10,950,479	4.75%
2004	\$211,762,750	\$2,147,714	1.01%	\$14,838,401	7.01%
2005	\$220,180,814	\$4,586,697	2.08%	\$19,240,356	8.74%
2006	\$226,784,899	\$ 789,136	0.35%	\$20,807,013	9.17%
Totals	\$1,511,218,775	\$16,212,608	1.07%	\$109,462,475	7.24%

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
 Note: Total dollars awarded may not equal the total due to rounding

5.6.1 Business Categories Combined DBE Goal Comparison - FY2000-2005 vs. FY2006

During FY2000 through FY2005 the MDT operated a race conscious and race neutral DBE Program by setting goals on specific projects. Table 5-62 shows that during this time period a total of 1,145 contracts were awarded with 96 having assigned DBE goals. The total dollar amount of contracts awarded during this period was over \$1.2 billion of which the MDT projected that DBEs would be awarded approximately \$15.4 million or 1.20 percent of the total federal dollars expended. The actual contracts awarded to DBEs were over \$88.6 million or 6.90 percent of the total federal dollars expended. This total includes 1049 contracts that did not have an assigned goal. DBEs received over \$54.6 million or 6.53 percent of the total contract dollars awarded without assigned goals. During FY2006 a total of 166 contracts were awarded with three having assigned DBE goals. All three contracts awarded were Construction projects. The decrease in projects with assigned goals is the result of the MDT using zero DBE goals on projects; this change was effective January 10, 2006. As a result, the MDT operated a race neutral DBE program for the remainder of FY2006.

The total dollar amount of contracts awarded during FY2006 was over \$226 million of which DBEs received over \$20.8 million or 9.17 percent of the dollars awarded. A total of 163 contracts without goals were awarded totaling over \$201 million. Of this amount, DBEs were awarded 72 contracts totaling over 16.8 million or 8.38 percent of the contracts awarded without goals in FY2006.

The following sections provide the results of the project goal analyses conducted for each business category.

**Table 5-62
 Business Categories Combined
 Fiscal Yeas 2000 - FY2006
 DBE Project Goal Utilization Analysis
 Percentage of Total Dollars
 Montana Department of Transportation**

Fiscal Year	Total # of Contracts	Total Contract Dollars Awarded	DBE Assigned Goal	Projected DBE Goal Amount	Actual DBE Goal Achieved	Actual DBE Goal Amount Achieved	Total # of Contracts w/ Goals	Total Contract Dollars Awarded w/Goals	Total DBE Dollars	Percent of Total Contract Dollars w/Goals Awarded to DBEs	Total # of Contracts w/out Goals	Total Contract Dollars Awarded w/out Goals	Total # of Contracts w/out Goals Awarded to DBEs	Total Contract Dollars w/out Goals Awarded to DBEs	Total DBE Dollars	DBE Percent of Total Contract Dollars Awarded w/out Goals
2000	166	\$188,733,451	0.00%	\$0.00	6.77%	\$12,778,550	0	\$0.00	\$0.00	0.00%	166	\$188,733,451	76	\$150,264,824	\$12,778,550	6.77%
2001	214	\$233,329,856	0.79%	\$1,846,478	7.07%	\$16,491,073	20	\$39,721,005	\$3,647,495	9.18%	194	\$193,608,851	72	\$169,521,658	\$12,843,578	6.63%
2002	186	\$200,017,782	1.63%	\$3,259,386	7.18%	\$14,356,603	21	\$68,948,029	\$6,227,463	9.03%	165	\$131,069,754	62	\$105,613,078	\$8,129,140	6.20%
2003	196	\$230,409,223	1.56%	\$3,583,199	4.75%	\$10,950,479	27	\$134,843,738	\$7,737,787	5.74%	169	\$95,565,485	48	\$66,135,319	\$3,212,693	3.36%
2004	217	\$211,762,750	1.01%	\$2,147,714	7.01%	\$14,838,401	13	\$71,674,426	\$5,015,147	7.00%	204	\$140,088,324	71	\$100,926,089	\$9,823,254	7.01%
2005	166	\$220,180,814	2.08%	\$4,586,697	8.74%	\$19,240,356	15	\$131,960,397	\$11,382,714	8.63%	151	\$88,220,417	45	\$63,304,180	\$7,857,642	8.91%
Subtotal	1145	\$1,284,433,876	1.20%	\$15,423,474	6.90%	\$88,655,462	96	\$447,147,595	\$34,010,606	7.61%	1049	\$837,286,282	374	\$655,765,148	\$54,644,857	6.53%
2006	166	\$226,784,899	0.35%	\$789,136	9.17%	\$20,807,013	3	\$25,180,947	\$3,917,736	15.56%	163	\$201,603,952	72	\$176,730,703	\$16,889,278	8.38%
Total	1311	\$1,511,218,775	1.07%	\$16,212,608	7.24%	\$109,462,476	99	\$472,328,541	\$37,928,341	8.03%	1212	\$1,038,890,234	446	\$832,495,851	\$71,534,135	6.89%

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.
 Note: Total dollars awarded may not equal the total due to rounding

5.6.2 Construction

The MDT projected an average DBE goal of over \$16.2 million or 1.15 percent and awarded over \$108.6 million or 7.73 percent of the total amount of federally funded dollars expended on Construction projects to DBEs. **Table 5-63** presents a summary by fiscal year of the projected and achieved DBE goals for Construction projects awarded by the MDT.

Table 5-63
MDT DBE Assigned Contract Goals and DBE Goals Achieved for Construction Projects

Fiscal Year	Total Contract Dollars	DBE Contract Goal Amount	DBE Assigned Goal %	DBE Achieved Contract Goal Amount	DBE Achieved Goal %
2000	\$179,583,684.00	\$0.00	0.00%	\$12,578,867.00	7.00%
2001	\$216,328,292.00	\$1,846,478.00	0.85%	\$16,290,710.00	7.53%
2002	\$179,609,530.00	\$3,259,386.00	1.81%	\$14,113,434.00	7.86%
2003	\$218,020,653.00	\$3,583,199.00	1.64%	\$10,930,684.00	5.01%
2004	\$194,994,821.00	\$2,147,714.00	1.10%	\$14,733,464.00	7.56%
2005	\$204,953,397.00	\$4,586,697.00	2.24%	\$19,158,932.00	9.35%
2006	\$211,140,545.00	\$ 789,136.00	0.37%	\$20,804,005.00	9.85%
Totals	\$1,404,630,921.00	\$16,212,608.00	1.15%	\$108,610,097.00	7.73%

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
 Note: Total dollars awarded may not equal the total due to rounding.

The analysis for Construction projects shows that of the 921 contracts awarded, 99 or 10.75 percent of the contracts were assigned a DBE goal and 822 or 89.25 percent did not have a DBE goal assigned. Contracts awarded with an assigned DBE goal totaled over \$472.3 million or 33.63 percent of the total federal dollars expended on Construction projects. Of this amount, DBEs received over \$37.9 million or 2.70 percent of the total federal dollars expended on Construction projects (Appendix D2-40-D2-76).

The total amount of federally funded contracts awarded that did not have an assigned DBE goal was over \$932.3 million or 66.37 percent of the total amount expended on Construction projects. Of this amount, DBEs received over \$70.6 million or 10.92 percent of the contracts awarded that did not have an assigned goal or 5.03 percent of the total federal dollars expended by the MDT on Construction projects.

Construction DBE Goal Comparison - FY2002-2005 vs. FY2006

Table 5-64 shows that during FY2002 through FY2005 the MDT awarded a total of 817 Construction contracts with 96 having assigned DBE goals. The total amount of contracts awarded during this period were over \$1.1 billion of which the MDT projected a DBE goal of approximately \$15.4 million or 1.29 percent of the total federal dollars expended on Construction projects. The actual contracts awarded to DBEs were over \$87.8 million or 7.36 percent of the total federal dollars expended. This total includes 721 contracts that did not have an assigned goal. DBEs received over \$53.7 million or 7.21 percent of the total \$746 million from the 721 contracts awarded without assigned goals.

**Table 5-64
 Construction
 Fiscal Years 2000 - 2006
 DBE Project Goal Utilization Analysis
 Percentage of Total Dollars
 Montana Department of Transportation**

Fiscal Year	Total # of Contracts	Total Contract Dollars Awarded	DBE Assigned Goal	Projected DBE Goal Amount	Actual DBE Goal Achieved	Actual DBE Goal Amount Achieved	Total # of Contracts w/ Goals	Total Contract Dollars Awarded w/Goals	Total DBE Dollars	Percent of Total Contract Dollars w/Goals Awarded to DBEs	Total # of Contracts w/out Goals	Total Contract Dollars Awarded w/out Goals	Total # of Contracts w/out Goals Awarded to DBEs	Total Contract Dollars w/out Goals Awarded to DBEs	Total DBE Dollars	DBE Percent of Total Contract Dollars w/out Goals Awarded
2000	127	\$179,583,684	0.00%	\$0	7.00%	\$12,578,867	0	\$0	\$0	0.00%	127	\$179,583,684	70	\$147,099,502	\$12,578,867	7.00%
2001	154	\$216,328,292	0.85%	\$1,846,478	7.53%	\$16,290,710	20	\$39,721,005	\$3,647,495	9.18%	134	\$176,607,287	61	\$164,822,429	\$12,643,215	7.16%
2002	139	\$179,609,530	1.81%	\$3,259,386	7.86%	\$14,113,434	21	\$68,948,029	\$6,227,462.68	9.03%	118	\$110,661,501	50	\$96,017,062	\$7,885,972	7.13%
2003	142	\$218,020,653	1.64%	\$3,583,199	5.01%	\$10,930,684	27	\$134,843,738	\$7,737,787	5.74%	115	\$83,176,916	43	\$64,978,158	\$3,192,898	3.84%
2004	166	\$194,994,821	1.10%	\$2,147,714	7.56%	\$14,733,464	13	\$71,674,426	\$5,015,147	7.00%	153	\$123,320,395	66	\$97,939,577	\$9,718,317	7.88%
2005	89	\$204,953,397	2.24%	\$4,586,697	9.35%	\$19,158,932	15	\$131,960,397	\$11,382,714	8.63%	74	\$72,992,999	41	\$60,311,290	\$7,776,219	10.65%
Subtotal	817	\$1,193,490,377	1.29%	\$15,423,474	7.36%	\$87,806,091	96	\$447,147,595	\$34,010,606	7.61%	721	\$746,342,782	331	\$631,168,018	\$53,795,488	7.21%
2006	104	\$211,140,545	0.37%	\$789,136	9.85%	\$20,804,005	3	\$25,180,947	\$3,917,736	15.56%	101	\$185,959,598	71	\$176,339,309	\$16,886,270	9.08%
Total	921	\$1,404,630,921	1.15%	\$16,212,608	7.73%	\$108,610,097	99	\$472,328,541	\$37,928,341	8.03%	822	\$932,302,380	402	\$807,507,327	\$70,681,757	7.58%

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.
 Note: Total dollars awarded may not equal the total due to rounding

During FY2006 a total of 104 Construction contracts were awarded with 3 having assigned DBE goals. The total amount of contracts awarded during FY2006 was over \$211 million of which \$20.8 million or 9.85 percent were awarded to DBEs. The remaining 101 contracts without assigned goals totaled over \$185 million, of which 71 were awarded to DBEs. Of this amount, DBEs received \$16.8 million or 9.08 percent of the total contract dollars awarded without assigned goals.

5.6.3 Professional Services

The MDT awarded 390 Professional Services contracts totaling over \$106 million (Appendix D3-40-D3-48). The MDT did not assign DBE goals to any of the Professional Services contracts that were awarded during the study period. However, DBE owned firms were awarded 43 contracts totaling over \$852,379 or 0.80 percent of the total dollars awarded for Professional Services. **Table 5-65** presents a summary by fiscal year of the achieved DBE goals for projects awarded by the MDT for Professional Services.

Table 5-65
MDT DBE Assigned Contract Goals and DBE Goals Achieved for
Professional Services Projects

Fiscal Year	Total Contract Dollars	DBE Contract Goal Amount	DBE Contract Goal %	DBE Achieved Contract Goal Amount	DBE Achieved Goal %
2000	\$ 9,149,767	\$0.00	0.00%	\$ 199,683	2.18%
2001	\$ 17,001,564	\$0.00	0.00%	\$ 200,363	1.18%
2002	\$ 20,408,253	\$0.00	0.00%	\$ 243,169	1.19%
2003	\$ 12,388,570	\$0.00	0.00%	\$ 19,795	0.16%
2004	\$ 16,767,929	\$0.00	0.00%	\$ 104,937	13.32%
2005	\$ 15,227,417	\$0.00	0.00%	\$ 81,424	0.53%
2006	\$ 15,644,354	\$0.00	0.00%	\$ 3,008	0.02%
Totals	\$106,587,854	\$0.00	0.00%	\$852,379	0.80%

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
 Note: Total dollars awarded may not equal the total due to rounding

Professional Services DBE Goal Comparison - FY2002-2005 vs. FY2006

Table 5-66 shows that during FY2002 through FY2005 the MDT awarded a total of 328 Professional Services contracts without assigned DBE goals. The total dollar amount of contracts awarded during this period was over \$90.9 million of which DBEs were awarded \$849,371 or 0.93 percent of the total federal dollars expended for Professional Services.

During FY2006 a total of 62 contracts were awarded with zero contracts having assigned DBE goals. The total amount of contracts awarded during FY2006 was over \$15.6 million of which \$3,008 or 0.02 percent was awarded to DBE firms.

Table 5-66
 Professional Services
 Fiscal Years 2000-2006
 DBE Project Goal Utilization Analysis
 Percentage of Total Dollars
 Montana Department of Transportation

Fiscal Year	Total # of Contracts	Total Contract Dollars Awarded	DBE Assigned Goal	Total # of Contracts w/out Goals	Total Contract Dollars Awarded w/out Goals	Total # of Contracts w/out Goals Awarded to DBEs	Total Contract Dollars w/out Goals Awarded to DBEs	Total DBE Dollars	DBE Percent of Total Contract Dollars Awarded w/out Goals
2000	39	\$9,149,767	0.00%	39	\$9,149,767	6	\$3,165,322	\$199,683	2.18%
2001	60	\$17,001,564	0.00%	60	\$17,001,564	11	\$4,699,229	\$200,363	1.18%
2002	47	\$20,408,253	0.00%	47	\$20,408,253	11	\$9,596,016	\$243,169	1.19%
2003	54	\$12,388,570	0.00%	54	\$12,388,570	5	\$1,157,161	\$19,795	0.16%
2004	51	\$16,767,929	0.00%	51	\$16,767,929	5	\$2,986,512	\$104,937	0.63%
2005	77	\$15,227,417	0.00%	77	\$15,227,417	4	\$2,992,890	\$81,424	0.53%
Subtotal	328	\$90,943,500	0.00%	328	\$90,943,500	42	\$24,597,130	\$849,371	0.93%
2006	62	\$15,644,354	0.00%	62	\$15,644,354	1	\$391,394	\$3,008	0.02%
Total	390	\$106,587,854	0.00%	390	\$106,587,854	43	\$24,988,524	\$852,379	0.80%

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006.
 Note: Total dollars awarded may not equal the total due to rounding

5.7 Utilization Threshold Analyses

For further comparison of DBE utilization, the Wilson Group conducted a threshold analysis of prime contractor contracts awarded by the MDT. This was accomplished by evaluating the contracts awarded based on the following dollar ranges:

- Contracts in the amount of \$500,000 or less
- Contracts in the amount of \$500,001 to \$1,000,000
- Contracts in the amount of \$1,000,001 to \$5,000,000
- Contracts in the amount of \$5,000,001 to \$10,000,000
- Contracts over \$10,000,000

Table 5-67 shows that for all business categories combined, a total of 1311 prime contracts were awarded by the MDT with 835 or 63.69 percent of the prime contract awards in the amount of \$500,000 or less, 151 or 11.52 percent of the prime contract awards in the amount of \$500,001 to \$1 million. DBEs received a total of 250 or 29.94 percent of the contracts in the dollar range of \$500,000 or less, 20 or 13.25 percent of the contracts in the dollar range of \$500,001 to \$1 million, 9 or 3.70 percent of the contracts in the dollar range of \$1,000,001 to \$5 million. As contract amounts increased above \$500,000 DBE participation significantly decreased and no contracts were awarded to DBEs above \$5 million.

DBEs were awarded 279 or 21.28 percent of all prime contracts while non-DBEs were awarded 1032 or 78.72 percent. Among DBEs, Women owned firms received 197 or 15.03 percent of the prime contracts awarded; followed by Native American owned firms receiving 38 or 2.90 percent; followed closely by Asian-Pacific American owned firms receiving 36 or 2.75 percent; followed by Black American owned firms receiving 8 or 0.61 percent of the prime contracts awarded. Firms owned by Hispanic Americans did not receive any prime contracts awarded within the seven year study period.

The following sections provide the results of the prime contractor utilization threshold analyses conducted for each business category.

Table 5-67
 Business Categories Combined
 Fiscal Years 2000-2006
 Prime Contractor Utilization Threshold
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

Threshold	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Total DBEs	Non-DBEs	Total Dollars Awarded
\$500,000 or Less	\$1,304,658	\$4,016,331	\$2,335,353	\$0	\$29,645,276	\$37,301,619	\$104,598,971	\$141,900,590
# of Contracts	7	32	36	0	175	250	585	835
Percent of Dollars	0.92%	2.83%	1.65%	0.00%	20.89%	26.29%	73.71%	
Percent of Contracts	0.84%	3.83%	4.31%	0.00%	20.96%	29.94%	70.06%	
\$500,001 to \$1,000,000	\$648,972	\$1,160,263	\$0	\$0	\$10,761,411	\$12,570,646	\$96,795,363	\$109,366,009
# of Contracts	1	2	0	0	17	20	131	151
Percent of Dollars	0.59%	1.06%	0.00%	0.00%	9.84%	11.49%	88.51%	
Percent of Contracts	0.66%	1.32%	0.00%	0.00%	11.26%	13.25%	86.75%	
\$1,000,001 to \$5,000,000	\$0	\$5,957,971	\$0	\$0	\$6,225,803	\$12,183,774	\$526,483,786	\$538,667,560
# of Contracts	0	4	0	0	5	9	234	243
Percent of Dollars	0.00%	1.11%	0.00%	0.00%	1.16%	2.26%	97.74%	
Percent of Contracts	0.00%	1.65%	0.00%	0.00%	2.06%	3.70%	96.30%	
\$5,000,001 to \$10,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$389,563,794	\$389,563,794
# of Contracts	0	0	0	0	0	0	56	56
Percent of Dollars	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%	
Percent of Contracts	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%	
Above \$10,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$331,720,823	\$331,720,823
# of Contracts	0	0	0	0	0	0	26	26
Percent of Dollars	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%	
Percent of Contracts	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%	
Total	\$1,953,630	\$11,134,565	\$2,335,353	\$0	\$46,632,490	\$62,056,039	\$1,449,162,737	\$1,511,218,775

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006

Note: Total dollars awarded may not equal the total due to rounding

5.7.1 Construction

Table 5-68 shows the threshold analysis conducted of Construction prime contracts awarded by the MDT. A total of 921 Construction prime contracts were awarded by the MDT with 488 or 52.99 percent of the contracts awarded in the dollar range of \$500,000 or less; followed by 225 or 24.43 percent of the contracts awarded in the dollar range of \$1,000,001 to \$5 million. DBE owned firms received 202 or 41.39 percent of the contracts awarded in the dollar range of \$500,000 or less; 17 or 13.49 percent of the contracts awarded in the \$500,001 to \$1 million range and 8 or 3.56 percent of the contracts awarded in the \$1,000,001 to \$5 million dollar range. There were a total of 56 contracts awarded in the \$5,000,001 to \$ 10 million dollar range and 26 contracts awarded in the above \$10 million dollar with no DBE participation. DBE owned firms received a total of 227 or 24.65 percent of the Construction prime contracts awarded, while non-DBE owned firms received 694 or 75.35 percent. Among DBEs, Women owned firms were the most successful, receiving 147 or 15.96 percent; followed by Native American and Asian Pacific American owned firms each receiving 36 or 3.91 percent of the Construction prime contracts awarded by the MDT.

5.7.2 Professional Services

Table 5-69 shows the threshold analysis conducted of Professional Services prime contracts awarded by the MDT. A total of 390 Professional Services prime contracts were awarded by the MDT with 347 or 88.97 percent of the contracts awarded in the dollar range of \$500,000 or less. DBEs received 48 or 13.83 percent of the contracts awarded in the dollar range of \$500,000 or less, 3 or 12.00 percent of the contracts in the dollar range of \$500,001 to \$1 million and 1 or 5.56 percent of the contracts in the dollar range of \$1,000,001 to \$5 million. As contract amounts increased above \$500,000 DBE participation decreased.

DBE owned firms received 52 or 13.33 percent of the Professional Services prime contracts awarded while non-DBEs received 338 or 86.67 percent. Among DBEs, the most successful were Women owned firms, receiving 50 or 12.82 percent and Native American owned firms, receiving 2 or 0.51 percent of the Professional Services prime contracts awarded by the MDT.

Table 5-68
Construction
Fiscal Years 2000 - 2006
Prime Contractor Utilization Threshold
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation

Threshold	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Total DBEs	Non-DBEs	Total Dollars Awarded
\$500,000 or Less	\$1,304,658	\$3,758,141	\$2,335,353	\$0	\$21,940,390	\$29,338,543	\$55,094,483	\$84,433,026
# of Contracts	7	30	36	0	129	202	286	488
Percent of Dollars	1.55%	4.45%	2.77%	0.00%	25.99%	34.75%	65.25%	
Percent of Contracts	1.43%	6.15%	7.38%	0.00%	26.43%	41.39%	58.61%	
\$500,001 to \$1,000,000	\$648,972	\$1,160,263	\$0	\$0	\$8,509,379	\$10,318,613	\$79,837,895	\$90,156,509
# of Contracts	1	2	0	0	14	17	109	126
Percent of Dollars	0.72%	1.29%	0.00%	0.00%	9.44%	11.45%	88.55%	
Percent of Contracts	0.79%	1.59%	0.00%	0.00%	11.11%	13.49%	86.51%	
\$1,000,001 to \$5,000,000	\$0	\$5,957,971	\$0	\$0	\$4,845,782	\$10,803,753	\$497,953,018	\$508,756,771
# of Contracts	0	4	0	0	4	8	217	225
Percent of Dollars	0.00%	1.17%	0.00%	0.00%	0.95%	2.12%	97.88%	
Percent of Contracts	0.00%	1.78%	0.00%	0.00%	1.78%	3.56%	96.44%	
\$5,000,001 to \$10,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$389,563,794	\$389,563,794
# of Contracts	0	0	0	0	0	0	56	56
Percent of Dollars	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%	
Percent of Contracts	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%	
Above \$10,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$331,720,823	\$331,720,823
# of Contracts	0	0	0	0	0	0	26	26
Percent of Dollars	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%	
Percent of Contracts	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%	
Total	\$1,953,630	\$10,876,375	\$2,335,353	\$0	\$35,295,551	\$50,460,909	\$1,354,170,013	\$1,404,630,921

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
Note: Total dollars awarded may not equal the total due to rounding

Table 5-69
Professional Services
Fiscal Years 2000 - 2006
Prime Contractor Utilization Threshold
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation

Threshold	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Total DBEs	Non-DBEs	Total Dollars Awarded
\$500,000 or Less	\$0	\$258,190	\$0	\$0	\$7,704,886	\$7,963,076	\$49,504,488	\$57,467,564
# of Contracts	0	2	0	0	46	48	299	347
Percent of Dollars	0.00%	0.45%	0.00%	0.00%	13.41%	13.86%	86.14%	
Percent of Contracts	0.00%	0.58%	0.00%	0.00%	13.26%	13.83%	86.17%	
\$500,001 to \$1,000,000	\$0	\$0	\$0	\$0	\$2,252,033	\$2,252,033	\$16,957,468	\$19,209,501
# of Contracts	0	0	0	0	3	3	22	25
Percent of Dollars	0.00%	0.00%	0.00%	0.00%	11.72%	11.72%	88.28%	
Percent of Contracts	0.00%	0.00%	0.00%	0.00%	12.00%	12.00%	88.00%	
\$1,000,001 to \$5,000,000	\$0	\$0	\$0	\$0	\$1,380,021	\$1,380,021	\$28,530,768	\$29,910,789
# of Contracts	0	0	0	0	1	1	17	18
Percent of Dollars	0.00%	0.00%	0.00%	0.00%	4.61%	4.61%	95.39%	
Percent of Contracts	0.00%	0.00%	0.00%	0.00%	5.56%	5.56%	94.44%	
\$5,000,001 to \$10,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
# of Contracts	0	0	0	0	0	0	0	0
Percent of Dollars	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
Percent of Contracts	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
Above \$10,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
# of Contracts	0	0	0	0	0	0	0	0
Percent of Dollars	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
Percent of Contracts	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
Total	\$0	\$258,190	\$0	\$0	\$11,336,940	\$11,595,130	\$94,992,724	\$106,587,854

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
Note: Total dollars awarded may not equal the total due to rounding

5.8 Subcontractor Utilization Threshold Analyses

For further comparison of DBE utilization, the Wilson Group conducted a threshold analysis of subcontracts awarded by the MDT. This was accomplished by evaluating the contracts awarded based on the following dollar ranges:

- Contracts in the amount of \$150,000 or less
- Contracts in the amount of \$150,001 to \$350,000
- Contracts in the amount of \$350,001 to \$750,000
- Contracts in the amount of \$750,001 to \$1,000,000
- Contracts in the amount of \$1,000,001 to \$5,000,000
- Contracts over \$5,000,000

Table 5-70 shows that for all business categories combined a total of 3497 subcontracts were awarded by the MDT with 2840 or 81.21 percent of the subcontract awards in the amount of \$150,000 or less. DBEs received 1133 or 39.89 percent of the subcontracts in the dollar range of \$150,000 or less; 122 or 32.19 percent of the subcontracts in the dollar range of \$150,001 to \$350,000; 51 or 27.87 percent of the subcontracts in the dollar range of \$350,001 to \$750,000; 9 or 29.03 percent of the subcontracts in the dollar range of \$750,001 to \$1,000,000 and 3 or 5.00 percent of the subcontracts in the dollar range of \$1,000,001 to \$5,000,000. DBE owned firms did not receive any of the subcontracts awarded in the above \$5 million range. DBEs were awarded 1318 or 37.69 percent of all subcontracts while non-DBEs were awarded 2179 or 62.31 percent. Among DBEs, Women owned firms were awarded the largest amount of subcontracts, receiving 951 or 27.20 percent; followed by Native American owned firms, receiving 284 or 8.12 percent; followed by Black American owned firms, receiving 54 or 1.54 percent; followed by Hispanic American owned firms, receiving 23 or 0.66 percent; followed by Other DBE owned firms, receiving 4 or 0.11 percent; followed by Asian Pacific American owned firms, receiving 2 or 0.57 percent of the subcontracts by the MDT.

The following sections provide the results of the subcontractor utilization threshold analyses conducted for each business category.

Table 5-70
 Business Categories Combined
 Fiscal Years 2000-2006
 Subcontractor Utilization Threshold
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

Threshold	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	Total DBEs	Non-DBEs	Total Dollars Awarded
\$150,000 or Less	\$1,992,769	\$10,534,525	\$49,047	\$620,825	\$30,549,745	\$226,338	\$43,973,250	\$55,046,317	\$99,019,567
# of Subcontracts	53	193	1	21	861	4	1,133	1,707	2,840
Percent of Dollars	2.01%	10.64%	0.05%	0.63%	30.85%	0.23%	44.41%	55.59%	
Percent of Subcontracts	1.87%	6.80%	0.04%	0.74%	30.32%	0.14%	39.89%	60.11%	
\$150,001 to \$350,000	\$0	\$12,907,044	\$0	\$469,576	\$15,034,893	\$0	\$28,411,513	\$58,978,910	\$87,390,423
# of Subcontracts	0	53	0	2	67	0	122	257	379
Percent of Dollars	0.00%	14.77%	0.00%	0.54%	17.20%	0.00%	32.51%	67.49%	
Percent of Subcontracts	0.00%	13.98%	0.00%	0.53%	17.68%	0.00%	32.19%	67.81%	
\$350,001 to \$750,000	\$419,224	\$14,470,450	\$0	\$0	\$10,014,484	\$0	\$24,904,158	\$65,675,527	\$90,579,684
# of Subcontracts	1	30	0	0	20	0	51	132	183
Percent of Dollars	0.46%	15.98%	0.00%	0.00%	11.06%	0.00%	27.49%	72.51%	
Percent of Subcontracts	0.55%	16.39%	0.00%	0.00%	10.93%	0.00%	27.87%	72.13%	
\$750,001 to \$1,000,000	\$0	\$5,088,305	\$912,823	\$0	\$1,689,706	\$0	\$7,690,833	\$19,353,625	\$27,044,458
# of Subcontracts	0	6	1	0	2	0	9	22	31
Percent of Dollars	0.00%	18.81%	3.38%	0.00%	6.25%	0.00%	28.44%	71.56%	
Percent of Subcontracts	0.00%	19.35%	3.23%	0.00%	6.45%	0.00%	29.03%	70.97%	
\$1,000,001 to \$5,000,000	\$0	\$2,266,093	\$0	\$0	\$2,216,628	\$0	\$4,482,721	\$108,605,284	\$113,088,005
# of Subcontracts	0	2	0	0	1	0	3	57	60
Percent of Dollars	0.00%	2.00%	0.00%	0.00%	1.96%	0.00%	3.96%	96.04%	
Percent of Subcontracts	0.00%	3.33%	0.00%	0.00%	1.67%	0.00%	5.00%	95.00%	
Above \$5,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$23,505,374	\$23,505,374
# of Subcontracts	0	0	0	0	0	0	0	4	4
Percent of Dollars	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%	
Percent of Subcontracts	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%	
Total	\$2,411,993	\$45,266,417	\$961,870	\$1,090,401	\$59,505,456	\$226,338	\$109,462,476	\$331,165,035	\$440,627,511

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
 Note: Total dollars awarded may not equal the total due to rounding

5.8.1 Construction

Table 5-71 shows the threshold analysis conducted of Construction subcontracts awarded by the MDT. A total of 3130 Construction subcontracts were awarded by the MDT with 2488 or 79.49 percent of the subcontracts awarded in the dollar range of \$150,000 or less. DBEs received 1070 or 43.01 percent of the subcontracts awarded in the dollar range of \$150,000 or less and received 122 or 32.88 percent of those in the dollar range of \$150,001 to \$350,000. As contract amounts increased above \$350,000 DBE participation decreased. DBEs were awarded 1255 or 40.10 percent of Construction subcontracts while non-DBEs were awarded 1875 or 59.90 percent. Among DBEs, the most successful were Women owned firms, receiving 896 or 28.63 percent; followed by Native American owned firms, receiving 282 or 9.01 percent; followed by Black American owned firms, receiving 54 or 1.73 percent of the Construction subcontracts awarded by the MDT.

5.8.2 Professional Services

Table 5-72 shows the threshold analysis conducted of Professional Services subcontracts awarded by the MDT. A total of 367 Professional Services subcontracts were awarded by the MDT with 352 or 95.91 percent of the subcontracts awarded in the dollar range of \$150,000 or less. Sixty-three (63) or 17.17 percent of the Professional Services subcontracts were awarded to DBE owned firms, all of which were in the dollar range of \$150,000 or less. There were no contracts awarded above \$750,000.

Among DBEs, Women owned firms received 55 or 14.99 percent; followed by Hispanic American owned firms, receiving 6 or 1.64 percent; followed by Native American owned firms, receiving 2 or 0.55 percent of the Professional Services subcontracts awarded by the MDT. DBE firms owned by Asian Pacific Americans, Black Americans and Other DBEs did not receive any of the Professional Services contracts.

Table 5-71
Construction
Fiscal Years 2000 - 2006
Subcontractor Utilization Threshold
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation

Threshold	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	Total DBEs	Non-DBEs	Total Dollars Awarded
\$150,000 or Less	\$1,992,769	\$10,513,310	\$49,047	\$543,436	\$29,795,971	\$226,338	\$43,120,872	\$49,463,622	\$92,584,493
# of Subcontracts	53	191	1	15	806	4	1,070	1,418	2,488
Percent of Dollars	2.15%	11.36%	0.05%	0.59%	32.18%	0.24%	46.57%	53.43%	
Percent of Subcontracts	2.13%	7.68%	0.04%	0.60%	32.40%	0.16%	43.01%	56.99%	
\$150,001 to \$350,000	\$0	\$12,907,044	\$0	\$469,576	\$15,034,893	\$0	\$28,411,513	\$57,302,152	\$85,713,665
# of Subcontracts	0	53	0	2	67	0	122	249	371
Percent of Dollars	0.00%	15.06%	0.00%	0.55%	17.54%	0.00%	33.15%	66.85%	
Percent of Subcontracts	0.00%	14.29%	0.00%	0.54%	18.06%	0.00%	32.88%	67.12%	
\$350,001 to \$750,000	\$419,224	\$14,470,450	\$0	\$0	\$10,014,484	\$0	\$24,904,158	\$62,250,923	\$87,155,081
# of Subcontracts	1	30	0	0	20	0	51	125	176
Percent of Dollars	0.48%	16.60%	0.00%	0.00%	11.49%	0.00%	28.57%	71.43%	
Percent of Subcontracts	0.57%	17.05%	0.00%	0.00%	11.36%	0.00%	28.98%	71.02%	
\$750,001 to \$1,000,000	\$0	\$5,088,305	\$912,823	\$0	\$1,689,706	\$0	\$7,690,833	\$19,353,625	\$27,044,458
# of Subcontracts	0	6	1	0	2	0	9	22	31
Percent of Dollars	0.00%	18.81%	3.38%	0.00%	6.25%	0.00%	28.44%	71.56%	
Percent of Subcontracts	0.00%	19.35%	3.23%	0.00%	6.45%	0.00%	29.03%	70.97%	
\$1,000,001 to \$5,000,000	\$0	\$2,266,093	\$0	\$0	\$2,216,628	\$0	\$4,482,721	\$108,605,284	\$113,088,005
# of Subcontracts	0	2	0	0	1	0	3	57	60
Percent of Dollars	0.00%	2.00%	0.00%	0.00%	1.96%	0.00%	3.96%	96.04%	
Percent of Subcontracts	0.00%	3.33%	0.00%	0.00%	1.67%	0.00%	5.00%	95.00%	
Above \$5,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$23,505,374	\$23,505,374
# of Subcontracts	0	0	0	0	0	0	0	4	4
Percent of Dollars	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%	
Percent of Subcontracts	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%	
Total	\$2,411,993	\$45,245,201	\$961,870	\$1,013,012	\$58,751,682	\$226,338	\$108,610,097	\$320,480,979	\$429,091,076

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
Note: Total dollars awarded may not equal the total due to rounding

Table 5-72
 Professional Services
 Fiscal Years 2000 - 2006
 Subcontractor Utilization Threshold
 Percentage of Total Dollars
 Ethnicity Classification
 Montana Department of Transportation

Threshold	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	Total DBEs	Non-DBEs	Total Dollars Awarded
\$150,000 or Less	\$0	\$21,216	\$0	\$77,389	\$753,774	\$0	\$852,379	\$5,582,695	\$6,435,074
# of Subcontracts	0	2	0	6	55	0	63	289	352
Percent of Dollars	0.00%	0.33%	0.00%	1.20%	11.71%	0.00%	13.25%	86.75%	
Percent of Subcontracts	0.00%	0.57%	0.00%	1.70%	15.63%	0.00%	17.90%	82.10%	
\$150,001 to \$350,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,676,757	\$1,676,757
# of Subcontracts	0	0	0	0	0	0	0	8	8
Percent of Dollars	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%	
Percent of Subcontracts	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%	
\$350,001 to \$750,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$3,424,604	\$3,424,604
# of Subcontracts	0	0	0	0	0	0	0	7	7
Percent of Dollars	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%	
Percent of Subcontracts	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%	
\$750,001 to \$1,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
# of Subcontracts	0	0	0	0	0	0	0	0	0
Percent of Dollars	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
Percent of Subcontracts	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
\$1,000,001 to \$5,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
# of Subcontracts	0	0	0	0	0	0	0	0	0
Percent of Dollars	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
Percent of Subcontracts	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
Above \$5,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
# of Subcontracts	0	0	0	0	0	0	0	0	0
Percent of Dollars	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
Percent of Subcontracts	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
Total	\$0	\$21,216	\$0	\$77,389	\$753,774	\$0	\$852,379	\$10,684,057	\$11,536,435

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
 Note: Total dollars awarded may not equal the total due to rounding

CHAPTER 6.0 - DISPARITY ANALYSES

CHAPTER 6.0 - DISPARITY ANALYSES

The objective of this Chapter is to determine if Disadvantaged Business Enterprises (DBEs) were underutilized or overutilized on the federally funded contracts awarded by the MDT based upon their availability.

The Wilson Group conducted a disparity analysis for each business category to determine the differences between the utilization of DBEs and the availability of such firms within the relevant market area. The data presented in the Availability and Utilization Analyses was used as the basis to determine if DBEs received a fair and equitable share of the contracts awarded by the MDT. This is determined through the disparity index calculation that results in a comparison of the availability of DBEs with the utilization of such firms.

The disparity index is obtained by dividing the percent of utilization by the percent of availability and multiplying the result by 100. A disparity index of 100 indicates a balance between utilization and availability. A disparity index of less than 100 indicates that firms are underutilized or overutilized if greater than 100. An index of less than 80 indicates significant underutilization and an index of 0.00 indicates zero utilization.

6.1 Business Categories Combined

The disparity analysis for the MDT of all business categories combined is shown in **Table 6-1**. During the seven year study period, Asian Pacific Americans and Hispanic Americans were significantly underutilized with disparity indices of 70.72 and 65.59 respectively. Women owned firms were underutilized with a disparity index of 86.16. The most successful groups were Native Americans, Other DBEs and Black Americans; they were all overutilized. Women owned businesses received the largest total contract dollars, receiving over \$59.5 million or 3.94 percent; followed by Native Americans receiving, \$45.2 million or 3.00 percent of the total federal contract dollars spent by the MDT. The following is a summary of the analysis for the overall study period:

Black Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 133.00. The availability analysis indicates that 0.12 percent of firms available were owned by Black Americans.

Native Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 315.30. The availability analysis indicates that 0.95 percent of firms available were owned by Native Americans.

**Table 6-1
Business Categories Combined
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation**

Ethnicity Classifications	# of Awarded Contracts ¹	Contract Dollars ²	% of Dollars ³	% of Firms Available ⁴	Disparity Index ⁵	Disparity Impact Under/Over Utilization ⁶
2000						
Black Americans	27	\$1,109,211	0.59%	0.12%	489.76	Overutilization
Native Americans	39	\$4,914,885	2.60%	0.95%	274.12	Overutilization
Asian Pacific Americans	1	\$49,047	0.03%	0.09%	28.88	* Underutilization
Hispanic Americans	4	\$100,006	0.05%	0.11%	48.17	* Underutilization
Women	118	\$6,605,400	3.50%	4.57%	76.58	* Underutilization
Other DBEs ⁷	0	\$0	0.00%	0.01%	0.00	* Underutilization
2001						
Black Americans	23	\$1,097,591	0.47%	0.12%	392.00	Overutilization
Native Americans	56	\$8,089,468	3.47%	0.95%	364.94	Overutilization
Asian Pacific Americans	0	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	7	\$148,472	0.06%	0.11%	57.85	* Underutilization
Women	139	\$6,953,204	2.98%	4.57%	65.21	* Underutilization
Other DBEs ⁷	3	\$202,338	0.09%	0.01%	867.18	Overutilization
2002						
Black Americans	4	\$205,190	0.10%	0.12%	85.49	Underutilization
Native Americans	44	\$6,842,995	3.42%	0.95%	360.13	Overutilization
Asian Pacific Americans	0	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	4	\$70,041	0.04%	0.11%	31.83	* Underutilization
Women	139	\$7,238,377	3.62%	4.57%	79.19	* Underutilization
Other DBEs ⁷	0	\$0	0.00%	0.01%	0.00	* Underutilization
2003						
Black Americans	0	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	31	\$3,784,095	1.64%	0.95%	172.88	Overutilization
Asian Pacific Americans	0	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	2	\$274,644	0.12%	0.11%	108.36	Overutilization
Women	121	\$6,867,741	2.98%	4.57%	65.22	* Underutilization
Other DBEs ⁷	1	\$24,000	0.01%	0.01%	104.16	Overutilization
2004						
Black Americans	0	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	44	\$6,171,020	2.91%	0.95%	306.75	Overutilization
Asian Pacific Americans	0	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	2	\$156,266	0.07%	0.11%	67.08	* Underutilization
Women	166	\$8,511,115	4.02%	4.57%	87.95	Underutilization
Other DBEs ⁷	0	\$0	0.00%	0.01%	0.00	* Underutilization
2005						
Black Americans	0	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	33	\$7,362,183	3.34%	0.95%	351.97	Overutilization
Asian Pacific Americans	0	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	4	\$340,973	0.15%	0.11%	140.78	Overutilization
Women	114	\$11,537,201	5.24%	4.57%	114.66	Overutilization
Other DBEs ⁷	0	\$0	0.00%	0.01%	0.00	* Underutilization
2006						
Black Americans	0	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	37	\$8,101,771	3.57%	0.95%	376.05	Overutilization
Asian Pacific Americans	1	\$912,823	0.40%	0.09%	447.23	Overutilization
Hispanic Americans	0	\$0	0.00%	0.11%	0.00	* Underutilization
Women	154	\$11,792,419	5.20%	4.57%	113.78	Overutilization
Other DBEs ⁷	0	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL						
Black Americans	54	\$2,411,993	0.16%	0.12%	133.00	Overutilization
Native Americans	284	\$45,266,417	3.00%	0.95%	315.30	Overutilization
Asian Pacific Americans	2	\$961,870	0.06%	0.09%	70.72	* Underutilization
Hispanic Americans	23	\$1,090,401	0.07%	0.11%	65.59	* Underutilization
Women	951	\$59,505,456	3.94%	4.57%	86.16	Underutilization
Other DBEs ⁷	4	\$226,338	0.01%	0.01%	149.77	Overutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
Note: Total dollars awarded may not equal the total due to rounding

¹ The number of contracts awarded to subcontractors.
² The dollars awarded to subcontractors.
³ The percentage of dollars from the prime contractor utilization.
⁴ The percentage of available firms.
⁵ The disparity index is % utilization divided by % availability multiplied by 100.
⁶ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.
⁷ A non-DBE male.
* Significantly underutilized - disparity index below 80.00.

Asian Pacific Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 70.72. The availability analysis indicates that 0.09 percent of firms available were owned by Asian Pacific Americans.

Hispanic Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 65.59. The availability analysis indicates that 0.11 percent of firms available were owned by Hispanic Americans.

Women

- FY2000 through FY2006 - underutilized as a subcontractor with a disparity index of 86.16. The availability analysis indicates that 4.57 percent of firms available were owned by Women.

Other DBEs

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 149.77. The availability analysis indicates that 0.01 percent of firms available were owned by Other DBS.

6.1.1 Business Categories Combined - District 1 (Missoula)

The disparity analysis for the MDT of all business categories combined for District 1 is shown in **Table 6-2**. During the seven year study period, Asian Pacific American, Hispanic American and Other DBE owned firms were significantly underutilized. The most successful groups were Native American, Black American and Women owned firms. Women owned businesses received the largest total contract dollars, receiving over \$13.7 million or 4.48 percent; followed by Native Americans receiving, \$5.7 million or 1.86 percent of the total federal contract dollars spent by the MDT. The following is a summary of the analysis for the overall study period:

Black Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 183.31. The availability analysis indicates that 0.09 percent of firms available were owned by Black Americans.

Native Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 214.10. The availability analysis indicates that 0.87 percent of firms available were owned by Native Americans.

Asian Pacific Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 31.86. The availability analysis indicates that 0.05 percent of firms available were owned by Asian Pacific Americans.

Table 6-2
Business Categories Combined_DISTRICT 1 (Missoula)
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation

Ethnicity Classifications	Contract Dollars ¹	% of Dollars ²	% of Firms Available ³	Disparity Index ⁴	Disparity Impact Under/Over Utilization ⁵
2000					
Black Americans	\$304,673	0.83%	0.09%	926.48	Overutilization
Native Americans	\$247,665	0.68%	0.87%	77.91	* Underutilization
Asian Pacific Americans	\$49,047	0.13%	0.05%	268.47	Overutilization
Hispanic Americans	\$0	0.00%	0.18%	0.00	* Underutilization
Women	\$1,130,688	3.09%	4.37%	70.81	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2001					
Black Americans	\$203,330	0.76%	0.09%	839.79	Overutilization
Native Americans	\$327,929	1.22%	0.87%	140.11	Overutilization
Asian Pacific Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Hispanic Americans	\$1,880	0.01%	0.18%	3.88	* Underutilization
Women	\$699,620	2.60%	4.37%	59.51	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2002					
Black Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Native Americans	\$1,274,587	3.27%	0.87%	375.64	Overutilization
Asian Pacific Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Hispanic Americans	\$18,900	0.05%	0.18%	26.92	* Underutilization
Women	\$884,866	2.27%	4.37%	51.92	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2003					
Black Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Native Americans	\$540,477	1.64%	0.87%	188.93	Overutilization
Asian Pacific Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.18%	0.00	* Underutilization
Women	\$1,272,172	3.87%	4.37%	88.54	Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2004					
Black Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Native Americans	\$945,776	2.19%	0.87%	251.60	Overutilization
Asian Pacific Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Hispanic Americans	\$120,626	0.28%	0.18%	155.10	Overutilization
Women	\$1,211,969	2.81%	4.37%	64.19	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2005					
Black Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Native Americans	\$1,555,995	2.59%	0.87%	297.26	Overutilization
Asian Pacific Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.18%	0.00	* Underutilization
Women	\$6,036,174	10.03%	4.37%	229.58	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2006					
Black Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Native Americans	\$843,216	1.22%	0.87%	140.00	Overutilization
Asian Pacific Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.18%	0.00	* Underutilization
Women	\$2,564,473	3.70%	4.37%	84.77	Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL					
Black Americans	\$508,003	0.16%	0.09%	183.31	Overutilization
Native Americans	\$5,735,644	1.86%	0.87%	214.10	Overutilization
Asian Pacific Americans	\$49,047	0.02%	0.05%	31.86	* Underutilization
Hispanic Americans	\$141,406	0.05%	0.18%	25.51	* Underutilization
Women	\$13,799,963	4.48%	4.37%	102.55	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
 Note: Total dollars awarded may not equal the total due to rounding

¹ The dollars awarded to subcontractors.
² The percentage of dollars from the prime contractor utilization.
³ The percentage of available firms.
⁴ The disparity index is % utilization divided by % availability multiplied by 100.
⁵ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.
⁶ A non-DBE male.
 * Significantly underutilized - disparity index below 80.00.

Hispanic Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 25.51. The availability analysis indicates that 0.18 percent of the firms available were owned by Hispanic Americans.

Women

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 102.55. The availability analysis indicates that 4.37 percent of the firms available were owned by Women.

Other DBEs

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Other DBEs.

6.1.2 Business Categories Combined - District 2 (Butte)

The disparity analysis for the MDT of all business categories combined for District 2 is shown in **Table 6-3**. During the seven year study period, Asian Pacific American, Hispanic American and Other DBE owned firms were significantly underutilized. The most successful groups were Native American, Black American and Women owned firms. Women owned businesses received the largest total contract dollars, receiving over \$11.5 million or 4.09 percent; followed by Native Americans receiving, \$9.5 million or 3.38 percent of the total federal contract dollars spent by the MDT. The following is a summary of the analysis for the overall study period:

Black Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 2,077.60. The availability analysis indicates that 0.01 percent of the firms available were owned by Black Americans.

Native Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 4,823.56. The availability analysis indicates that 0.07 percent of the firms available were owned by Native Americans.

Asian Pacific Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.07 percent of the firms available were owned by Asian Pacific Americans.

Hispanic Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.07 percent of the firms available were owned by Hispanic Americans.

Table 6-3
Business Categories Combined_DISTRICT 2 (Butte)
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation

Ethnicity Classifications	Contract Dollars ¹	% of Dollars ²	% of Firms Available ³	Disparity Index ⁴	Disparity Impact Under/Over Utilization ⁵
2000					
Black Americans	\$366,009	0.61%	0.01%	6,110.90	Overutilization
Native Americans	\$1,888,078	3.15%	0.07%	4,503.35	Overutilization
Asian Pacific Americans	\$0	0.00%	0.07%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.07%	0.00	* Underutilization
Women	\$1,795,867	3.00%	3.51%	85.42	Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2001					
Black Americans	\$144,903	0.76%	0.01%	7,558.13	Overutilization
Native Americans	\$1,635,427	1.22%	0.07%	1,741.38	Overutilization
Asian Pacific Americans	\$0	0.00%	0.07%	0.00	* Underutilization
Hispanic Americans	\$0	0.01%	0.07%	9.98	* Underutilization
Women	\$957,580	2.60%	3.51%	74.09	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2002					
Black Americans	\$77,464	0.18%	0.01%	1,759.09	Overutilization
Native Americans	\$934,921	2.12%	0.07%	3,032.97	Overutilization
Asian Pacific Americans	\$0	0.00%	0.07%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.07%	0.00	* Underutilization
Women	\$2,418,431	5.49%	3.51%	156.47	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2003					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$1,551,678	3.87%	0.07%	5,521.91	Overutilization
Asian Pacific Americans	\$0	0.00%	0.07%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.07%	0.00	* Underutilization
Women	\$979,838	2.44%	3.51%	69.54	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2004					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$742,956	3.20%	0.07%	4,575.40	Overutilization
Asian Pacific Americans	\$0	0.00%	0.07%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.07%	0.00	* Underutilization
Women	\$1,768,725	7.62%	3.51%	217.23	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2005					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$2,085,012	4.15%	0.07%	5,925.29	Overutilization
Asian Pacific Americans	\$0	0.00%	0.07%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.07%	0.00	* Underutilization
Women	\$2,141,889	4.26%	3.51%	121.39	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2006					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$724,149	2.90%	0.07%	4,137.42	Overutilization
Asian Pacific Americans	\$0	0.00%	0.07%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.07%	0.00	* Underutilization
Women	\$1,512,074	6.05%	3.51%	172.29	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL					
Black Americans	\$588,375	0.21%	0.01%	2,077.60	Overutilization
Native Americans	\$9,562,220	3.38%	0.07%	4,823.56	Overutilization
Asian Pacific Americans	\$0	0.00%	0.07%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.07%	0.00	* Underutilization
Women	\$11,574,405	4.09%	3.51%	116.44	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
Note: Total dollars awarded may not equal the total due to rounding

¹ The dollars awarded to subcontractors.

² The percentage of dollars from the prime contractor utilization.

³ The percentage of available firms.

⁴ The disparity index is % utilization divided by % availability multiplied by 100.

⁵ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.

⁶ A non-DBE male.

* Significantly underutilized - disparity index below 80.00.

Women

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 116.44. The availability analysis indicates that 3.51 percent of the firms available were owned by Women.

Other DBEs

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Other DBEs.

6.1.3 Business Categories Combined - District 3 (Great Falls)

The disparity analysis for the MDT of all business categories combined for District 3 is shown in **Table 6-4**. During the seven year study period, Black American, Native American, Asian Pacific American, Hispanic American and Other DBE owned firms were significantly underutilized. Overall, Women owned firms were close to parity, with a disparity index of 99.00. Women owned firms were also the most successful group, receiving the largest total contract dollars, of over \$13.8 million or 5.71 percent; they were also the highest group in availability. The following is a summary of the analysis for the overall study period:

Black Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 25.33. The availability analysis indicates that 0.31 percent of the firms available were owned by Black Americans.

Native Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 75.39. The availability analysis indicates that 1.99 percent of the firms available were owned by Native Americans.

Asian Pacific Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.21 percent of the firms available were owned by Asian Pacific Americans.

Hispanic Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 9.51. The availability analysis indicates that 0.11 percent of the firms available were owned by Hispanic Americans.

Women

- FY2000 through FY2006 - underutilized as a subcontractor with a disparity index of 99.00. The availability analysis indicates that 5.77 percent of the firms available were owned by Women.

Other DBEs

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Other DBEs.

Table 6-4
Business Categories Combined_DISTRICT 3 (Great Falls)
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation

Ethnicity Classifications	Contract Dollars ¹	% of Dollars ²	% of Firms Available ³	Disparity Index ⁴	Disparity Impact Under/Over Utilization ⁵
2000					
Black Americans	\$67,493	0.26%	0.31%	82.34	Underutilization
Native Americans	\$415,831	1.57%	1.99%	79.03	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.21%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$1,257,843	4.76%	5.77%	82.45	Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2001					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$695,648	2.51%	1.99%	126.20	Overutilization
Asian Pacific Americans	\$0	0.00%	0.21%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$1,988,247	7.18%	5.77%	124.40	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2002					
Black Americans	\$122,783	0.26%	0.31%	84.51	Underutilization
Native Americans	\$1,254,855	2.68%	1.99%	134.55	Overutilization
Asian Pacific Americans	\$0	0.00%	0.21%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$1,724,929	3.68%	5.77%	63.79	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2003					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$133,556	0.33%	1.99%	16.41	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.21%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$2,574,768	6.29%	5.77%	109.09	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2004					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$186,581	0.49%	1.99%	24.69	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.21%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$2,418,449	6.37%	5.77%	110.38	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2005					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$604,010	1.89%	1.99%	94.82	Underutilization
Asian Pacific Americans	\$0	0.00%	0.21%	0.00	* Underutilization
Hispanic Americans	\$25,344	0.08%	0.11%	71.98	* Underutilization
Women	\$1,250,327	3.91%	5.77%	67.70	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2006					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$345,383	1.13%	1.99%	57.01	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.21%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$2,628,736	8.64%	5.77%	149.66	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL					
Black Americans	\$190,276	0.08%	0.31%	25.33	* Underutilization
Native Americans	\$3,635,863	1.50%	1.99%	75.39	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.21%	0.00	* Underutilization
Hispanic Americans	\$25,344	0.01%	0.11%	9.51	* Underutilization
Women	\$13,843,298	5.71%	5.77%	99.00	Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
Note: Total dollars awarded may not equal the total due to rounding

¹ The dollars awarded to subcontractors.

² The percentage of dollars from the prime contractor utilization.

³ The percentage of available firms.

⁴ The disparity index is % utilization divided by % availability multiplied by 100.

⁵ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.

⁶ A non-DBE male.

* Significantly underutilized - disparity index below 80.00.

6.1.4 Business Categories Combined - District 4 (Glendive)

The disparity analysis for the MDT of all business categories combined for District 4 is shown in **Table 6-5**. During the seven year study period, Asian Pacific American and Women owned firms were significantly underutilized while all other DBE owned firms were overutilized. Native American owned firms, received the largest total contract dollars of over \$14.0 million or 3.94 percent; Women owned firms were second, receiving over \$10.4 million or 2.93 percent. Women owned firms were also the highest group in availability and Native American owned firms were second. The following is a summary of the analysis for the overall study period:

Black Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 832.95. The availability analysis indicates that 0.01 percent of the firms available were owned by Black Americans.

Native Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 159.03. The availability analysis indicates that 2.48 percent of the firms available were owned by Native Americans.

Asian Pacific Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Asian Pacific Americans.

Hispanic Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 2,439.70. The availability analysis indicates that 0.01 percent of the firms available were owned by Hispanic Americans.

Women

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 75.18. The availability analysis indicates that 3.90 percent of the firms available were owned by Women.

Other DBEs

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 633.54. The availability analysis indicates that 0.01 percent of the firms available were owned by Other DBEs.

Table 6-5
Business Categories Combined_DISTRICT 4 (Glendive)
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation

Ethnicity Classifications	Contract Dollars ¹	% of Dollars ²	% of Firms Available ³	Disparity Index ⁴	Disparity Impact Under/Over Utilization ⁵
2000					
Black Americans	\$172,661	0.51%	0.01%	5,076.92	Overutilization
Native Americans	\$1,307,293	3.84%	2.48%	155.00	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$100,006	0.29%	0.01%	2,940.58	Overutilization
Women	\$1,757,493	5.17%	3.90%	132.51	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2001					
Black Americans	\$124,917	0.16%	0.01%	1,555.89	Overutilization
Native Americans	\$3,049,224	3.80%	2.48%	153.14	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$110,318	0.14%	0.01%	1,374.05	Overutilization
Women	\$2,092,598	2.61%	3.90%	66.83	* Underutilization
Other DBEs ⁶	\$202,338	0.25%	0.01%	2,520.20	Overutilization
2002					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$2,032,549	6.13%	2.48%	247.37	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$35,370	0.11%	0.01%	1,067.54	Overutilization
Women	\$959,120	2.89%	3.90%	74.23	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2003					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$1,278,039	1.87%	2.48%	75.55	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$274,644	0.40%	0.01%	4,026.31	Overutilization
Women	\$1,259,665	1.85%	3.90%	47.35	* Underutilization
Other DBEs ⁶	\$24,000	0.04%	0.01%	351.84	Overutilization
2004					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$2,832,986	4.80%	2.48%	193.49	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$35,640	0.06%	0.01%	603.67	Overutilization
Women	\$1,429,355	2.42%	3.90%	62.08	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2005					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$2,076,146	3.91%	2.48%	157.59	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$315,628	0.59%	0.01%	5,941.60	Overutilization
Women	\$1,678,626	3.16%	3.90%	81.02	Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2006					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$1,514,095	5.14%	2.48%	207.25	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$1,298,489	4.41%	3.90%	113.02	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL					
Black Americans	\$297,578	0.08%	0.01%	832.95	Overutilization
Native Americans	\$14,090,331	3.94%	2.48%	159.03	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$871,606	0.24%	0.01%	2,439.70	Overutilization
Women	\$10,475,346	2.93%	3.90%	75.18	* Underutilization
Other DBEs ⁶	\$226,338	0.06%	0.01%	633.54	Overutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
Note: Total dollars awarded may not equal the total due to rounding

¹ The dollars awarded to subcontractors.

² The percentage of dollars from the prime contractor utilization.

³ The percentage of available firms.

⁴ The disparity index is % utilization divided by % availability multiplied by 100.

⁵ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.

⁶ A non-DBE male.

* Significantly underutilized - disparity index below 80.00.

6.1.5 Business Categories Combined - District 5 (Billings)

The disparity analysis for the MDT of all business categories combined for District 5 is shown in **Table 6-6**. During the seven year study period, Hispanic American, Women and Other DBE owned firms were significantly underutilized. DBE firms owned by Black Americans, Native Americans and Asian Pacific Americans were overutilized. Native American owned firms received the largest total contract dollars of over \$12.0 million or 5.15 percent; Women owned firms were second, receiving over \$8.9 million or 3.80 percent. Women owned firms were also the highest group in availability and Native Americans were second. The following is a summary of the analysis for the overall study period:

Black Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 160.44. The availability analysis indicates that 0.22 percent of the firms available were owned by Black Americans.

Native Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 592.52. The availability analysis indicates that 0.87 percent of the firms available were owned by Native Americans.

Asian Pacific Americans

- FY2000 through FY2006 -overutilized as a subcontractor with a disparity index of 353.85. The availability analysis indicates that 0.11 percent of the firms available were owned by Asian Pacific Americans.

Hispanic Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 29.57. The availability analysis indicates that 0.01 percent of the firms available were owned by Hispanic Americans.

Women

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 68.08. The availability analysis indicates that 5.58 percent of the firms available were owned by Women.

Other DBEs

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Other DBEs.

Table 6-6
Business Categories Combined_DISTRICT 5 (Billings)
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation

Ethnicity Classifications	Contract Dollars ¹	% of Dollars ²	% of Firms Available ³	Disparity Index ⁴	Disparity Impact Under/Over Utilization ⁵
2000					
Black Americans	\$198,376	0.80%	0.22%	364.54	Overutilization
Native Americans	\$1,056,019	4.27%	0.87%	490.72	Overutilization
Asian Pacific Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$463,826	1.88%	5.58%	33.60	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2001					
Black Americans	\$624,441	1.45%	0.22%	658.18	Overutilization
Native Americans	\$2,381,241	5.52%	0.87%	634.69	Overutilization
Asian Pacific Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$1,058,547	2.45%	5.58%	43.99	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2002					
Black Americans	\$4,944	0.02%	0.22%	10.12	* Underutilization
Native Americans	\$1,346,084	6.06%	0.87%	696.75	Overutilization
Asian Pacific Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Hispanic Americans	\$6,935	0.03%	0.01%	312.29	Overutilization
Women	\$1,080,213	4.86%	5.58%	87.18	Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2003					
Black Americans	\$0	0.00%	0.22%	0.00	* Underutilization
Native Americans	\$280,344	0.77%	0.87%	88.81	Underutilization
Asian Pacific Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$765,992	2.11%	5.58%	37.83	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2004					
Black Americans	\$0	0.00%	0.22%	0.00	* Underutilization
Native Americans	\$1,441,506	4.23%	0.87%	486.19	Overutilization
Asian Pacific Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$1,551,521	4.55%	5.58%	81.59	Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2005					
Black Americans	\$0	0.00%	0.22%	0.00	* Underutilization
Native Americans	\$1,041,019	7.53%	0.87%	865.14	Overutilization
Asian Pacific Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$330,756	2.39%	5.58%	42.86	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2006					
Black Americans	\$0	0.00%	0.22%	0.00	* Underutilization
Native Americans	\$4,542,827	7.54%	0.87%	866.57	Overutilization
Asian Pacific Americans	\$912,823	1.51%	0.11%	1,377.17	Overutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$3,657,473	6.07%	5.58%	108.78	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL					
Black Americans	\$827,762	0.35%	0.22%	160.44	Overutilization
Native Americans	\$12,089,042	5.15%	0.87%	592.52	Overutilization
Asian Pacific Americans	\$912,823	0.39%	0.11%	353.85	Overutilization
Hispanic Americans	\$6,935	0.00%	0.01%	29.57	* Underutilization
Women	\$8,908,328	3.80%	5.58%	68.08	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
Note: Total dollars awarded may not equal the total due to rounding

¹ The dollars awarded to subcontractors.

² The percentage of dollars from the prime contractor utilization.

³ The percentage of available firms.

⁴ The disparity index is % utilization divided by % availability multiplied by 100.

⁵ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.

⁶ A non-DBE male.

* Significantly underutilized - disparity index below 80.00.

6.1.6 Business Categories Combined - Multiple Districts

The disparity analysis for the MDT of all business categories combined for contracts awarded in Multiple Districts is shown in **Table 6-7**. During the seven year study period, all DBE owned firms were significantly underutilized with the exception of Native American owned firms; they were overutilized with a disparity index of 143.51. The most successful groups were Women owned firms, receiving the largest total contract dollars of \$336,703 or 3.47 percent; followed by Native American owned firms, receiving \$132,101 or 1.36 percent of the total federal contract dollars spent by the MDT. The following is a summary of the analysis for the overall study period:

Black Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.12 percent of firms available were owned by Black Americans.

Native Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 143.51. The availability analysis indicates that 0.95 percent of the firms available were owned by Native Americans.

Asian Pacific Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.09 percent of the firms available were owned by Asian Pacific Americans.

Hispanic Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.11 percent of the firms available were owned by Hispanic Americans.

Women

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 76.04. The availability analysis indicates that 4.57 percent of the firms available were owned by Women.

Other DBEs

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Other DBEs.

Table 6-7
Business Categories Combined_MULTIPLE DISTRICTS
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation

Ethnicity Classifications	Contract Dollars ¹	% of Dollars ²	% of Firms Available ³	Disparity Index ⁴	Disparity Impact Under/Over Utilization ⁵
2000					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.95%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$0	0.00%	4.57%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2001					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.95%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$0	0.00%	4.57%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2002					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.95%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$135,022	2.38%	4.57%	52.17	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2003					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.95%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$13,131	6.64%	4.57%	145.40	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2004					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.95%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$0	0.00%	4.57%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2005					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.95%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$57,375	17.72%	4.57%	387.81	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2006					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$132,101	3.93%	0.95%	413.49	Overutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$131,175	3.90%	4.57%	85.35	Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$132,101	1.36%	0.95%	143.51	Overutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$336,703	3.47%	4.57%	76.04	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	Underutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
Note: Total dollars awarded may not equal the total due to rounding

¹ The dollars awarded to subcontractors.

² The percentage of dollars from the prime contractor utilization.

³ The percentage of available firms.

⁴ The disparity index is % utilization divided by % availability multiplied by 100.

⁵ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.

⁶ A non-DBE male.

* Significantly underutilized - disparity index below 80.00.

6.1.7 Business Categories Combined - Headquarters

The disparity analysis for the MDT of all business categories combined for contracts awarded by Headquarters is shown in **Table 6-8**. During the seven year study period, all DBE owned firms were significantly underutilized. Women owned firms received the largest total contract dollars of \$550,678 or 0.77 percent; they were also the highest group in availability. Hispanic American owned firms were second in total contract dollars, receiving \$45,110 or 0.06 percent; they were the third highest group in availability. Native American owned firms were third highest in total contract dollars, receiving \$21,216 or 0.03 percent and the second highest group in availability. The following is a summary of the analysis for the overall study period:

Black Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.12 percent of firms available were owned by Black Americans.

Native Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 3.13. The availability analysis indicates that 0.95 percent of the firms available were owned by Native Americans.

Asian Pacific Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.09 percent of the firms available were owned by Asian Pacific Americans.

Hispanic Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 57.56. The availability analysis indicates that 0.11 percent of the firms available were owned by Hispanic Americans.

Women

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 16.91. The availability analysis indicates that 4.57 percent of the firms available were owned by Women.

Other DBEs

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Other DBEs.

Table 6-8
Business Categories Combined_HEADQUARTERS
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation

Ethnicity Classifications	Contract Dollars ¹	% of Dollars ²	% of Firms Available ³	Disparity Index ⁴	Disparity Impact Under/Over Utilization ⁵
2000					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.95%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$182,946	3.56%	4.57%	78.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2001					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.95%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$36,274	0.25%	0.11%	226.27	Overutilization
Women	\$156,611	1.07%	4.57%	23.51	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2002					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.95%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$8,836	0.11%	0.11%	101.06	Overutilization
Women	\$35,795	0.45%	4.57%	9.85	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2003					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.95%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$2,175	0.02%	4.57%	0.40	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2004					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$21,216	0.17%	0.95%	17.96	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$131,097	1.05%	4.57%	23.07	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2005					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.95%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$42,054	0.41%	4.57%	8.88	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2006					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.95%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$0	0.00%	4.57%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$21,216	0.03%	0.95%	3.13	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$45,110	0.06%	0.11%	57.56	* Underutilization
Women	\$550,678	0.77%	4.57%	16.91	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
Note: Total dollars awarded may not equal the total due to rounding

¹ The dollars awarded to subcontractors.

² The percentage of dollars from the prime contractor utilization.

³ The percentage of available firms.

⁴ The disparity index is % utilization divided by % availability multiplied by 100.

⁵ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.

⁶ A non-DBE male.

* Significantly underutilized - disparity index below 80.00.

6.1.8 Business Categories Combined - Statewide

The disparity analysis for the MDT of all business categories combined for Statewide contracts awarded is shown in **Table 6-9**. During the seven year study period, all DBE owned firms were significantly underutilized. Women owned firms received the only contract dollars awarded, receiving \$16,737 or 0.33 percent of the total federal contract dollars spent by the MDT; they were also the highest group in availability. The following is a summary of the analysis for the overall study period:

Black Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.12 percent of firms available were owned by Black Americans.

Native Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.95 percent of the firms available were owned by Native Americans.

Asian Pacific Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.09 percent of the firms available were owned by Asian Pacific Americans.

Hispanic Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.11 percent of the firms available were owned by Hispanic Americans.

Women

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 7.25. The availability analysis indicates that 4.57 percent of the firms available were owned by Women.

Other DBEs

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Other DBEs.

Table 6-9
Business Categories Combined_STATEWIDE
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation

Ethnicity Classifications	Contract Dollars ¹	% of Dollars ²	% of Firms Available ³	Disparity Index ⁴	Disparity Impact Under/Over Utilization ⁵
2000					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.95%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$16,737	0.89%	4.57%	19.52	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2001					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.95%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$0	0.00%	4.57%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2002					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.95%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$0	0.00%	4.57%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2003					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.95%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$0	0.00%	4.57%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2004					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.95%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$0	0.00%	4.57%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2005					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.95%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$0	0.00%	4.57%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2006					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.95%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$0	0.00%	4.57%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.95%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$16,737	0.33%	4.57%	7.25	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.02%	0.00	* Underutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
 Note: Total dollars awarded may not equal the total due to rounding

¹ The dollars awarded to subcontractors.
² The percentage of dollars from the prime contractor utilization.
³ The percentage of available firms.
⁴ The disparity index is % utilization divided by % availability multiplied by 100.
⁵ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.
⁶ A non-DBE male.
 * Significantly underutilized - disparity index below 80.00.

This section provides the results of the disparity analyses for each business category based on the utilization and availability of DBEs in the MDT's relevant market area.

6.2 Construction

The disparity analysis for all Construction contracts is shown in **Table 6-10**. During the seven year study period, all DBE owned firms were overutilized. Women owned firms received the largest total contract dollars, receiving over \$58.7 million or 4.18 percent; they were also the highest group in availability. Native American owned firms were the second highest group in availability and total contract dollars, receiving over \$45.2 million or 3.22 percent of the total federally funded contract dollars spent by the MDT. The following is a summary of the analysis for the overall study period:

Black Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 343.43. The availability analysis indicates that 0.05 percent of the firms available were owned by Black Americans.

Native Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 732.08. The availability analysis indicates that 0.44 percent of the firms available were owned by Native Americans.

Asian Pacific Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 342.39. The availability analysis indicates that 0.02 percent of the firms available were owned by Asian Pacific Americans.

Hispanic Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 144.24. The availability analysis indicates that 0.05 percent of the firms available were owned by Hispanic Americans.

Women

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 319.29. The availability analysis indicates that 1.31 percent of the firms available were owned by Women.

Other DBEs

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 161.14. The availability analysis indicates that 0.01 percent of the firms available were owned by Other DBEs.

**Table 6-10
Construction
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation**

Ethnicity Classifications	# of Awarded Contracts ¹	Contract Dollars ²	% of Dollars ³	% of Firms Available ⁴	Disparity Index ⁵	Disparity Impact Under/Over Utilization ⁶
2000						
Black Americans	27	\$1,109,211	0.62%	0.05%	1,235.31	Overutilization
Native Americans	39	\$4,914,885	2.74%	0.44%	622.00	Overutilization
Asian Pacific Americans	1	\$49,047	0.03%	0.02%	136.56	Overutilization
Hispanic Americans	4	\$100,006	0.06%	0.05%	111.38	Overutilization
Women	109	\$6,405,717	3.57%	1.31%	272.29	Overutilization
Other DBEs ⁷	0	\$0	0.00%	0.01%	0.00	* Underutilization
2001						
Black Americans	23	\$1,097,591	0.51%	0.05%	1,014.75	Overutilization
Native Americans	56	\$8,089,468	3.74%	0.44%	849.87	Overutilization
Asian Pacific Americans	0	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	4	\$112,198	0.05%	0.05%	103.73	Overutilization
Women	125	\$6,789,114	3.14%	1.31%	239.57	Overutilization
Other DBEs ⁷	3	\$202,338	0.09%	0.01%	935.33	Overutilization
2002						
Black Americans	4	\$205,190	0.11%	0.05%	228.49	Overutilization
Native Americans	44	\$6,842,995	3.81%	0.44%	865.89	Overutilization
Asian Pacific Americans	0	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	2	\$54,270	0.03%	0.05%	60.43	* Underutilization
Women	123	\$7,010,978	3.90%	1.31%	297.97	Overutilization
Other DBEs ⁷	0	\$0	0.00%	0.01%	0.00	* Underutilization
2003						
Black Americans	0	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	31	\$3,784,095	1.74%	0.44%	394.47	Overutilization
Asian Pacific Americans	0	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	2	\$274,644	0.13%	0.05%	251.94	Overutilization
Women	116	\$6,847,946	3.14%	1.31%	239.77	Overutilization
Other DBEs ⁷	1	\$24,000	0.01%	0.01%	110.08	Overutilization
2004						
Black Americans	0	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	42	\$6,149,804	3.15%	0.44%	716.78	Overutilization
Asian Pacific Americans	0	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	2	\$156,266	0.08%	0.05%	160.28	Overutilization
Women	160	\$8,427,394	4.32%	1.31%	329.91	Overutilization
Other DBEs ⁷	0	\$0	0.00%	0.01%	0.00	* Underutilization
2005						
Black Americans	0	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	33	\$7,362,183	3.59%	0.44%	816.39	Overutilization
Asian Pacific Americans	0	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	3	\$315,628	0.15%	0.05%	308.00	Overutilization
Women	110	\$11,481,121	5.60%	1.31%	427.62	Overutilization
Other DBEs ⁷	0	\$0	0.00%	0.01%	0.00	* Underutilization
2006						
Black Americans	0	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	37	\$8,101,771	3.84%	0.44%	872.08	Overutilization
Asian Pacific Americans	1	\$912,823	0.43%	0.02%	2,161.65	Overutilization
Hispanic Americans	0	\$0	0.00%	0.05%	0.00	* Underutilization
Women	153	\$11,789,411	5.58%	1.31%	426.24	Overutilization
Other DBEs ⁷	0	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL						
Black Americans	54	\$2,411,993	0.17%	0.05%	343.43	Overutilization
Native Americans	282	\$45,245,201	3.22%	0.44%	732.08	Overutilization
Asian Pacific Americans	2	\$961,870	0.07%	0.02%	342.39	Overutilization
Hispanic Americans	17	\$1,013,012	0.07%	0.05%	144.24	Overutilization
Women	896	\$58,751,682	4.18%	1.31%	319.29	Overutilization
Other DBEs ⁷	4	\$226,338	0.02%	0.01%	161.14	Overutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
Note: Total dollars awarded may not equal the total due to rounding

¹ The number of contracts awarded to subcontractors.

² The dollars awarded to subcontractors.

³ The percentage of dollars from the prime contractor utilization.

⁴ The percentage of available firms.

⁵ The disparity index is % utilization divided by % availability multiplied by 100.

⁶ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.

⁷ A non-DBE male.

* Significantly underutilized - disparity index below 80.00.

6.2.1 Construction - District 1 (Missoula)

The disparity analysis of Construction contracts for District 1 is shown in **Table 6-11**. During the seven year study period, Other DBE owned firms were significantly underutilized and Hispanic American owned firms were underutilized with a disparity index of 80.58. All other DBE owned firms were overutilized. Women owned firms received the largest total contract dollars, receiving over \$13.6 million or 4.67 percent; they were also the highest in availability. Native American owned firms were the second highest group in availability and total contract dollars, receiving over \$5.7 million or 1.96 percent of the total federally funded contract dollars spent by the MDT. The following is a summary of the analysis for the overall study period:

Black Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 289.50. The availability analysis indicates that 0.06 percent of the firms available were owned by Black Americans.

Native Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 632.63. The availability analysis indicates that 0.31 percent of the firms available were owned by Native Americans.

Asian Pacific Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 167.70. The availability analysis indicates that 0.01 percent of the firms available were owned by Asian Pacific Americans.

Hispanic Americans

- FY2000 through FY2006 - underutilized as a subcontractor with a disparity index of 80.58. The availability analysis indicates that 0.06 percent of the firms available were owned by Hispanic Americans.

Women

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 428.55. The availability analysis indicates that 1.09 percent of the firms available were owned by Women.

Other DBEs

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Other DBEs.

Table 6-11
Construction_DISTRICT 1 (Missoula)
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation

Ethnicity Classifications	Contract Dollars ¹	% of Dollars ²	% of Firms Available ³	Disparity Index ⁴	Disparity Impact Under/Over Utilization ⁵
2000					
Black Americans	\$304,673	0.84%	0.06%	1,398.33	Overutilization
Native Americans	\$247,665	0.68%	0.31%	220.00	Overutilization
Asian Pacific Americans	\$49,047	0.14%	0.01%	1,350.65	Overutilization
Hispanic Americans	\$0	0.00%	0.06%	0.00	* Underutilization
Women	\$1,130,688	3.11%	1.09%	285.66	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2001					
Black Americans	\$203,330	0.76%	0.06%	1,259.69	Overutilization
Native Americans	\$327,929	1.22%	0.31%	393.22	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$1,880	0.01%	0.06%	11.65	* Underutilization
Women	\$699,620	2.60%	1.09%	238.59	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2002					
Black Americans	\$0	0.00%	0.06%	0.00	* Underutilization
Native Americans	\$1,274,587	4.41%	0.31%	1,422.40	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$18,900	0.07%	0.06%	108.97	Overutilization
Women	\$767,888	2.66%	1.09%	243.72	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2003					
Black Americans	\$0	0.00%	0.06%	0.00	* Underutilization
Native Americans	\$540,477	1.67%	0.31%	537.59	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.06%	0.00	* Underutilization
Women	\$1,272,172	3.92%	1.09%	359.88	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2004					
Black Americans	\$0	0.00%	0.06%	0.00	* Underutilization
Native Americans	\$945,776	2.36%	0.31%	760.72	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$120,626	0.30%	0.06%	501.28	Overutilization
Women	\$1,207,669	3.01%	1.09%	276.26	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2005					
Black Americans	\$0	0.00%	0.06%	0.00	* Underutilization
Native Americans	\$1,555,995	2.63%	0.31%	848.24	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.06%	0.00	* Underutilization
Women	\$6,022,149	10.18%	1.09%	933.67	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2006					
Black Americans	\$0	0.00%	0.06%	0.00	* Underutilization
Native Americans	\$843,216	1.23%	0.31%	396.33	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.06%	0.00	* Underutilization
Women	\$2,561,465	3.73%	1.09%	342.41	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL					
Black Americans	\$508,003	0.17%	0.06%	289.50	Overutilization
Native Americans	\$5,735,644	1.96%	0.31%	632.63	Overutilization
Asian Pacific Americans	\$49,047	0.02%	0.01%	167.70	Overutilization
Hispanic Americans	\$141,406	0.05%	0.06%	80.58	Underutilization
Women	\$13,661,652	4.67%	1.09%	428.55	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
Note: Total dollars awarded may not equal the total due to rounding

¹ The dollars awarded to subcontractors.

² The percentage of dollars from the prime contractor utilization.

³ The percentage of available firms.

⁴ The disparity index is % utilization divided by % availability multiplied by 100.

⁵ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.

⁶ A non-DBE male.

* Significantly underutilized - disparity index below 80.00.

6.2.2 Construction - District 2 (Butte)

The disparity analysis of Construction contracts for District 2 is shown in **Table 6-12**. During the seven year study period, Asian Pacific American, Hispanic American and Other DBE owned firms were significantly underutilized with disparity indices of 0.00 and availability of 0.01 percent. Black American, Native American and Women owned firms were overutilized. Women owned firms received the largest total contract dollars, receiving over \$11.5 million or 4.20 percent; they were also the highest in availability. Native American owned firms were the second highest in contract dollars and availability, receiving over \$9.5 million or 3.47 percent of the total federally funded contract dollars spent by the MDT. The following is a summary of the analysis for the overall study period:

Black Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 2,136.06. The availability analysis indicates that 0.01 percent of the firms available were owned by Black Americans.

Native Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 3,471.51. The availability analysis indicates that 0.10 percent of the firms available were owned by Native Americans.

Asian Pacific Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Asian Pacific Americans.

Hispanic Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Hispanic Americans.

Women

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 591.83. The availability analysis indicates that 0.71 percent of the firms available were owned by Women.

Other DBEs

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Other DBEs.

Table 6-12
Construction_DISTRICT 2 (Butte)
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation

Ethnicity Classifications	Contract Dollars ¹	% of Dollars ²	% of Firms Available ³	Disparity Index ⁴	Disparity Impact Under/Over Utilization ⁵
2000					
Black Americans	\$366,009	0.61%	0.01%	6,134.86	Overutilization
Native Americans	\$1,888,078	3.16%	0.10%	3,164.70	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$1,795,867	3.01%	0.71%	423.96	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2001					
Black Americans	\$144,903	0.76%	0.01%	7,558.13	Overutilization
Native Americans	\$1,635,427	1.22%	0.10%	1,218.97	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$0	0.01%	0.01%	69.88	* Underutilization
Women	\$957,580	2.60%	0.71%	366.28	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2002					
Black Americans	\$77,464	0.18%	0.01%	1,767.51	Overutilization
Native Americans	\$934,921	2.13%	0.10%	2,133.23	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$2,418,431	5.52%	0.71%	777.21	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2003					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$1,551,678	3.90%	0.10%	3,904.24	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$979,838	2.47%	0.71%	347.24	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2004					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$742,956	3.25%	0.10%	3,250.22	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$1,768,725	7.74%	0.71%	1,089.81	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2005					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$2,085,012	4.44%	0.10%	4,443.90	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$2,141,889	4.57%	0.71%	642.98	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2006					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$724,149	3.22%	0.10%	3,216.90	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$1,512,074	6.72%	0.71%	946.07	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL					
Black Americans	\$588,375	0.21%	0.01%	2,136.06	Overutilization
Native Americans	\$9,562,220	3.47%	0.10%	3,471.51	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$11,574,405	4.20%	0.71%	591.83	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
Note: Total dollars awarded may not equal the total due to rounding

¹ The dollars awarded to subcontractors.

² The percentage of dollars from the prime contractor utilization.

³ The percentage of available firms.

⁴ The disparity index is % utilization divided by % availability multiplied by 100.

⁵ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.

⁶ A non-DBE male.

* Significantly underutilized - disparity index below 80.00.

6.2.3 Construction - District 3 (Great Falls)

The disparity analysis of Construction contracts for District 3 is shown in **Table 6-13**. During the seven year study period, Asian Pacific American and Hispanic American and Other DBE owned firms were significantly underutilized. Black American, Native American and Women owned firms were overutilized. Women owned firms received the largest total contract dollars, receiving over \$13.8 million or 5.78 percent; they were also the highest in availability. Native American owned firms were second, receiving over \$3.6 million or 1.52 percent of the total federally funded contract dollars spent by the MDT. The following is a summary of the analysis for the overall study period:

Black Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 795.73. The availability analysis indicates that 0.01 percent of the firms available were owned by Black Americans.

Native Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 181.01. The availability analysis indicates that 0.84 percent of the firms available were owned by Native Americans.

Asian Pacific Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.17 percent of the firms available were owned by Asian Pacific Americans.

Hispanic Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.17 percent of the firms available were owned by Hispanic Americans.

Women

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 385.37. The availability analysis indicates that 1.50 percent of the firms available were owned by Women.

Other DBEs

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Other DBEs.

Table 6-13
Construction_DISTRICT 3 (Great Falls)
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation

Ethnicity Classifications	Contract Dollars ¹	% of Dollars ²	% of Firms Available ³	Disparity Index ⁴	Disparity Impact Under/Over Utilization ⁵
2000					
Black Americans	\$67,493	0.26%	0.01%	2,596.24	Overutilization
Native Americans	\$415,831	1.60%	0.84%	190.42	Overutilization
Asian Pacific Americans	\$0	0.00%	0.17%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.17%	0.00	* Underutilization
Women	\$1,257,843	4.84%	1.50%	322.57	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2001					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$695,648	2.51%	0.84%	298.98	Overutilization
Asian Pacific Americans	\$0	0.00%	0.17%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.17%	0.00	* Underutilization
Women	\$1,988,247	7.18%	1.50%	478.53	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2002					
Black Americans	\$122,783	0.27%	0.01%	2,699.73	Overutilization
Native Americans	\$1,254,855	2.76%	0.84%	328.47	Overutilization
Asian Pacific Americans	\$0	0.00%	0.17%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.17%	0.00	* Underutilization
Women	\$1,708,640	3.76%	1.50%	250.46	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2003					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$133,556	0.33%	0.84%	39.29	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.17%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.17%	0.00	* Underutilization
Women	\$2,570,279	6.35%	1.50%	423.43	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2004					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$186,581	0.49%	0.84%	58.76	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.17%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.17%	0.00	* Underutilization
Women	\$2,418,449	6.40%	1.50%	426.50	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2005					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$604,010	1.91%	0.84%	227.46	Overutilization
Asian Pacific Americans	\$0	0.00%	0.17%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.17%	0.00	* Underutilization
Women	\$1,250,327	3.96%	1.50%	263.68	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2006					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$345,383	1.15%	0.84%	136.77	Overutilization
Asian Pacific Americans	\$0	0.00%	0.17%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.17%	0.00	* Underutilization
Women	\$2,628,736	8.74%	1.50%	582.93	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL					
Black Americans	\$190,276	0.08%	0.01%	795.73	Overutilization
Native Americans	\$3,635,863	1.52%	0.84%	181.01	Overutilization
Asian Pacific Americans	\$0	0.00%	0.17%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.17%	0.00	* Underutilization
Women	\$13,822,520	5.78%	1.50%	385.37	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
Note: Total dollars awarded may not equal the total due to rounding

¹ The dollars awarded to subcontractors.

² The percentage of dollars from the prime contractor utilization.

³ The percentage of available firms.

⁴ The disparity index is % utilization divided by % availability multiplied by 100.

⁵ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.

⁶ A non-DBE male.

* Significantly underutilized - disparity index below 80.00.

6.2.4 Construction - District 4 (Glendive)

The disparity analysis of Construction contracts for District 4 is shown in **Table 6-14**. During the seven year study period, Asian Pacific American owned firms were significantly underutilized. Black American, Native American, Hispanic American, Women and Other DBE owned firms were overutilized. Native American owned firms received the largest total contract dollars, receiving over \$14.0 million or 3.97 percent; followed by Women owned firms, receiving over \$10.4 million or 2.95 percent of the total federally funded contract dollars spent by the MDT. The following is a summary of the analysis for the overall study period:

Black Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 838.12. The availability analysis indicates that 0.01 percent of the firms available were owned by Black Americans.

Native Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 461.45. The availability analysis indicates that 0.86 percent of the firms available were owned by Native Americans.

Asian Pacific Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Asian Pacific Americans.

Hispanic Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 2,454.85. The availability analysis indicates that 0.01 percent of the firms available were owned by Hispanic Americans.

Women

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 113.47. The availability analysis indicates that 2.60 percent of the firms available were owned by Women.

Other DBEs

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 637.47. The availability analysis indicates that 0.01 percent of the firms available were owned by Other DBEs.

Table 6-14
Construction_DISTRICT 4 (Glendive)
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation

Ethnicity Classifications	Contract Dollars ¹	% of Dollars ²	% of Firms Available ³	Disparity Index ⁴	Disparity Impact Under/Over Utilization ⁵
2000					
Black Americans	\$172,661	0.51%	0.01%	5,125.53	Overutilization
Native Americans	\$1,307,293	3.88%	0.86%	451.25	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$100,006	0.30%	0.01%	2,968.73	Overutilization
Women	\$1,757,493	5.22%	2.60%	200.66	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2001					
Black Americans	\$124,917	0.16%	0.01%	1,558.45	Overutilization
Native Americans	\$3,049,224	3.80%	0.86%	442.35	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$110,318	0.14%	0.01%	1,376.32	Overutilization
Women	\$2,092,598	2.61%	2.60%	100.41	Overutilization
Other DBEs ⁶	\$202,338	0.25%	0.01%	2,524.35	Overutilization
2002					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$2,032,549	6.15%	0.86%	715.07	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$35,370	0.11%	0.01%	1,070.14	Overutilization
Women	\$959,120	2.90%	2.60%	111.61	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2003					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$1,278,039	1.88%	0.86%	218.99	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$274,644	0.40%	0.01%	4,047.07	Overutilization
Women	\$1,259,665	1.86%	2.60%	71.39	* Underutilization
Other DBEs ⁶	\$24,000	0.04%	0.01%	353.66	Overutilization
2004					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$2,832,986	4.80%	0.86%	558.18	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$35,640	0.06%	0.01%	603.90	Overutilization
Women	\$1,429,355	2.42%	2.60%	93.15	Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2005					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$2,076,146	3.93%	0.86%	457.46	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$315,628	0.60%	0.01%	5,981.00	Overutilization
Women	\$1,678,626	3.18%	2.60%	122.34	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2006					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$1,514,095	5.31%	0.86%	617.50	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$1,298,489	4.55%	2.60%	175.16	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL					
Black Americans	\$297,578	0.08%	0.01%	838.12	Overutilization
Native Americans	\$14,090,331	3.97%	0.86%	461.45	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$871,606	0.25%	0.01%	2,454.85	Overutilization
Women	\$10,475,346	2.95%	2.60%	113.47	Overutilization
Other DBEs ⁶	\$226,338	0.06%	0.01%	637.47	Overutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
Note: Total dollars awarded may not equal the total due to rounding

¹ The dollars awarded to subcontractors.
² The percentage of dollars from the prime contractor utilization.
³ The percentage of available firms.
⁴ The disparity index is % utilization divided by % availability multiplied by 100.
⁵ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.
⁶ A non-DBE male.
* Significantly underutilized - disparity index below 80.00.

6.2.5 Construction - District 5 (Billings)

The disparity analysis of Construction contracts for District 5 is shown in **Table 6-15**. During the seven year study period, Hispanic American and Other DBE owned firms were significantly underutilized. Black American, Native American, Asian Pacific American and Women owned firms were overutilized. Native American owned firms received the largest total contract dollars, receiving over \$12.0 million or 5.31 percent; they were also the second highest in availability. Women owned firms were the second in total contract dollars and the highest in availability, receiving over \$8.8 million or 3.88 percent of the total federally funded contract dollars spent by the MDT. The following is a summary of the analysis for the overall study period:

Black Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 242.34. The availability analysis indicates that 0.15 percent of the firms available were owned by Black Americans.

Native Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 707.84. The availability analysis indicates that 0.75 percent of the firms available were owned by Native Americans.

Asian Pacific Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 4,008.57. The availability analysis indicates that 0.01 percent of the firms available were owned by Asian Pacific Americans.

Hispanic Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Hispanic Americans.

Women

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 184.03. The availability analysis indicates that 2.11 percent of the firms available were owned by Women.

Other DBEs

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Other DBEs.

Table 6-15
Construction_DISTRICT 5 (Billings)
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation

Ethnicity Classifications	Contract Dollars ¹	% of Dollars ²	% of Firms Available ³	Disparity Index ⁴	Disparity Impact Under/Over Utilization ⁵
2000					
Black Americans	\$198,376	0.83%	0.15%	552.74	Overutilization
Native Americans	\$1,056,019	4.41%	0.75%	588.48	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$463,826	1.94%	2.11%	91.87	Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2001					
Black Americans	\$624,441	1.50%	0.15%	1,001.18	Overutilization
Native Americans	\$2,381,241	5.73%	0.75%	763.58	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$1,051,069	2.53%	2.11%	119.80	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2002					
Black Americans	\$4,944	0.02%	0.15%	15.40	* Underutilization
Native Americans	\$1,346,084	6.29%	0.75%	838.37	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$1,021,876	4.77%	2.11%	226.23	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2003					
Black Americans	\$0	0.00%	0.15%	0.00	* Underutilization
Native Americans	\$280,344	0.78%	0.75%	104.03	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$765,992	2.13%	2.11%	101.03	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2004					
Black Americans	\$0	0.00%	0.15%	0.00	* Underutilization
Native Americans	\$1,441,506	4.35%	0.75%	580.65	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$1,551,521	4.69%	2.11%	222.14	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2005					
Black Americans	\$0	0.00%	0.15%	0.00	* Underutilization
Native Americans	\$1,041,019	7.59%	0.75%	1,012.02	Overutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$330,756	2.41%	2.11%	114.29	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2006					
Black Americans	\$0	0.00%	0.15%	0.00	* Underutilization
Native Americans	\$4,542,827	7.83%	0.75%	1,043.35	Overutilization
Asian Pacific Americans	\$912,823	1.57%	0.01%	15,723.59	Overutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$3,657,473	6.30%	2.11%	298.58	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL					
Black Americans	\$827,762	0.36%	0.15%	242.34	Overutilization
Native Americans	\$12,089,042	5.31%	0.75%	707.84	Overutilization
Asian Pacific Americans	\$912,823	0.40%	0.01%	4,008.57	Overutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$8,842,512	3.88%	2.11%	184.03	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
Note: Total dollars awarded may not equal the total due to rounding

¹ The dollars awarded to subcontractors.

² The percentage of dollars from the prime contractor utilization.

³ The percentage of available firms.

⁴ The disparity index is % utilization divided by % availability multiplied by 100.

⁵ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.

⁶ A non-DBE male.

* Significantly underutilized - disparity index below 80.00.

6.2.6 Construction - Multiple Districts

The disparity analysis of Construction contracts awarded in Multiple Districts is shown in **Table 6-16**. During the seven year study period, Black American, Asian Pacific American and Hispanic American and Other DBE owned firms were significantly underutilized. Native American and Women owned firms were overutilized with disparity indices of 321.12 and 264.19 respectively. Women owned firms were the highest group in availability and also received the largest total contract dollars, receiving \$323,572 or 3.46 percent and Native American owned firms were the second highest group in availability and contract dollars, receiving \$132,301 or 1.41 percent of the total federally funded contract dollars spent by the MDT. The following is a summary of the analysis for the overall study period:

Black Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.05 percent of the firms available were Black American owned firms.

Native Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 321.12. The availability analysis indicates that 0.44 percent of the firms available were owned by Native Americans.

Asian Pacific Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.02 percent of the firms available were owned by Asian Pacific Americans.

Hispanic Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.05 percent of the firms available were owned by Hispanic Americans.

Women

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 264.19. The availability analysis indicates that 1.31 percent of the firms available were owned by Women.

Other DBEs

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Other DBEs.

Table 6-16
Construction_MULTIPLE DISTRICTS
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation

Ethnicity Classifications	Contract Dollars ¹	% of Dollars ²	% of Firms Available ³	Disparity Index ⁴	Disparity Impact Under/Over Utilization ⁵
2000					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.44%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$0	0.00%	1.31%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2001					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.44%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$0	0.00%	1.31%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2002					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.44%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$135,022	2.38%	1.31%	182.01	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2003					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.44%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$0	0.00%	1.31%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2004					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.44%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$0	0.00%	1.31%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2005					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.44%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$57,375	17.72%	1.31%	1,352.91	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2006					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$132,101	3.93%	0.44%	892.75	Overutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$131,175	3.90%	1.31%	297.75	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$132,101	1.41%	0.44%	321.12	Overutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$323,572	3.46%	1.31%	264.19	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
Note: Total dollars awarded may not equal the total due to rounding

¹ The dollars awarded to subcontractors.

² The percentage of dollars from the prime contractor utilization.

³ The percentage of available firms.

⁴ The disparity index is % utilization divided by % availability multiplied by 100.

⁵ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.

⁶ A non-DBE male.

* Significantly underutilized - disparity index below 80.00.

6.2.7 Construction - Headquarters

The disparity analysis of Construction contracts for contracts awarded by Headquarters is shown in **Table 6-17**. During the seven year study period, all DBE owned firms were significantly underutilized with the exception of Women owned firms. Women owned firms were overutilized with a disparity index of 162.52. They were also the only successful DBE owned firms, receiving \$51,676 or 2.13 percent of the total federally funded contract dollars spent by the MDT for construction. The following is a summary of the analysis for the overall study period:

Black Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.05 percent of the firms available were owned by Black Americans

Native Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.44 percent of the firms available were owned by Native Americans.

Asian Pacific Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.02 percent of the firms available were owned by Asian Pacific Americans.

Hispanic Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.05 percent of the firms available were owned by Hispanic Americans.

Women

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 162.52. The availability analysis indicates that 1.31 percent of the firms available were owned by Women.

Other DBEs

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Other DBEs.

Table 6-17
Construction_HEADQUARTERS
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation

Ethnicity Classifications	Contract Dollars ¹	% of Dollars ²	% of Firms Available ³	Disparity Index ⁴	Disparity Impact Under/Over Utilization ⁵
2000					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.44%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$0	0.00%	1.31%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2001					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.44%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$0	2.53%	1.31%	192.96	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2002					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.44%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$0	0.00%	1.31%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2003					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.44%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$0	0.00%	1.31%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2004					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.44%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$51,676	13.76%	1.31%	1,050.48	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2005					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.44%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$0	0.00%	1.31%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2006					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.44%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$0	0.00%	1.31%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.44%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$51,676	2.13%	1.31%	162.52	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
Note: Total dollars awarded may not equal the total due to rounding

¹ The dollars awarded to subcontractors.

² The percentage of dollars from the prime contractor utilization.

³ The percentage of available firms.

⁴ The disparity index is % utilization divided by % availability multiplied by 100.

⁵ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.

⁶ A non-DBE male.

* Significantly underutilized - disparity index below 80.00.

6.2.8 Construction - Statewide

The disparity analysis of Construction contracts for Statewide contracts awarded is shown in **Table 6-18**. During the seven year study period, all DBE owned firms were significantly underutilized. The following is a summary of the analysis for the overall study period:

Black Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.05 percent of the firms available were owned by Black Americans

Native Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.44 percent of the firms available were owned by Native Americans.

Asian Pacific Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.02 percent of the firms available were owned by Asian Pacific Americans.

Hispanic Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.05 percent of the firms available were owned by Hispanic Americans.

Women

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 1.31 percent of the firms available were owned by Women.

Other DBEs

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Other DBEs.

Table 6-18
Construction_STATEWIDE
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation

Ethnicity Classifications	Contract Dollars ¹	% of Dollars ²	% of Firms Available ³	Disparity Index ⁴	Disparity Impact Under/Over Utilization ⁵
2000					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.44%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$0	0.00%	1.31%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2001					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.44%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$0	0.00%	1.31%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2002					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.44%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$0	0.00%	1.31%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2003					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.44%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$0	0.00%	1.31%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2004					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.44%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$0	0.00%	1.31%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2005					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.44%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$0	0.00%	1.31%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2006					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.44%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$0	0.00%	1.31%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.44%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$0	0.00%	1.31%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
Note: Total dollars awarded may not equal the total due to rounding

¹ The dollars awarded to subcontractors.

² The percentage of dollars from the prime contractor utilization.

³ The percentage of available firms.

⁴ The disparity index is % utilization divided by % availability multiplied by 100.

⁵ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.

⁶ A non-DBE male.

* Significantly underutilized - disparity index below 80.00.

6.3 Professional Services

The disparity analysis for Professional Services subcontracts is shown in **Table 6-19**. During the seven year study period, all DBE owned firms were significantly underutilized. Women owned firms were the highest in availability and received the largest total contract dollars, receiving \$753,774 or 0.71 percent. Hispanic American owned firms received the second highest contract dollar amount, receiving \$77,389 or 0.07 percent; they were the fourth highest in availability. Native American owned firms were the second highest in availability and received \$21,216 or 0.02 percent of the total federal contract dollars spent by the MDT for professional services. The following is a summary of the analysis for the overall study period:

Black Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.31 percent of the firms available were owned by Black Americans.

Native Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.88. The availability analysis indicates that 2.27 percent of the firms available were owned by Native Americans.

Asian Pacific Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.25 percent of the firms available were owned by Asian Pacific Americans.

Hispanic Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 29.04. The availability analysis indicates that 0.25 percent of the firms available were owned by Hispanic Americans.

Women

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 5.42. The availability analysis indicates that 13.04 percent of the firms available were owned by Women.

Other DBEs

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Other DBEs.

**Table 6-19
Professional Services
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation**

Ethnicity Classifications	# of Awarded Contracts ¹	Contract Dollars ²	% of Dollars ³	% of Firms Available ⁴	Disparity Index ⁵	Disparity Impact Under/Over Utilization ⁶
2000						
Black Americans	0	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	0	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	0	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	0	\$0	0.00%	0.25%	0.00	* Underutilization
Women	9	\$199,683	2.18%	13.04%	16.74	* Underutilization
Other DBEs ⁷	0	\$0	0.00%	0.01%	0.00	* Underutilization
2001						
Black Americans	0	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	0	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	0	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	3	\$36,274	0.21%	0.25%	85.34	Underutilization
Women	14	\$164,089	0.97%	13.04%	7.40	* Underutilization
Other DBEs ⁷	0	\$0	0.00%	0.01%	0.00	* Underutilization
2002						
Black Americans	0	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	0	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	0	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	2	\$15,771	0.08%	0.25%	30.91	* Underutilization
Women	16	\$227,398	1.11%	13.04%	8.54	* Underutilization
Other DBEs ⁷	0	\$0	0.00%	0.01%	0.00	* Underutilization
2003						
Black Americans	0	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	0	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	0	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	0	\$0	0.00%	0.25%	0.00	* Underutilization
Women	5	\$19,795	0.16%	13.04%	1.23	* Underutilization
Other DBEs ⁷	0	\$0	0.00%	0.01%	0.00	* Underutilization
2004						
Black Americans	0	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	2	\$21,216	0.13%	2.27%	5.57	* Underutilization
Asian Pacific Americans	0	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	0	\$0	0.00%	0.25%	0.00	* Underutilization
Women	6	\$83,721	0.50%	13.04%	3.83	* Underutilization
Other DBEs ⁷	0	\$0	0.00%	0.01%	0.00	* Underutilization
2005						
Black Americans	0	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	0	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	0	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	1	\$25,344	0.17%	0.25%	66.58	* Underutilization
Women	4	\$56,079	0.37%	13.04%	2.82	* Underutilization
Other DBEs ⁷	0	\$0	0.00%	0.01%	0.00	* Underutilization
2006						
Black Americans	0	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	0	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	0	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	0	\$0	0.00%	0.25%	0.00	* Underutilization
Women	1	\$3,008	0.02%	13.04%	0.15	* Underutilization
Other DBEs ⁷	0	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL						
Black Americans	0	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	2	\$21,216	0.02%	2.27%	0.88	* Underutilization
Asian Pacific Americans	0	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	6	\$77,389	0.07%	0.25%	29.04	* Underutilization
Women	55	\$753,774	0.71%	13.04%	5.42	* Underutilization
Other DBEs ⁷	0	\$0	0.00%	0.01%	0.00	* Underutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
Note: Total dollars awarded may not equal the total due to rounding

¹ The number of contracts awarded to subcontractors.

² The dollars awarded to subcontractors.

³ The percentage of dollars from the prime contractor utilization.

⁴ The percentage of available firms.

⁵ The disparity index is % utilization divided by % availability multiplied by 100.

⁶ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.

⁷ A non-DBE male.

* Significantly underutilized - disparity index below 80.00.

6.3.1 Professional Services - District 1 (Missoula)

The disparity analysis for Professional Services subcontracts awarded in District 1 is shown in **Table 6-20**. During the seven year study period, all DBE owned firms were significantly underutilized. Women owned firms received the only contract dollars awarded, receiving \$138,311 or 0.89 percent; they were also the highest in availability. The following is a summary of the analysis for the overall study period:

Black Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.18 percent of the firms available were owned by Black Americans.

Native Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 2.56 percent of the firms available were owned by Native Americans.

Asian Pacific Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.18 percent of the firms available were owned by Asian Pacific Americans.

Hispanic Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.55 percent of the firms available were owned by Hispanic Americans.

Women

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 6.27. The availability analysis indicates that 14.26 percent of the firms available were owned by Women.

Other DBEs

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Other DBEs.

Table 6-20
Professional Services_DISTRICT 1 (Missoula)
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation

Ethnicity Classifications	Contract Dollars ¹	% of Dollars ²	% of Firms Available ³	Disparity Index ⁴	Disparity Impact Under/Over Utilization ⁵
2000					
Black Americans	\$0	0.00%	0.18%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.56%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.18%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.55%	0.00	* Underutilization
Women	\$0	0.00%	14.26%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2001					
Black Americans	\$0	0.00%	0.18%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.56%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.18%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.55%	0.00	* Underutilization
Women	\$0	0.00%	14.26%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2002					
Black Americans	\$0	0.00%	0.18%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.56%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.18%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.55%	0.00	* Underutilization
Women	\$116,978	1.16%	14.26%	8.13	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2003					
Black Americans	\$0	0.00%	0.18%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.56%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.18%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.55%	0.00	* Underutilization
Women	\$0	0.00%	14.26%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2004					
Black Americans	\$0	0.00%	0.18%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.56%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.18%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.55%	0.00	* Underutilization
Women	\$4,300	0.14%	14.26%	0.97	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2005					
Black Americans	\$0	0.00%	0.18%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.56%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.18%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.55%	0.00	* Underutilization
Women	\$14,025	1.41%	14.26%	9.92	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2006					
Black Americans	\$0	0.00%	0.18%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.56%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.18%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.55%	0.00	* Underutilization
Women	\$3,008	0.50%	14.26%	3.53	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL					
Black Americans	\$0	0.00%	0.18%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.56%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.18%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.55%	0.00	* Underutilization
Women	\$138,311	0.89%	14.26%	6.27	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
 Note: Total dollars awarded may not equal the total due to rounding

¹ The dollars awarded to subcontractors.

² The percentage of dollars from the prime contractor utilization.

³ The percentage of available firms.

⁴ The disparity index is % utilization divided by % availability multiplied by 100.

⁵ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.

⁶ A non-DBE male.

* Significantly underutilized - disparity index below 80.00.

6.3.2 Professional Services - District 2 (Butte)

The disparity analysis for Professional Services subcontracts awarded in District 2 is shown in **Table 6-21**. During the seven year study period, all DBE owned firms were significantly underutilized. The following is a summary of the analysis for the overall study period:

Black Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Black Americans.

Native Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Native Americans.

Asian Pacific Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.26 percent of the firms available were owned by Asian Pacific Americans.

Hispanic Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.26 percent of the firms available were owned by Hispanic Americans.

Women

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 10.70 percent of the firms available were owned by Women.

Other DBEs

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were Other DBEs.

Table 6-21
Professional Services_DISTRICT 2 (Butte)
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation

Ethnicity Classifications	Contract Dollars ¹	% of Dollars ²	% of Firms Available ³	Disparity Index ⁴	Disparity Impact Under/Over Utilization ⁵
2000					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.26%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.26%	0.00	* Underutilization
Women	\$0	0.00%	10.70%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2001					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.26%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.26%	0.00	* Underutilization
Women	\$0	0.00%	10.70%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2002					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.26%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.26%	0.00	* Underutilization
Women	\$0	0.00%	10.70%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2003					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.26%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.26%	0.00	* Underutilization
Women	\$0	0.00%	10.70%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2004					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.26%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.26%	0.00	* Underutilization
Women	\$0	0.00%	10.70%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2005					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.26%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.26%	0.00	* Underutilization
Women	\$0	0.00%	10.70%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2006					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.26%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.26%	0.00	* Underutilization
Women	\$0	0.00%	10.70%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.26%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.26%	0.00	* Underutilization
Women	\$0	0.00%	10.70%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
Note: Total dollars awarded may not equal the total due to rounding

¹ The dollars awarded to subcontractors.

² The percentage of dollars from the prime contractor utilization.

³ The percentage of available firms.

⁴ The disparity index is % utilization divided by % availability multiplied by 100.

⁵ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.

⁶ A non-DBE male.

* Significantly underutilized - disparity index below 80.00.

6.3.3 Professional Services - District 3 (Great Falls)

The disparity analysis for Professional Services subcontracts awarded in District 3 is shown in **Table 6-22**. During the seven year study period, Hispanic American owned firms were overutilized and all other DBE owned firms were significantly underutilized. Hispanic American owned firms received the largest total contract dollars, receiving \$25,344 or 0.79 percent and Women were second, receiving \$20,778 or 0.65 percent; they were also the highest group in availability. The following is a summary of the analysis for the overall study period:

Black Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.84 percent of the firms available were owned by Black Americans.

Native Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 3.93 percent of the firms available were owned by Native Americans.

Asian Pacific Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.28 percent of the firms available were owned by Asian Pacific Americans.

Hispanic Americans

- FY2000 through FY2006 - overutilized as a subcontractor with a disparity index of 7,879.68. The availability analysis indicates that 0.01 percent of the firms available were owned by Hispanic Americans.

Women

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 5.00. The availability analysis indicates that 12.92 percent of the firms available were owned by Women.

Other DBEs

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Other DBEs.

Table 6-22
Professional Services_DISTRICT 3 (Great Falls)
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation

Ethnicity Classifications	Contract Dollars ¹	% of Dollars ²	% of Firms Available ³	Disparity Index ⁴	Disparity Impact Under/Over Utilization ⁵
2000					
Black Americans	\$0	0.00%	0.84%	0.00	* Underutilization
Native Americans	\$0	0.00%	3.93%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.28%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$0	0.00%	12.92%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2001					
Black Americans	\$0	0.00%	0.84%	0.00	* Underutilization
Native Americans	\$0	0.00%	3.93%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.28%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$0	0.00%	12.92%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2002					
Black Americans	\$0	0.00%	0.84%	0.00	* Underutilization
Native Americans	\$0	0.00%	3.93%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.28%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$16,289	1.17%	12.92%	9.08	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2003					
Black Americans	\$0	0.00%	0.84%	0.00	* Underutilization
Native Americans	\$0	0.00%	3.93%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.28%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$4,489	1.02%	12.92%	7.93	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2004					
Black Americans	\$0	0.00%	0.84%	0.00	* Underutilization
Native Americans	\$0	0.00%	3.93%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.28%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$0	0.00%	12.92%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2005					
Black Americans	\$0	0.00%	0.84%	0.00	* Underutilization
Native Americans	\$0	0.00%	3.93%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.28%	0.00	* Underutilization
Hispanic Americans	\$25,344	6.38%	0.01%	63,841.24	Overutilization
Women	\$0	0.00%	12.92%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2006					
Black Americans	\$0	0.00%	0.84%	0.00	* Underutilization
Native Americans	\$0	0.00%	3.93%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.28%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$0	0.00%	12.92%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL					
Black Americans	\$0	0.00%	0.84%	0.00	* Underutilization
Native Americans	\$0	0.00%	3.93%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.28%	0.00	* Underutilization
Hispanic Americans	\$25,344	0.79%	0.01%	7,879.68	Overutilization
Women	\$20,778	0.65%	12.92%	5.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
Note: Total dollars awarded may not equal the total due to rounding

¹ The dollars awarded to subcontractors.

² The percentage of dollars from the prime contractor utilization.

³ The percentage of available firms.

⁴ The disparity index is % utilization divided by % availability multiplied by 100.

⁵ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.

⁶ A non-DBE male.

* Significantly underutilized - disparity index below 80.00.

6.3.4 Professional Services - District 4 (Glendive)

The disparity analysis for Professional Services subcontracts awarded in District 4 is shown in **Table 6-23**. During the seven year study period, all DBE owned firms were significantly underutilized. The following is a summary of the analysis for the overall study period:

Black Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Black Americans.

Native Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 9.80 percent of the firms available were owned by Native Americans.

Asian Pacific Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Asian Pacific Americans.

Hispanic Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Hispanic Americans.

Women

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 9.80 percent of the firms available were owned by Women.

Other DBEs

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Other DBEs.

Table 6-23
Professional Services_DISTRICT 4 (Glendive)
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation

Ethnicity Classifications	Contract Dollars ¹	% of Dollars ²	% of Firms Available ³	Disparity Index ⁴	Disparity Impact Under/Over Utilization ⁵
2000					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$0	0.00%	9.80%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$0	0.00%	9.80%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2001					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$0	0.00%	9.80%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$0	0.00%	9.80%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2002					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$0	0.00%	9.80%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$0	0.00%	9.80%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2003					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$0	0.00%	9.80%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$0	0.00%	9.80%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	Underutilization
2004					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$0	0.00%	9.80%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$0	0.00%	9.80%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2005					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$0	0.00%	9.80%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$0	0.00%	9.80%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2006					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$0	0.00%	9.80%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$0	0.00%	9.80%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL					
Black Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Native Americans	\$0	0.00%	9.80%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$0	0.00%	9.80%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
 Note: Total dollars awarded may not equal the total due to rounding

¹ The dollars awarded to subcontractors.
² The percentage of dollars from the prime contractor utilization.
³ The percentage of available firms.
⁴ The disparity index is % utilization divided by % availability multiplied by 100.
⁵ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.
⁶ A non-DBE male.
 * Significantly underutilized - disparity index below 80.00.

6.3.5 Professional Services - District 5 (Billings)

The disparity analysis for Professional Services subcontracts awarded in District 5 is shown in **Table 6-24**. During the seven year study period, all DBE owned firms were significantly underutilized with the exception of Hispanic Americans. Women owned DBE firms were the highest group in availability and received the largest total contract dollars, \$65,815 or 0.97 percent. Hispanic American owned firms were the second highest group in total contract dollars, receiving \$6,935 or 0.10 percent of the total federal contract dollars spent by the MDT for professional services. The following is a summary of the analysis for the overall study period:

Black Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.40 percent of the firms available were owned by Black Americans.

Native Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 1.20 percent of the firms available were owned by Native Americans.

Asian Pacific Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.40 percent of the firms available were owned by Asian Pacific Americans.

Hispanic Americans

- FY2000 through FY2006 - overutilized subcontractor with a disparity index of 1,020.09. The availability analysis indicates that 0.01 percent of the firms available were owned by Hispanic Americans.

Women

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 6.57. The availability analysis indicates that 14.74 percent of the firms available were owned by Women.

Other DBEs

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were Other DBEs.

Table 6-24
Professional Services_DISTRICT 5 (Billings)
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation

Ethnicity Classifications	Contract Dollars ¹	% of Dollars ²	% of Firms Available ³	Disparity Index ⁴	Disparity Impact Under/Over Utilization ⁵
2000					
Black Americans	\$0	0.00%	0.40%	0.00	* Underutilization
Native Americans	\$0	0.00%	1.20%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.40%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$0	0.00%	14.74%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2001					
Black Americans	\$0	0.00%	0.40%	0.00	* Underutilization
Native Americans	\$0	0.00%	1.20%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.40%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$7,478	0.48%	14.74%	3.29	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2002					
Black Americans	\$0	0.00%	0.40%	0.00	* Underutilization
Native Americans	\$0	0.00%	1.20%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.40%	0.00	* Underutilization
Hispanic Americans	\$6,935	0.87%	0.01%	8,686.65	Overutilization
Women	\$58,337	7.31%	14.74%	49.58	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2003					
Black Americans	\$0	0.00%	0.40%	0.00	* Underutilization
Native Americans	\$0	0.00%	1.20%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.40%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$0	0.00%	14.74%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2004					
Black Americans	\$0	0.00%	0.40%	0.00	* Underutilization
Native Americans	\$0	0.00%	1.20%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.40%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$0	0.00%	14.74%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2005					
Black Americans	\$0	0.00%	0.40%	0.00	* Underutilization
Native Americans	\$0	0.00%	1.20%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.40%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$0	0.00%	14.74%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2006					
Black Americans	\$0	0.00%	0.40%	0.00	* Underutilization
Native Americans	\$0	0.00%	1.20%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.40%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.01%	0.00	* Underutilization
Women	\$0	0.00%	14.74%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL					
Black Americans	\$0	0.00%	0.40%	0.00	* Underutilization
Native Americans	\$0	0.00%	1.20%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.40%	0.00	* Underutilization
Hispanic Americans	\$6,935	0.10%	0.01%	1,020.09	Overutilization
Women	\$65,815	0.97%	14.74%	6.57	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
Note: Total dollars awarded may not equal the total due to rounding

¹ The dollars awarded to subcontractors.

² The percentage of dollars from the prime contractor utilization.

³ The percentage of available firms.

⁴ The disparity index is % utilization divided by % availability multiplied by 100.

⁵ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.

⁶ A non-DBE male.

* Significantly underutilized - disparity index below 80.00.

6.3.6 Professional Services - Multiple Districts

The disparity analysis of Professional Services contracts awarded in Multiple Districts is shown in **Table 6-25**. During the seven year study period, all DBE owned firms were significantly underutilized. Women owned firms were highest in availability and the only group to receive contract dollars; they received \$13,131 or 3.86 percent of the total federally funded contract dollars spent by the MDT for professional services. The following is a summary of the analysis for the overall study period:

Black Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.31 percent of the firms available were Black American owned firms.

Native Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 2.27 percent of the firms available were Native American owned firms.

Asian Pacific Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.25 percent of the firms available were owned by Asian Pacific Americans.

Hispanic Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.25 percent of the firms available were owned by Hispanic Americans.

Women

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 29.60. The availability analysis indicates that 13.04 percent of the firms available were owned by Women.

Other DBEs

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Other DBEs.

Table 6-25
Professional Services_MULTIPLE DISTRICTS
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation

Ethnicity Classifications	Contract Dollars ¹	% of Dollars ²	% of Firms Available ³	Disparity Index ⁴	Disparity Impact Under/Over Utilization ⁵
2000					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Women	\$0	0.00%	13.04%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2001					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Women	\$0	0.00%	13.04%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2002					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Women	\$0	0.00%	13.04%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2003					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Women	\$13,131	6.64%	13.04%	50.96	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2004					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Women	\$0	0.00%	13.04%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2005					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Women	\$0	0.00%	13.04%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2006					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Women	\$0	0.00%	13.04%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Women	\$13,131	3.86%	13.04%	29.60	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
Note: Total dollars awarded may not equal the total due to rounding

¹ The dollars awarded to subcontractors.
² The percentage of dollars from the prime contractor utilization.
³ The percentage of available firms.
⁴ The disparity index is % utilization divided by % availability multiplied by 100.
⁵ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.
⁶ A non-DBE male.
* Significantly underutilized - disparity index below 80.00.

6.3.7 Professional Services - Headquarters

The disparity analysis of Professional Services contracts awarded by Headquarters is shown in **Table 6-26**. During the seven year study period, all DBE owned firms were significantly underutilized. Women owned firms received the largest total contract dollars, receiving \$499,002 or 0.73 percent; they were also the highest in availability. Hispanic Americans were the second highest group in total contract dollars, receiving \$45,110 or 0.07 percent; followed by Native American owned firms, receiving \$21,216 or 0.03 percent of the total federally funded contract dollars spent by the MDT for professional services. The following is a summary of the analysis for the overall study period:

Black Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.31 percent of the firms available were Black American owned firms.

Native Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 1.36. The availability analysis indicates that 2.27 percent of the firms available were owned by Native Americans.

Asian Pacific Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.25 percent of the firms available were owned by Asian Pacific Americans.

Hispanic Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 26.22. The availability analysis indicates that 0.25 percent of the firms available were owned by Hispanic Americans.

Women

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 5.56. The availability analysis indicates that 13.04 percent of the firms available were owned by Women.

Other DBEs

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Other DBEs.

Table 6-26
Professional Services_HEADQUARTERS
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation

Ethnicity Classifications	Contract Dollars ¹	% of Dollars ²	% of Firms Available ³	Disparity Index ⁴	Disparity Impact Under/Over Utilization ⁵
2000					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Women	\$182,946	0.00%	13.04%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2001					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$36,274	0.25%	0.25%	99.64	Underutilization
Women	\$156,611	1.08%	13.04%	8.25	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2002					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$8,836	0.11%	0.25%	45.10	* Underutilization
Women	\$35,795	0.46%	13.04%	3.50	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2003					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Women	\$2,175	0.02%	13.04%	0.16	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2004					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$21,216	0.17%	2.27%	7.69	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Women	\$79,421	0.65%	13.04%	5.01	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2005					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Women	\$42,054	0.42%	13.04%	3.25	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2006					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Women	\$0	0.00%	13.04%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$21,216	0.03%	2.27%	1.36	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$45,110	0.07%	0.25%	26.22	* Underutilization
Women	\$499,002	0.73%	13.04%	5.56	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
Note: Total dollars awarded may not equal the total due to rounding

¹ The dollars awarded to subcontractors.

² The percentage of dollars from the prime contractor utilization.

³ The percentage of available firms.

⁴ The disparity index is % utilization divided by % availability multiplied by 100.

⁵ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.

⁶ A non-DBE male.

* Significantly underutilized - disparity index below 80.00.

6.3.8 Professional Services - Statewide

The disparity analysis of Professional Services for Statewide contracts awarded is shown in **Table 6-27**. During the seven year study period, all DBE owned firms were significantly underutilized. Women owned firms received the only contract dollars awarded, receiving \$16,737 or 0.84 percent; they were also the highest in availability. The following is a summary of the analysis for the overall study period:

Black Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.31 percent of the firms available were Black American owned firms.

Native Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 2.27 percent of the firms available were Native American owned firms.

Asian Pacific Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.25 percent of the firms available were owned by Asian Pacific Americans.

Hispanic Americans

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.25 percent of the firms available were Hispanic American owned firms.

Women

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 6.41. The availability analysis indicates that 13.04 percent of the firms available were owned by Women.

Other DBEs

- FY2000 through FY2006 - significantly underutilized as a subcontractor with a disparity index of 0.00. The availability analysis indicates that 0.01 percent of the firms available were owned by Other DBEs.

Table 6-27
Professional Services_STATEWIDE
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation

Ethnicity Classifications	Contract Dollars ¹	% of Dollars ²	% of Firms Available ³	Disparity Index ⁴	Disparity Impact Under/Over Utilization ⁵
2000					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Women	\$16,737	0.00%	13.04%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2001					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Women	\$0	0.00%	13.04%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2002					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Women	\$0	0.00%	13.04%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2003					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Women	\$0	0.00%	13.04%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2004					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Women	\$0	0.00%	13.04%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2005					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Women	\$0	0.00%	13.04%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2006					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Women	\$0	0.00%	13.04%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Women	\$16,737	0.84%	13.04%	6.41	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
 Note: Total dollars awarded may not equal the total due to rounding

¹ The dollars awarded to subcontractors.
² The percentage of dollars from the prime contractor utilization.
³ The percentage of available firms.
⁴ The disparity index is % utilization divided by % availability multiplied by 100.
⁵ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.
⁶ A non-DBE male.
 * Significantly underutilized - disparity index below 80.00.

6.4 Modal Analysis

The following sections will discuss the disparity analyses of DBE firms on federally assisted contracts by two USDOT funding modals: Federal Highway Administration (FHWA) and the Federal Aviation Administration (FAA). The Federal Transit Administration (FTA) is not included in the analysis because there were only three contracts awarded during the study period which represents approximately .002 percent of the total contract dollars.

Summary charts are included in this set of analyses. The detailed charts are provided in Appendix D1-3 through D1-6, D1-47 through D1-50, D1-118 through D1-171, D1-174 through D1-177; D2-2 through D2-4, D2-21 through D2-23, D2-77 through D2-114, D2-117 through D2-120; D3-2 through D3-5, D3-22 through D3-23, D3-49 through D3-60, D3-63 through D3-64.

6.4.1 Federal Highway Administration

Of the federally funded contracts awarded by the MDT during the study period, \$1,508,054,952 or 99.79 percent of the total dollars included Federal Highway Administration (FHWA) funds. **Table 6-28** is a summary of DBE subcontractor utilization on all FHWA contracts.

Over the course of the study period, Hispanic American and Asian Pacific American owned firms were significantly underutilized with disparity indices of 65.73 and 70.87 respectively. Women owned firms were underutilized with a disparity index of 85.99. However, Black American, Native American, and Other DBE owned firms were overutilized. The most successful DBE group was Native Americans with a disparity index of 315.96. Women owned firms received the largest total contract dollars, receiving \$59,264,417 or 3.93 percent; followed by Native American owned firms, receiving 45,266,417 or 3.00 percent.

- Hispanic American and Other DBE owned firms were significantly underutilized five of the seven years of the study.
- Asian Pacific Americans were significantly underutilized six of the seven years of the study. The only contracts received were during FY2000 totaling \$49,047 and FY2006 totaling \$912,823.

Figure 6-1 presents a comparison of each DBE group's utilization compared to their availability.

6.4.2 FHWA Construction Contracts

In **Table 6-29** all DBE owned firms were overutilized. The most successful groups were Native American owned firms with a disparity index of 733.19; Women, with an index of 318.46; Black Americans, with an index of 343.95; Asian Pacific Americans with an index of 342.91 and Other DBEs, with an index 161.38. Women owned businesses received the largest total contract dollars, receiving \$58,510,644 or 4.17 percent; they were also the highest group in availability. Native American owned businesses were the second highest group in availability and total contract dollars, receiving \$45,245,201 or 3.23 percent.

Table 6-28
Business Categories Combined_FHWA
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation

Ethnicity Classifications	Contract Dollars ¹	% of Dollars ²	% of Firms Available ³	Disparity Index ⁴	Disparity Impact Under/Over Utilization ⁵
2000					
Black Americans	\$1,109,211	0.59%	0.12%	490.30	Overutilization
Native Americans	\$4,914,885	2.61%	0.95%	274.42	Overutilization
Asian Pacific Americans	\$49,047	0.03%	0.09%	28.91	* Underutilization
Hispanic Americans	\$100,006	0.05%	0.11%	48.22	* Underutilization
Women	\$6,605,400	3.50%	4.57%	76.67	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2001					
Black Americans	\$1,097,591	0.47%	0.12%	392.06	Overutilization
Native Americans	\$8,089,468	3.47%	0.95%	364.99	Overutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$148,472	0.06%	0.11%	57.86	* Underutilization
Women	\$6,953,204	2.98%	4.57%	65.22	* Underutilization
Other DBEs ⁶	\$202,338	0.09%	0.01%	867.29	Overutilization
2002					
Black Americans	\$205,190	0.10%	0.12%	85.53	Underutilization
Native Americans	\$6,842,995	3.42%	0.95%	360.31	Overutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$70,041	0.04%	0.11%	31.85	* Underutilization
Women	\$7,238,377	3.62%	4.57%	79.23	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2003					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$3,784,095	1.65%	0.95%	173.26	Overutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$274,644	0.12%	0.11%	108.60	Overutilization
Women	\$6,867,741	2.99%	4.57%	65.37	* Underutilization
Other DBEs ⁶	\$24,000	0.01%	0.01%	104.40	Overutilization
2004					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$6,171,020	2.91%	0.95%	306.75	Overutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$156,266	0.07%	0.11%	67.08	* Underutilization
Women	\$8,511,115	4.02%	4.57%	87.95	Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2005					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$7,362,183	3.38%	0.95%	355.50	Overutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$340,973	0.16%	0.11%	142.20	Overutilization
Women	\$11,296,162	5.18%	4.57%	113.39	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2006					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$8,101,771	3.57%	0.95%	376.25	Overutilization
Asian Pacific Americans	\$912,823	0.40%	0.09%	447.47	Overutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$11,792,419	5.20%	4.57%	113.84	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL					
Black Americans	\$2,411,993	0.16%	0.12%	133.28	Overutilization
Native Americans	\$45,266,417	3.00%	0.95%	315.96	Overutilization
Asian Pacific Americans	\$961,870	0.06%	0.09%	70.87	* Underutilization
Hispanic Americans	\$1,090,401	0.07%	0.11%	65.73	* Underutilization
Women	\$59,264,417	3.93%	4.57%	85.99	Underutilization
Other DBEs ⁶	\$226,338	0.02%	0.01%	150.09	Overutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
Note: Total dollars awarded may not equal the total due to rounding

¹ The dollars awarded to subcontractors.

² The percentage of dollars from the prime contractor utilization.

³ The percentage of available firms.

⁴ The disparity index is % utilization divided by % availability multiplied by 100.

⁵ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.

⁶ A non-DBE male.

* Significantly underutilized - disparity index below 80.00.

Figure 6-1
 Business Categories Combined_FHWA
 Fiscal Years 2000 - 2006
 Subcontractor Disparity Analysis
 Ethnicity Classification
 Montana Department of Transportation

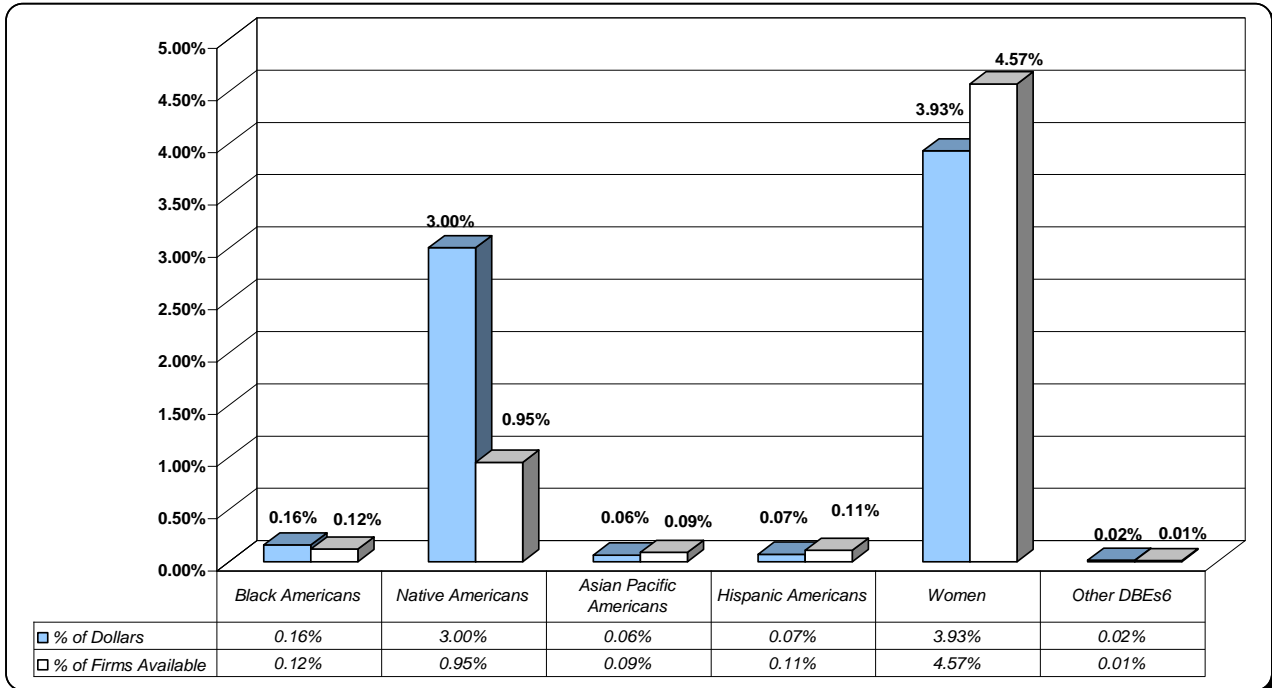


Table 6-29
Construction_FHWA
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation

Ethnicity Classifications	Contract Dollars ¹	% of Dollars ²	% of Firms Available ³	Disparity Index ⁴	Disparity Impact Under/Over Utilization ⁵
2000					
Black Americans	\$1,109,211	0.62%	0.05%	1,235.31	Overutilization
Native Americans	\$4,914,885	2.74%	0.44%	622.00	Overutilization
Asian Pacific Americans	\$49,047	0.03%	0.02%	136.56	Overutilization
Hispanic Americans	\$100,006	0.06%	0.05%	111.38	Overutilization
Women	\$6,405,717	3.57%	1.31%	272.29	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2001					
Black Americans	\$1,097,591	0.51%	0.05%	1,014.75	Overutilization
Native Americans	\$8,089,468	3.74%	0.44%	849.87	Overutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$112,198	0.05%	0.05%	103.73	Overutilization
Women	\$6,789,114	3.14%	1.31%	239.57	Overutilization
Other DBEs ⁶	\$202,338	0.09%	0.01%	935.33	Overutilization
2002					
Black Americans	\$205,190	0.11%	0.05%	228.49	Overutilization
Native Americans	\$6,842,995	3.81%	0.44%	865.89	Overutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$54,270	0.03%	0.05%	60.43	* Underutilization
Women	\$7,010,978	3.90%	1.31%	297.97	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2003					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$3,784,095	1.74%	0.44%	394.47	Overutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$274,644	0.13%	0.05%	251.94	Overutilization
Women	\$6,847,946	3.14%	1.31%	239.77	Overutilization
Other DBEs ⁶	\$24,000	0.01%	0.01%	110.08	Overutilization
2004					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$6,149,804	3.15%	0.44%	716.78	Overutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$156,266	0.08%	0.05%	160.28	Overutilization
Women	\$8,427,394	4.32%	1.31%	329.91	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2005					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$7,362,183	3.63%	0.44%	824.93	Overutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$315,628	0.16%	0.05%	311.22	Overutilization
Women	\$11,240,083	5.54%	1.31%	423.02	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2006					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$8,101,771	3.84%	0.44%	872.08	Overutilization
Asian Pacific Americans	\$912,823	0.43%	0.02%	2,161.65	Overutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$11,789,411	5.58%	1.31%	426.24	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL					
Black Americans	\$2,411,993	0.17%	0.05%	343.95	Overutilization
Native Americans	\$45,245,201	3.23%	0.44%	733.19	Overutilization
Asian Pacific Americans	\$961,870	0.07%	0.02%	342.91	Overutilization
Hispanic Americans	\$1,013,012	0.07%	0.05%	144.46	Overutilization
Women	\$58,510,644	4.17%	1.31%	318.46	Overutilization
Other DBEs ⁶	\$226,338	0.02%	0.01%	161.38	Overutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
Note: Total dollars awarded may not equal the total due to rounding

¹ The dollars awarded to subcontractors.

² The percentage of dollars from the prime contractor utilization.

³ The percentage of available firms.

⁴ The disparity index is % utilization divided by % availability multiplied by 100.

⁵ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.

⁶ A non-DBE male.

* Significantly underutilized - disparity index below 80.00.

6.4.3 FHWA Professional Services Contracts

Table 6-30 shows that DBE firms were not as successful on Professional Services contracts compared to Construction contracts. All DBE groups were significantly underutilized during the study period. The MDT spent \$105,545,408 on Professional Services contracts that were funded by the FHWA of which DBE firms received a total of \$852,379 or 0.81 percent in subcontracts. Of the total DBE subcontract dollars, Women received \$753,774 or 0.71 percent.

6.4.4 FHWA Contracts with and without DBE Goals

As mentioned previously, the MDT issued FHWA contracts that totaled \$1,508,054,952 during the study period. Goals were assigned to 31.32 percent or \$472,328,541, of the contract dollars awarded with an average DBE participation goal of 3.43 percent or \$16,212,608. When the MDT identified project specific goals on contracts, the average DBE participation was 8.03 percent utilization or a total of \$37,928,341. **Table 6-31** shows that the remaining contracts totaling \$1,035,726,411 or 68.68 percent were awarded without any DBE goal associated with a project. Of the \$1,035,726,411, \$71,293,096 was awarded to DBE subcontractors reflecting a DBE utilization of 6.88 percent.

A closer review of the contracts without DBE goals shows that 19.45 percent of the dollars associated with non-DBE goal contracts were issued in 2006 after the DBE program suspended its use of goals. Even with the suspended program, DBE firms were used at a higher rate during FY2006 than during FY2000, FY2001, FY2002, FY2003 and FY2004. The suspension of applying goals is a significant factor because it does not mean that the firms were not available to participate, rather, that it was a legal and policy decision at that time.

Another interesting note is that on average, the prime contractors were able to exceed the overall goal regardless of whether project goals were established. In contrast, we now know that the project goals for DBEs were under-estimated during the study period. Therefore, we are able to draw the conclusion that there is a higher level of availability of DBEs than previously estimated and that a segment of DBEs can be competitive in a race-neutral environment. A summary of the goals achieved by year for FHWA funded contracts is shown in **Table 6-32**. For the detailed list, please see Appendix D1-120 through D1-170.

Table 6-30
Professional Services_FHWA
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation

Ethnicity Classifications	Contract Dollars ¹	% of Dollars ²	% of Firms Available ³	Disparity Index ⁴	Disparity Impact Under/Over Utilization ⁵
2000					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Women	\$199,683	2.23%	13.04%	17.13	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2001					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$36,274	0.21%	0.25%	85.50	Underutilization
Women	\$164,089	0.97%	13.04%	7.42	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2002					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$15,771	0.08%	0.25%	31.06	* Underutilization
Women	\$227,398	1.12%	13.04%	8.59	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2003					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Women	\$19,795	0.17%	13.04%	1.28	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2004					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$21,216	0.13%	2.27%	5.57	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Women	\$83,721	0.50%	13.04%	3.83	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2005					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$25,344	0.17%	0.25%	66.87	* Underutilization
Women	\$56,079	0.37%	13.04%	2.84	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2006					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$0	0.00%	2.27%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Women	\$3,008	0.02%	13.04%	0.15	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL					
Black Americans	\$0	0.00%	0.31%	0.00	* Underutilization
Native Americans	\$21,216	0.02%	2.27%	0.89	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.25%	0.00	* Underutilization
Hispanic Americans	\$77,389	0.07%	0.25%	29.33	* Underutilization
Women	\$753,774	0.71%	13.04%	5.48	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
 Note: Total dollars awarded may not equal the total due to rounding

¹ The dollars awarded to subcontractors.
² The percentage of dollars from the prime contractor utilization.
³ The percentage of available firms.
⁴ The disparity index is % utilization divided by % availability multiplied by 100.
⁵ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.
⁶ A non-DBE male.
 * Significantly underutilized - disparity index below 80.00.

**Table 6-31
 Business Categories Combined
 Fiscal Years 2000-2006
 FHWA Funded Contracts without Goals
 Percentage of Total Dollars
 Montana Department of Transportation**

Year(s)	Total Contract \$	% of Total \$	DBE\$	% of DBE \$	DBE % of Total \$
2000	\$188,525,518	18%	\$12,778,550	18%	6.78%
2001	\$193,576,791	19%	\$12,843,578	18%	6.63%
2002	\$130,969,754	13%	\$8,129,141	11%	6.21%
2003	\$95,051,282	9%	\$3,212,693	5%	3.38%
2004	\$140,088,324	14%	\$9,823,254	14%	7.01%
2005	\$86,031,790	8%	\$7,616,604	11%	8.85%
Total 2002-2005	\$834,243,459	81%	\$54,403,820	76%	6.52%
2006	\$201,482,952	19%	\$16,889,278	24%	8.38%
Total	\$1,035,726,411	100%	\$71,293,098	100%	6.88%

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
 Note: Total dollars awarded may not equal the total due to rounding

**Table 6-32
 Business Categories Combined
 Fiscal Years 2000-2006
 Project Goal Utilization Analysis_FHWA
 Percentage of Total Dollars
 Montana Department of Transportation**

Contract Amount	Contract Goal Amount	Contract Goal	Achieved Contract Goal Amount	Achieved Goal %	Dollars Over/Under Goal	% of Dollars Over/Under Goal
Goal Analysis_FHWA						
2000						
\$188,525,518	\$0	0.00%	\$12,778,550	6.78%	\$12,778,550	6.78%
2001						
\$233,297,796	\$1,846,478	0.79%	\$16,491,073	7.07%	\$14,644,596	6.28%
2002						
\$199,917,782	\$3,259,386	1.63%	\$14,356,604	7.18%	\$11,097,218	5.55%
2003						
\$229,895,020	\$3,583,199	1.56%	\$10,950,479	4.76%	\$7,367,281	3.20%
2004						
\$211,762,750	\$2,147,714	1.01%	\$14,838,401	7.01%	\$12,690,687	5.99%
2005						
\$217,992,187	\$4,586,697	2.10%	\$18,999,317	8.72%	\$14,412,620	6.61%
2006						
\$226,663,899	\$789,136	0.35%	\$20,807,013	9.18%	\$20,017,878	8.83%
Overall						
\$1,508,054,952	\$16,212,608	1.08%	\$109,221,437	7.24%	\$93,008,829	6.17%

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
 Note: Total dollars awarded may not equal the total due to rounding

6.4.5 Federal Aviation Administration

During the seven year study period, grants awarded by the Federal Aviation Administration (FAA) were very limited in relation to the grants awarded by the FHWA. The FAA assisted in funding \$3,131,763 or 0.21 percent of all federally assisted contract dollars spent by the MDT during the study period. A total of twelve projects were funded with FAA contract dollars of which the MDT was able to achieve through race neutral, DBE participation of 7.70 percent. **Table 6-33** shows that a Woman owned firm received 100 percent of the \$241,039 for a construction subcontract funded by the FAA.

Tables 6-34 through **6-35** shows that all DBEs with the exception of Women owned firms were significantly underutilized for Construction projects and were not used on Professional Services contracts. Women owned firms were overutilized for construction, with a disparity index of 867.36; they also were the highest group in availability.

Figure 6-2 presents a comparison of each DBE group's utilization compared to their availability.

Table 6-33
Construction_FAA
Fiscal Years 2000 - 2006
Subcontractor Utilization
Percentage of Total Dollars
Ethnicity Classification
Montana Department of Transportation

Fiscal Year	Black Americans	Native Americans	Asian Pacific Americans	Hispanic Americans	Women	Other DBEs	Total DBEs	Total Dollars Awarded
2000	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2001	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2002	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2003	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2004	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
2005	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$241,039 11.36%	\$0 0.00%	\$241,039 11.36%	\$2,121,377
2006	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0
Total	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$241,039 11.36%	\$0 0.00%	\$241,039 11.36%	\$2,121,377

Source: Montana Department of Transportation for the period of October 1, 2001 through September 30, 2006.

Note: Total dollars awarded may not equal the total due to rounding

Table 6-34
Business Categories Combined_FAA
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation

Ethnicity Classifications	Contract Dollars ¹	% of Dollars ²	% of Firms Available ³	Disparity Index ⁴	Disparity Impact Under/Over Utilization ⁵
2000					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.95%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$0	0.00%	4.57%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2001					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.95%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$0	0.00%	4.57%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2002					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.95%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$0	0.00%	4.57%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2003					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.95%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$0	0.00%	4.57%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2004					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.95%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$0	0.00%	4.57%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2005					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.95%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$241,039	11.01%	4.57%	240.99	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2006					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.95%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$0	0.00%	4.57%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL					
Black Americans	\$0	0.00%	0.12%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.95%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.09%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.11%	0.00	* Underutilization
Women	\$241,039	7.70%	4.57%	168.42	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
Note: Total dollars awarded may not equal the total due to rounding

¹ The dollars awarded to subcontractors.

² The percentage of dollars from the prime contractor utilization.

³ The percentage of available firms.

⁴ The disparity index is % utilization divided by % availability multiplied by 100.

⁵ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.

⁶ A non-DBE male.

* Significantly underutilized - disparity index below 80.00.

Table 6-35
Construction_FAA
Fiscal Years 2000 - 2006
Subcontractor Disparity Analysis
Ethnicity Classification
Montana Department of Transportation

Ethnicity Classifications	Contract Dollars ¹	% of Dollars ²	% of Firms Available ³	Disparity Index ⁴	Disparity Impact Under/Over Utilization ⁵
2000					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.44%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$0	0.00%	1.31%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2001					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.44%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$0	0.00%	1.31%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2002					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.44%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$0	0.00%	1.31%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2003					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.44%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$0	0.00%	1.31%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2004					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.44%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$0	0.00%	1.31%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2005					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.44%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$241,039	11.36%	1.31%	867.36	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
2006					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.44%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$0	0.00%	1.31%	0.00	* Underutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization
OVERALL					
Black Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Native Americans	\$0	0.00%	0.44%	0.00	* Underutilization
Asian Pacific Americans	\$0	0.00%	0.02%	0.00	* Underutilization
Hispanic Americans	\$0	0.00%	0.05%	0.00	* Underutilization
Women	\$241,039	11.36%	1.31%	867.36	Overutilization
Other DBEs ⁶	\$0	0.00%	0.01%	0.00	* Underutilization

Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006
Note: Total dollars awarded may not equal the total due to rounding

¹ The dollars awarded to subcontractors.

² The percentage of dollars from the prime contractor utilization.

³ The percentage of available firms.

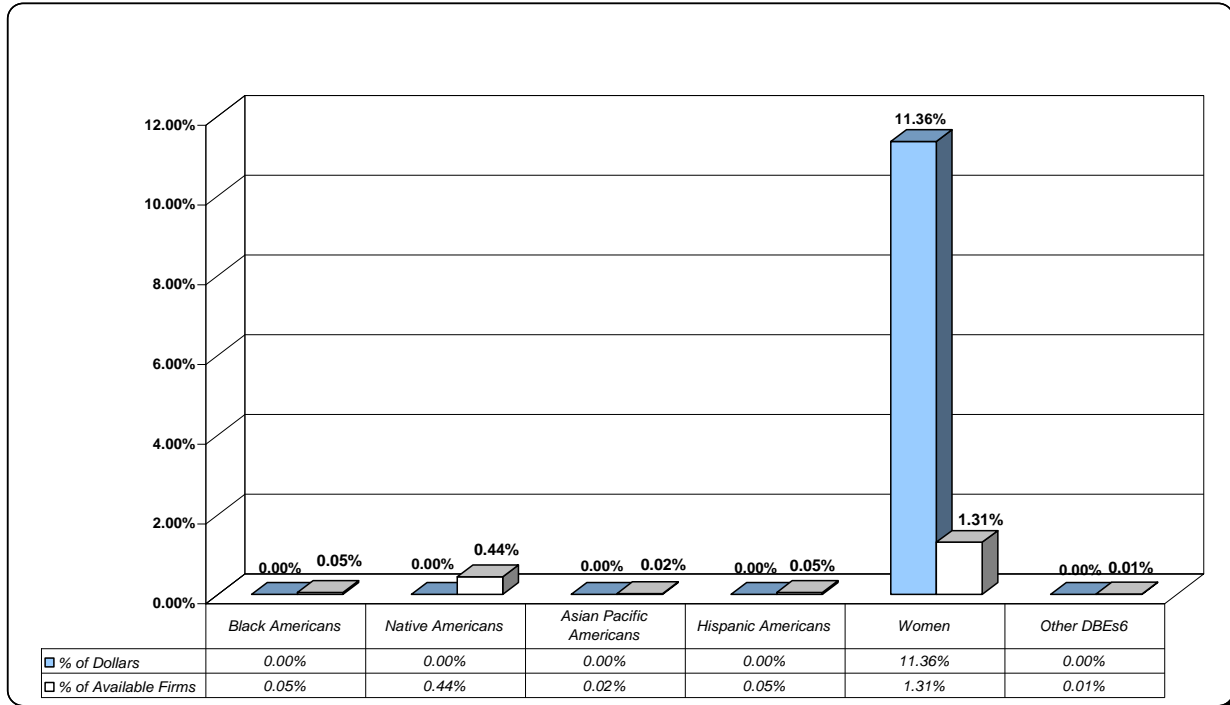
⁴ The disparity index is % utilization divided by % availability multiplied by 100.

⁵ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100.

⁶ A non-DBE male.

* Significantly underutilized - disparity index below 80.00.

Figure 6-2
 Construction_FAA
 Fiscal Years 2000 - 2006
 Subcontractor Disparity Analysis
 Ethnicity Classification
 Montana Department of Transportation



Source: Montana Department of Transportation for the period of October 1, 1999 through September 30, 2006

CHAPTER 7.0 - ANECDOTAL EVIDENCE SUMMARY



CHAPTER 7.0 - ANECDOTAL EVIDENCE SUMMARY

7.1 Introduction

This chapter describes the results of anecdotal information collected from personal interviews, public hearings and telephone surveys. The collection of personal accounts of incidents of discrimination and the analysis of this anecdotal information are important components of this Disparity Study (in brief reference, the "Study"). The information and analytical data in the Study provides a better understanding of the contracting culture within the Montana Department of Transportation ("MDT").

Courts have relied on anecdotal data in disparity studies as evidence of the existence of past and present discrimination. Regarding the use of anecdotal evidence, the Supreme Court explains, "Evidence of a pattern of individual discriminatory acts can, if supported by appropriate statistical proof, lend support to a local government's determination that broader remedial relief is justified." *City of Richmond v. J.A. Croson Co*, 488 U.S. 469, 509, 109 S.Ct. 706, 730 (1989). Courts have indicated that while anecdotal evidence alone is generally not sufficient to prove discrimination, combining accounts of specific incidents of discrimination with strong evidence of statistical disparities can provide a strong evidentiary basis to support a race- and gender-conscious program.

The Ninth Circuit Court of Appeals in *Western States Paving Co., Inc. v. Washington State Department of Transportation* noted that "both statistical and anecdotal evidence of discrimination are relevant in identifying the existence of discrimination." 407 F.3d 983, 992 (9th Cir. 2005) (citing *Adarand Constructors, Inc. v. Slater* ("*Adarand VII*"), 228 F.3d 1147, 1166 (10th Cir. 2000)). In applying *Croson*, the Ninth Circuit has addressed the adequacy of anecdotal evidence in constitutionally supporting the need for race-based remedial programs. The court decisions within the Ninth Circuit provide examples of both acceptable and unacceptable forms of anecdotal evidence. The Ninth Circuit Court of appeals in *Western States Paving* held that the anecdotal evidence provided by the Washington State Department of Transportation (WSDOT) was not sufficient. The Ninth Circuit criticized the WSDOT for not introducing any anecdotal evidence of discrimination. During oral argument before the Ninth Circuit, WSDOT contended that the affidavits signed by applicants applying for DBE status provided evidence of discrimination within Washington. Addressing this evidence, the Court stated that the affidavits "do not provide any evidence of discrimination within Washington's transportation contracting industry ... these affidavits do not require prospective DBEs to certify that they have been victims of discrimination in the contracting industry." *Id.* at 1002. The Court also noted that the affidavits

signed by the applicants for DBE status only required the business owners to certify that they had been subject to racial or ethnic prejudice or cultural bias or that they had suffered the effects of discrimination because they were a member of a minority group. Relying upon *Croson*, the Ninth Circuit stated, “Such claims of general societal discrimination—and even generalized assertions about discrimination in an entire industry—cannot be used to justify race-conscious remedial measures. *Id.* (citing *Croson*, 488 U.S. at 498). The Court went on to state “the record is therefore devoid of any evidence suggesting that minorities currently suffer—or have ever suffered—discrimination in the Washington Transportation contracting industry.” *Id.*

By contract, the Ninth Circuit in *Coral Construction Company v. King County*, 941 F.2d 910 (9th Cir. 1991) provides an example of anecdotal evidence that the court found sufficient to withstand constitutional scrutiny. While the Court ultimately found the evidentiary record was not sufficient to meet the strict scrutiny requirement of *Croson*, the Court noted that its decision was based upon the fact that the record did not contain statistical evidence to support King County’s findings and that while the “[W]ritten testimony of the numerous affiants suggests that there *may* be systemic discrimination within the King County construction industry. Without a statistical foundation, the picture is incomplete.” (emphasis supplied) *Id.* at 919.

The record presented by King County included 700 plus pages including at least 57 affidavits from minority or women contractors each complaining, in varying degrees of specificity, about discrimination within the local contracting industry. The ethnic breakdown of the affiants included 23 African American contractors, 13 Hispanic contractor, 10 Asian contractors, 6 Native American contractors, 3 women contractors and 2 contractors who identified themselves as “other”. The Court stated “these affidavits certainly suggest that ongoing discrimination may be occurring in much of the King County business community.” *Id.* at 918. In support of this determination the Court provided examples of quotations from business owners regarding their experience.

Nowhere in the Court’s opinion in *Coral Construction* did the Court address the need to ensure that the information provided by the affiants was verified for accuracy. The Court accepted the examples provided as evidence that discrimination may have occurred within the King County construction industry. However, the Tenth Circuit in *Concrete Works of Colorado, Inc., v City and County of Denver*, 321 F. 3d 950 (10th Cir. 2003), did address Concrete Works of Colorado’s (CWC) argument that the City and County of Denver must verify witnesses’ anecdotal accounts to meet their burden of proof. The Court stated “There is no merit to CWC’s argument that the witnesses’ accounts must be verified to provide support for Denver’s burden. Anecdotal evidence is nothing more than a witness’ narrative of an incident told from the witness’ perspective and including the witness’ perceptions. In this case, the anecdotal

evidence was not subject to rigorous cross-examination...Denver was not required to present corroborating evidence and CWC was free to present its own witnesses to either refute the incidents described by Denver's witnesses or to relate their own perceptions on discrimination in the Denver construction industry." *Id.* at 989.

In keeping with the legal precedent discussed above, the anecdotal evidence of discrimination presented in this Chapter is compiled from 59 personal interviews with business owners within the state of Montana, all of whom attested by affidavit to the experiences they described in the interviews. The evidence also includes some testimony from business owners at two separate public hearings. Like the evidence that the Court found acceptable in *Coral Construction*, the evidence included in this chapter was obtained from ethnic and gender groups most prevalent in Montana. Therefore, the majority of the evidence presented came from Native American, Caucasian female, and Caucasian male business owners. When quotations are provided to support anecdotal examples of discrimination, at least two individuals complained of the problem and quotations from at least two individuals are provided.

7.2 Methodology

Several methods were used to collect anecdotal data from individuals representing both DBE and non-DBE businesses. Specifically, personal interviews of DBE and non-DBE business owners and public hearings were used to document specific incidents and patterns of discrimination. A detailed explanation of the process used to obtain evidence is discussed under each method.

To participate in the personal interviews and public hearings, business owners had to have conducted business with the MDT; attempted to conduct business with MDT; or acted as a subcontractor on a project administered by MDT during the relevant study period. During the personal interviews, the interviewer asked each business owner to comment upon business that they conducted or attempted to conduct with MDT during such period. Business owners who participated in the public hearings were asked to restrict their comments to specific examples concerning projects administered by MDT. Also, each business that participated in either the personal interviews or the public hearings was located in the state of Montana and maintained a Montana business license.

Public Hearings & Focus Groups

Fields & Brown, LLC ("Fields & Brown") attempted to conduct five public hearings to receive testimony and exhibits relevant to MDT's DBE program and to DBE participation in construction, professional services, general services and commodities contracting for MDT. We

scheduled a public hearing in each of MDT's five districts. The hearings were to occur as follows: Missoula, Tuesday, November 13, 2007; Bozeman, Tuesday, November 13, 2007; Helena, Wednesday, November 14, 2007; Billings, Thursday, November 15, 2007 and Glendive, Tuesday, November 27, 2007. Fields & Brown and MDT agreed not to have a hearing panel for the public hearings. The concern was that MDT employees would want the opportunity to attend the hearing if a panel was present. MDT advertised the public hearing by email, written mailed correspondence, telephone, newspaper advertisements and radio spots. Advertisements were run in the local newspapers for each city where a hearing was scheduled along with the surrounding cities' newspapers. The advertisements included the dates and locations of all five hearings with the thought that a business owner may want to attend a different city's hearing. The hearings were also announced at internal agency meetings held by MDT. The hearing dates and locations were provided to the Montana Contractors Association and MDT staff spent several hours speaking with business owners on the telephone regarding the hearings.

Four of the five scheduled public hearings occurred. Despite the extensive advertising, attendance at the hearings was very poor. No one attended the Missoula hearing, one person attended the Bozeman hearing and testified, two people attended the Helena hearing but did not testify and three people attended the Billings hearing and two of the individuals testified. Due to the poor participation, MDT and Fields & Brown decided to cancel the Glendive hearing. It is significant to note, that during the personal interviews, business owners indicated that they were aware of the public hearings.

Individuals in attendance at the public hearings were asked to sign in and were given speaker instructions and a Speaker's Card to complete. The speaker instruction sheet provided additional information regarding the parameters of the testimony to be provided.

If an individual was interested in speaking at the hearing and met the criteria to present testimony, then the individual completed the Speaker's Card before presenting testimony. The cards were collected, given to the Hearing Officers and added as exhibits to the hearing transcript.

In summary, a total of three DBE business owners presented testimony at four public hearings. One DBE business owner presented testimony in Bozeman and two DBE business owners presented testimony in Billings. No one attended the Missoula hearing and two individuals attended but did not testify at the Helena hearing. We canceled the Glendive hearing.

When each hearing opened, Carla Fields or Sharon Ivy, as hearing officers provided opening comments addressing the legal background for the Disparity Study, the components of

the Study and the role of the hearing participants in establishing a factual record for the anecdotal portion of the Study.

The participants were then instructed to provide specific testimony regarding any incidents of discrimination they experienced in conducting business with MDT. As part of the hearing testimony, each speaker was required to provide complete identification, including the speaker's name, represented firm, the speaker's ethnic or gender group and the firm's certification status. After each speaker's testimony, the Hearing Officers asked questions to clarify the testimony. A court reporter recorded the proceedings at each of the hearings.

Fields & Brown originally agreed to conduct five focus groups, one in each district. The focus groups were to capture testimony of prime contractors. Fields & Brown was to contact prime contractors with offices in each district for participation in that district's focus group. Representatives of MDT suggested that Fields & Brown might receive better information from prime contractors if individual interviews were conducted rather than focus groups. Therefore, Fields & Brown agreed to attempt to schedule interviews with all of the general contractors that regularly bid on MDT projects. Because Fields & Brown agreed not to conduct focus groups, we agreed to increase the number of personal interviews from 40 to 60.

Personal Interviews

One-on-one personal interviews were also conducted to elicit examples of specific incidents of discrimination on the basis of ethnicity and gender. D. Wilson Consulting Group provided an interview guide that covered a range of questions concerning a firm's attempts to conduct business with MDT, experiences conducting business with MDT, experiences contracting with general contractors on MDT projects, the firm's business operations and instances of discrimination. The Interview Guide is presented in Appendix E.

In collecting anecdotal evidence relevant to the existence of discriminatory practices, the interviewers were as objective as possible in selecting the participants, drafting interview questions, asking questions during the interviews and eliciting follow-up responses from individuals. The interviewers made no attempts to prompt or guide the testimony or responses of individuals, but they tried to identify any unrecognized or acknowledged discriminatory practices within the relevant market area.

D. Wilson Consulting Group provided Fields & Brown with several different contact lists of business owners to assist in scheduling personal interviews. The contact lists included the following: Montana businesses from MDT's DBE Directory, including 84 businesses; prime contractors list, including 10 businesses; and a Montana vendor database list created by D. Wilson Consulting Group, including 307 businesses. Each list included the name of the

business, business classification, contact name, email address, phone number, fax number and mailing address.

Fields & Brown initially separated each list by district and then created five separate lists that combined the businesses located in the metropolitan areas of each district, including Missoula/Kalispell/Whitefish, Bozeman/Butte, Helena/Great Falls, Glendive and Billings. Fields & Brown then contacted each business by faxing a letter requesting participation in the disparity study by means of a personal interview. With the initial contact letter, Fields & Brown forwarded a letter signed by Leslie Wootan-Hartung, MDT DBE Program Manager, explaining the purpose of the study and the importance of participating in a personal interview.

Fields & Brown called all the businesses that received faxed letters within three days to attempt to schedule interviews. Each business owner who scheduled an interview received a confirmation letter from Fields & Brown sent on the same day that the interview was arranged. Fields & Brown also sent those businesses a reminder letter one to two days before the interview. During this scheduling process, Fields & Brown attempted contact with each business two to three times.

The goal was to conduct a total of 60 interviews. Three interviewers from Fields & Brown conducted interviews in Montana during November 12-16, 2007. During the trip, fifteen interviews were conducted in District 1 (Missoula/Kalispell/Whitefish) with three cancellations. Seven interviews were conducted in District 2 (Bozeman/Butte) with no cancellations. Thirteen interviews were conducted in District 3 (Helena/Great Falls) with one cancellation. Fifteen interviews were conducted in District 5 (Billings) with two cancellations. A total of fifty interviews were conducted. After returning from Montana, Fields & Brown contacted the business owners who indicated they wanted to do a telephone interview because they had a scheduling conflict. Fields & Brown conducted ten telephone interviews. A total of sixty interviews were conducted.

The results of fifty-nine interviews are included in the interview findings. The results of one interview were not included because the business terminated the telephone interview.

The contacted firms represented a cross section of firms in construction, professional services and procurement areas. A total of twenty-seven DBE firms were interviewed from the following racial/ethnic groups: six Native American firms and twenty-one Caucasian women owned firms. One Caucasian woman owned firm was not certified as a DBE. Two firms that were interviewed were publicly owned and therefore did not fit in one of the ethnic categories. The remaining twenty-nine firms interviewed were Caucasian male owned firms.

The interviews conducted on-site were held at each owner's office or at a location selected by the owner. The interviews averaged one hour in length. Each interview was recorded on tape and later transcribed. Before each interview, business owners were informed

that their responses to the questionnaire would be confidential and would not be distributed with their identity revealed, except in the event of a legal action, where disclosure is required by the court. At the conclusion of the interviews, business owners were asked to sign an affidavit attesting that the information provided during the interview was freely given, true and not coerced and that it reflected the firms' procurement experiences with the participating Agencies. The following findings are the results of these fifty-nine personal interviews.

Business Characteristics

The interview instrument included questions designed to establish a business profile for each business interviewed. Information was gathered concerning the primary line of business, the number of years in business, organizational structure, gross revenues and firm size. The information charted below is categorized by Native American owned firms, Caucasian Women owned firms and Caucasian male owned firms. The two firms in the "other" category are the two publicly traded companies.

Primary Line of Business

Table 7-1 summarizes data concerning the primary line of business for the firms interviewed.

Table 7-1
Summary of Primary Line of Business

Primary Line of Business	Other	Native American	Caucasian Women	Caucasian Men	Totals
Construction		4	9	9	22
Architecture/Engineering	1		1	16	18
Consulting	1		5	1	7
Commodities and Supplies			1		1
Professional Other		1	4	3	8
Miscellaneous and Other Services		1	2		3
Totals	2	6	22	29	59

The categories are (i) construction (which included general contractors and all subcontractors that perform services related to the following construction areas: building, highway or bridge); (ii) architecture/engineering; (iii) consulting (iv) professional services, including all professional services except architecture/engineering; (v) commodities and supplies; and (vi) miscellaneous/other services.

Of the firms interviewed, thirty-seven percent were in one of the construction areas; thirty-one percent were in the architecture/engineering category; twenty-five percent in the

consulting/professional services category; two percent in the commodities and supplies category; and 5 percent in the miscellaneous and other services category.

Years in Business

Table 7-2 represents the number of years in business specified by ethnicity of the firms interviewed.

**Table 7-2
 Years in Business by Ethnicity**

Number of Years in Business	Other	Native American	Caucasian Women	Caucasian Men	Totals
0-10		2	7	4	13
11-20		2	9	4	15
21-30		1	3	7	11
31-40		1	2	8	11
41-50	2			3	5
50+			1	3	4
Totals	2	6	22	29	59

Sixty-seven percent of the DBE firms have been in business twenty years or less. Amongst non-DBE firms, twenty-eight percent have been in business twenty years or less. Seventy-two percent of the non-DBE firms have been in business twenty years or more. In comparison, thirty-three percent of DBE firms have been in business twenty years or more.

Organizational Structure

As reflected in Table 7-3 below, a large majority of the firms interviewed were either corporations or limited liability corporations.

**Table 7-3
 Company Formation**

Business Structure	Other	Native American	Caucasian Women	Caucasian Men	Totals
Sole Proprietorship		2	1	2	5
Partnership					
Corporation	2	3	17	25	47
Limited Liability Partnership			1	1	2
Limited Liability Corporation		1	2	1	4
Joint Venture					
Non-Profit					
Franchise			1		1
Totals	2	6	22	29	59

Gross Revenues

Table 7-4 summarizes data obtained regarding gross revenues for 2006. A majority, sixty-seven percent, of the Native American owned firms interviewed grossed under \$500,000 in revenues. For Caucasian women owned firms, there was a balanced split in gross revenues earned above and below \$500,000. Forty-five percent of the firms earned \$500,000 or less and fifty-five percent of these firms earned more than \$500,000 in gross revenues. For Caucasian male owned firms, eighty-three percent earned over \$1,000,000 in gross revenues.

**Table 7-4
 Gross Revenues by Ethnicity/Gender**

Gross Revenues for 2006	Other	Native American	Caucasian Women	Caucasian Men	Totals
\$50,000 or less		1	1		2
\$50,001-\$100,000		1	3	1	5
\$100,001-\$300,000		1	4	1	6
\$300,001-\$500,000		1	2	2	5
\$500,001-\$1,000,000			4	1	5
\$1,000,001-\$3,000,000	1		4	7	12
\$3,000,001-\$5,000,000			1	2	3
\$5,000,001-\$10,000,000		1	2	7	10
over \$10,000,000	1		1	7	9
No Response		1		1	2
Totals	2	6	22	29	59

Firm Size

Table 7-5 shows that regardless of the race/ethnicity or gender of the business owner, the majority of the businesses interviewed had fifty or fewer employees. Seventeen percent of the DBE firms had greater than fifty employees. Thirty-eight percent of the non-DBE firms had over fifty employees.

**Table 7-5
 Firm Size by Ethnicity/Gender**

Excluding Self, Number of Employees	Other	Native American	Caucasian Women	Caucasian Men	Totals
0-10		4	14	6	24
11-50		2	5	12	19
51-75			2	2	4
Over 75	2		1	9	12
No Response					
Totals	2	6	22	29	59

Comparison of DBE and Non-DBE Demographics

Even though the DBE and non-DBE firms interviewed were similar in size, the non-DBE firms generally had higher gross revenues and had been in business longer than the DBE firms. In regard to revenues, eleven DBE firms had over \$1,000,000 in gross revenues. Of the eleven firms, only one of those firms was minority owned firms. In comparison, twenty-three non-DBE Caucasian male-owned firms had gross revenues over \$1,000,000. The majority of firms interviewed had less than fifty employees; sixteen firms had fifty or more employees. Of those sixteen firms, no minority-owned firms had over seventy-five employees.

Barriers to Obtaining Anecdotal Testimony

One of the immediate problems Fields & Brown noticed when scheduling interviews was the size of the state of Montana and the distance between districts. Once the available pool of businesses was separated by district, we attempted to determine if there was a particular city within each district where the majority of the businesses were located. We noticed that businesses were located in several cities within each district.

It was important for Fields & Brown to obtain anecdotal testimony from businesses throughout the state of Montana. To accomplish this, Fields & Brown added a third interviewer and scheduled interviews in several cities within each district. Of the seventeen interviews conducted in District 1, ten interviews were conducted in Missoula, two were conducted in Kalispell and one was conducted in Whitefish. Four additional interviews were conducted in smaller locations in District 1. Of the seven interviews conducted in District 2, four interviews were conducted in Bozeman and three interviews were conducted in Butte. Of the fourteen interviews that were conducted in District 3, six interviews were conducted in Helena and six interviews were conducted in Great Falls. Of the twenty-one interviews conducted in District 5, eighteen were in the Billings area. We attempted to schedule telephone interviews in Glendive and other cities in District 4 but were unsuccessful.

Specific Incidents of Discrimination

During the personal interviews, business owners were provided a series of situations and asked whether they had experienced any of them. The situations related to potential discriminatory practices by either MDT or prime contractors on MDT projects. If a business owner indicated that they experienced any of the situations, they were asked to explain the circumstances in detail. **Table 7-6** are the results of the questions specified by race and gender.

**Table 7-6
 Barriers to Contracting**

Has your company ever been faced with any of the following situations?	Other	Native American	Caucasian Women	Caucasian Men	Totals
Submitted as a subcontractor and dropped by the prime after the prime was awarded the contract.			6	4	10
Placed on a contract to do one job and ended up doing another.		1	3	4	8
Did a job that required less work and pay than was contracted for		1	12	9	22
Paid less than the negotiated amount in the contract after completing the job	1		5	4	10
Prime contractor held your company to higher performance standards than other contractors on the job		1	3	2	6
Agency personnel held your company to higher performance standards than other contractors on the job	1		3	7	11
Completed a job and never received payment	1		3	4	8
Asked to be a front for a majority firm					
Pressured to lower quotes on a bid because of bid peddling or bid shopping by prime contractor			5	3	8
Frequently contacted by prime contractors for inclusion in a bid, and after providing the quotes, never heard from the prime again		1	10	5	16
Dropped from the contract because a DBE goal was not required or already met			2	1	3
Followed any unwritten rules that you must follow in order to win contracts			2	1	3
Failed to attend mandatory pre-bid conference				1	1
Asked to sign a form stating you had been paid when you had not been			1	1	2
Had problems with prime paying you on time	1	1	13	12	27
Had prime use your firm name in bid without permission				1	1
Prime changed your bid without permission		1	1	1	3
Asked to do more work than in bid without increase in fees	2		4	5	11
Failure to timely release retainage			6	4	10
Design-Build format puts project out of reach for my company	1	1	1	8	11
Totals	7	7	80	77	171

The impact of several of these situations will be discussed in greater detail below.

Bid Shopping

One of the most pervasive and widespread complaints found among DBEs was that non-minority owned prime contractors used unfair methods to comply with MDT's bidding procedures. These DBEs allege that the bidding policies for construction contracts, as implemented by non-DBE contractors, have a disparate and discriminatory impact on DBEs. The practice of bid shopping is one such area that has a disparate impact on DBE subcontractors who attempt to contract on projects administered by MDT. Under the existing bidding procedures for MDT, prime contractors are required to list their DBE subcontractors at bid date. However, according to DBEs interviewed, prime contractors encourage DBEs to lower their subcontracting bids based upon a lower bid received for the same scope of work. This practice forces the DBEs to bid against each other while forcing the subcontracting bid down. DBEs state that this practice is discriminatory in that it promotes bid shopping.

DBEs are required to bid against each other within a very short time frame without adequate information. Majority contractors are generally given ample time and detailed specifications to prepare their bids. DBEs, on the other hand, are given limited time to render significant bids. These practices often result in DBEs performing contracts at a loss or with marginal profits.

Both prime contractors and DBEs were hesitant to discuss issues related to bid shopping. Before one of the personal interviews with a particular prime contractor, the contractor told the interviewer that he considered canceling the interview because only a few months before two federal agents sat in his office and questioned him about the practice of bid shopping. Several other prime contractors and DBE subcontractors made reference to the fact that the federal government has investigated the Montana contracting community to determine the extent of the problem of bid shopping. This factor impacted the amount of testimony the interviewer was able to obtain.

Two of the questions asked on the above chart relate to bid shopping. Business owners were asked if they were pressured to lower quotes on a bid because of bid peddling or bid shopping by prime contractors. Almost twenty-three percent of the Caucasian women business owners indicated that they had been pressured to lower bids because of bid shopping whereas only ten percent of the Caucasian male business owners experienced the same. Business owners also were asked if they were frequently contacted by prime contractors for inclusion in a bid and after providing quotes, never hearing from the prime again. Forty-five percent of the Caucasian women business owners said they provided bids to prime contractors and never

heard from them again. Only seventeen percent of the Caucasian male business owners said the same.

It is significant to note that from a procurement perspective, MDT refers to bid shopping as unfair bidding practices that occur *pre-award*. However, from an industry prospective, bid shopping may occur either pre-award or post award. It should be noted that despite the fact the majority of the study period occurred under the policy that allowed prime contractors to list their subcontractors following bid submissions, many subcontractors refer to the unfair solicitation of their bids *prior to or following bid date* to assist the prime contractor in obtaining lower quotes as “bid shopping.” Ultimately either practice forces subcontractors to bid against each other which achieves the same result regardless of whether the practice occurs pre-award or post award. From the comments below, it is evident that the impact of either practice on DBE subcontractors is the same regardless of when the activity occurs.

Despite the fact that contractors were hesitant to discuss bid shopping in detail during personal interviews, several business owners discussed the impact bid shopping has on small disadvantaged businesses.

A non-DBE specialty contractor, who has been in business for more than fifty years, discussed how prime contractors regularly request bids from his company even after he indicates that he does not intend to bid on the project. The subcontractor discussed how he believes the prime contractor is requesting his bid only for the purpose of shopping other subcontractors’ bids. In a personal interview he stated:

I get asked for bids at times and they are shopping. I’ll tell somebody that I can’t do a job and they will ask me for a bid anyhow because they need so many bids. Then I have to consider whether or not they will use my number so I bid it high because I don’t want to do the job.

Follow up question: Do you think that sometimes the prime already has someone in mind that they want to use but they just ask for people to bid anyway?

I think that happens, yes.

A DBE subcontractor discussed in a personal interview the process prime contractors use to shop bids. She indicated that prime contractors are careful about how they engage in bid shopping. She stated:

We have been called, and people are very careful about bid shopping, but we hear things like, gosh I have another bid, just wanted to give you a chance to take another look and their number is x and yours is y.

A non-DBE specialty contractor discussed the practice of bid shopping. During the study period, the contractor served as a subcontractor on approximately ten MDT projects. This contractor, when interviewed, explained how their company provides different bids to the various

prime contractors based upon their past bidding experience with the contractors. The contractor stated:

We know when we submit a bid to xyz contractor, what he is going to do with it from rumors and past experiences. So we send out the one who we're not sure about, price b; and to the one we know he's doing what he's doing, price c. We have kind of learned through the process of elimination.

This contractor further discussed how he can determine his bid has been shopped. He stated:

You don't hear from them and you know you're low. Like xyz contractor will tell you you're low and he used you and he went in with you. And then you'll talk to abc contractor and yeah, you were low, he used you. If you are dealing with road contractors, you talk to a bunch of them, and if they use you then you pretty much figure [you're low]....then all of a sudden you call whoever that was the low bidder and it's "no, you weren't low". But everyone else that bid on it said that you were the low bidder.

Another specialty contractor discussed the bid shopping process used by prime contractors. This contractor has been in business for twenty years and has served as a subcontractor on at least ten MDT projects during the study period. During a personal interview he stated:

It's between the time you submit the bid to the prime contractor and the prime contractor actually submits their bid to the agency or whomever. They won't tell you where they want you to be at, but they'll say are you sure you can't go lower. They are usually very careful about giving out other peoples' actual bid amount. But you get the hint that you may want to drop it if you want to get the job. Some firms are probably worse than others. It seems like if you have a good working relationship with a company and they would like for you to work with them, they'll call and say can you lower this, that type of thing.

This contractor also discussed how prime contractors contact him with no intent of using his bid but rather because they intend to do the work themselves and just want to use his number as a gauge.

He stated:

The other thing that kind of happens is that they'll look for a sub cost and basically it's just to gauge what...they're planning on doing the work themselves anyway...but they'll get a price from you to see what they should be at. That happens quite a bit.

A non-DBE specialty contractor, who has been in business for over thirty-one years and has served as a subcontractor on over 100 MDT projects, discussed how he lost a project because the prime contractor shopped his bid after the project was awarded. During a personal interview he stated:

I was the low sub contractor and when we went to the bid letting, they told me I was low. And about 1 - 1 1/2 weeks later, I got a call from this supplier and he said hey, didn't you tell me you got that job, and I said yeah, he said you better make a few phone calls. And I called them back and they stammered and

stuttered and said well, we've given it to another company. And what happened was the other company came in with a really low ball price on some other parts of it.

It is clear from personal interviews bid shopping is a problem that occurs in the Montana contracting community. Based upon the personal interviews and testimony from public hearings, we concluded that prime contractors' prices are fixed at the time of bid submissions, whereas DBE prices are merely numbers from which to begin negotiation. DBE subcontractors and non-DBE prime contractors operate under two different standards to the detriment of DBEs. In other words, a prime contractor can be the low bid and be guaranteed the project, but a DBE is not guaranteed the contract even if the DBE subcontractor is the low bid at the time of bid submission.

Prompt Payment

Another area that produced significant complaints by DBE business owners was the fact that prime contractors on MDT projects do not pay the DBE subcontractor in a timely fashion. DBE business owners complained that after they completed their portion of the contract, prime contractors would unreasonably and unfairly withhold payment to the subcontractor. This pervasive practice severely impacts DBE business operations. Because DBE businesses are small, nonpayment produces significant cash flow issues. As DBEs have generally been in business for less time than non-DBE prime and subcontractors, they often do not have the cash reserves available to maintain their business operations when they do not receive payment timely. Therefore, DBEs are disparately impacted by a prime contractor's failure to issue prompt payment.

According to §28-2-2103(2)(a) of the Montana Code Annotated, contractors on MDT projects are required to pay their subcontractors within 7 days of receiving payment for work from MDT. However, if a subcontractor does not receive payment within that time, unless it raises a complaint to MDT that the prime is violating the law, MDT does not know that prompt payment is not being made.

Montana Code Annotated §18-2-204 allows the filing against a project bond (which is required for all MDT projects) by a subcontractor at any time up to 90 days after acceptance of the project by the Montana Transportation Commission. That acceptance usually happens no less than a year after all work on a project is completed.

Despite the above statutory provisions, DBEs complained that MDT makes no effort to assist them with obtaining payment from the prime contractor. According to several DBEs, after asking for help, MDT advised the DBE that they were powerless to help them because the

DBE's contract was with the prime contractor. DBEs were forced to either take significant losses or to expend significant legal fees to recover money owed them.

According to MDT staff, MDT does not insert itself into arguments between primes and subcontractors regarding the quality of work performed by a subcontractor or calculations on the amount of work that it performed. MDT indicated that the only complaints it receives from subcontractors regarding prompt payment involve those two issues.

As noted in Table 7-6 above, during personal interviews, business owners were asked if they had problems with a prime contractor paying them on time. Almost 60 percent of the Caucasian women owned firms indicated that prompt payment was an issue. The following are comments from business owners regarding the impact not receiving timely payments from prime contractors/consultants have on their businesses.

A professional service consultant discussed the problem he is having obtaining payment from a prime consultant on a MDT project. During a personal interview he stated:

Right now we are having problems with a prime paying us in a timely manner. We are in the process of doing the work, but we bill on a monthly basis and so we've done some work and billed them for that and now 3 months down the road, we haven't been paid but we are meeting all the milestones we are supposed to meet and completing the work timely.

A DBE specialty subcontractor explained how MDT's payment structure creates barriers to subcontractors' compliance with the state of Montana's prompt payment laws. This specialty contractor has been in business for nine years and has submitted over 100 bids to serve as a subcontractor on MDT projects. Additionally, she has served as a subcontractor on over 100 projects. When asked what the biggest barrier to contracting with MDT was she stated:

The biggest barrier is payment collection. I don't mean just on the job I'm talking about timely payments. The State prompt payment law requires you to either file against the bond or file lien within 90 days of the last day you're on a project. For example, this is the payment schedule for MDT, two to three days before the 15th of the month, the MDT and prime agree on what was completed. Let's say, we did the work the 15th of October, now we are now out to November 15th before they will even agree on payment. Then it goes to the District office. They have 10 days to process it. Then we have the Friday closest to the 25th, the State releases money to the prime and then in the next few working days, that's how clear it is, MDT mails a check to the prime. And then within seven working days, we are supposed to get our money. We have a 90 day limit right out of the gate that says if we don't disagree within 90 days, that means a formal complaint filed against a bond or a lien, we lose our rights at 90 days. And I've just talked you through almost 60 days. So, we get payment and it doesn't look right. So, we send a friendly little thanks for the payment, looks like we're a little short, what do you think. 30 days goes by and then we've lost all rights.

A DBE subcontractor discussed the problems she is having obtaining payment from a prime contractor. She expressed frustration about MDT's unwillingness to assist her and other

small DBEs with obtaining timely payment from the large prime contractors who frequently do business with MDT. In recounting this example, the business owner indicated that rather than provide assistance with obtaining payment owed, MDT instructed her to complete additional work for this contractor. She was told by MDT that she would be considered noncompliant with regard to the contract if she did not perform the additional requested work. Therefore, despite the fact that she knew she was not going to get paid for the work she already completed or the additional work, she felt forced to do the additional work. In a personal interview she explained:

We are due a significant amount of money on the two adjacent projects for the same prime contractor. We have contracts in place. We've got bonds attached. We have fully executed subcontracts that have been amended by myself and the prime contractor that are not being honored by either the prime or the bonding company or enforced by the State. I have had several people tell me I'm on good ground and have been recommended by several people, that I need a good attorney and then this will stop. My response is "I'm a DBE. We have a DBE office. You can make this stop. They won't exercise their power.

Follow up question: So the contract you're talking about, you've completed the work you needed to complete and are you on your way to being paid?

Yes and in fact we had to go do some work at the end that we didn't want to go do because we were already due a bunch of money and we were advised by the DBE office that if we did not complete the work even though we knew we weren't going to continue to get paid for the work we were doing, let alone the work we had already done that we would be in non-performance. So we got the heat to do some more work knowing that we weren't going to get paid for it or the work we already had left on the books.

Follow up question: And when you contact the prime contractor about getting paid what's the response?

It's colorful at this point. Now there's no communication. This particular contractor that we're dealing with is very strong in our industry in Montana. They have a lot of the good old boy relationships going with the powers that be, let alone inspectors. There's rumor, we've never been part of it, but there's rumors of buyoffs and take offs and vacations. You know a suburban that show up. I can't document some of that, but the word is out that "don't piss them off" and I unfortunately have managed to do that. And the reason I have is that we had this project, this particular project was an a + b contract and this is the reason the DBE program should exist is to help this kind of stuff.

When things go well, we don't need the DBE program. Everything runs smoothly. I believe the program is needed when there are problems. And not only with DBEs, although in this case I was a DBE on a federally funded project, but even for other subcontractors who might not even be DBE. I believe the state of Montana is not acting as an owners' representative and protecting the subcontractors. They approve our subcontracts but don't help us when we have an approved subcontract in place. And I've had a discussion with some of the people, if you're not going to help us then get out of the way. We want you to help us. We want you to approve our subcontract but if we have a problem and we hear you say "our contract is with the prime and your contract is with the prime so we don't really have a relationship" and I say "no we do have a

relationship". First of all, I'm a registered state of Montana contractor; second of all, I'm a registered DBE contractor; third of all, I was listed and identified on this particular project as a DBE contractor on a federally aided project; fourth of all, I have a fully executed subcontract that was approved by the State. I believe you do owe me some work. Those are my opinions, of course.

But in the mean time I've spent a whole lot of time and energy with the DBE office. They want to help. Their hands are tied. Somebody above them is stopping them. They have the ability in the DBE handbook to keep a prime out of a state bid letting when they are not paying subcontractors according to the prompt payment law. I have proven that I've been paid late. I've been paid incomplete. I'm still waiting on retainers two and a half years later on a job. I have attached the bond. Every time I speak with someone they say 'gosh you've got everything in place, what's the problem' and I say 'I don't know'. Why won't they stand up to the prime contractor and hold them out of the bid letting and set a precedent for the requirements of how they have to do their job but it's not happening.

At this point, this disparity study is all really good and I hope this helps the DBE office continue in existence because I think they have a lot to offer but they have no bite at this point so it's a joke. It's a joke to the DBEs. It's a joke to the primes. It's nothing but a pain in the back-end for most of the primes to even deal with the paperwork when there bidding which gives the program no value. If that's the case, we may as well disband it and move on.

A DBE specialty contractor discussed how she has to make all the attempts to receive payment from prime contractors. She indicated that she does not receive assistance from MDT when issues of payment arise. During a personal interview, when asked if she has had problems with a prime contractor paying her on time she stated:

We are usually the ones that have to call and do the legwork. I know down in Wyoming their DBE supportive services will call contractors and they've never done that here. At least not for me.

A DBE professional service provider discussed how not receiving timely payments from prime contractors puts on her the burden of borrowing money to pay her employees. During a personal interview when asked if she has problems with prime contractors paying her on time she stated:

Yes, at this moment, our prime for the MDT project is withholding payment from us until they get paid for the work with MDT and I know that is a general practice among prime contractors but it is a reprehensible one because it puts the burden for borrowing on the sub. If I promise to pay net 30, I pay net 30 regardless of whether the Agency or the client has paid me. And I think that is unethical behavior. So here, my prime is now more than 60 days overdue.

Another DBE consulting firm indicated during a personal interview the impact of not receiving timely payment from prime consultants has on her cash flow. When asked if she has had problems with prime contractors paying her on time she stated:

Yes, I received payment nine months later and that affects my cash flow.

A DBE specialty contractor discussed how prime contractors' decision not to bill monthly impacts her cash flow. During a personal interview she stated:

I usually have a net 30 on my invoices, so I usually bill monthly. Usually the role that the primes follow is that they pay their subs when they get paid by the agency. I understand that, however, sometimes primes aren't submitting their bills every month so they hold back on billings, which in turn delays our payments.

Follow up question: Does the delay in payments affect your cash flow?

Yes it does.

A DBE supplier discussed problems she has had obtaining payment from a prime contractor. During a personal interview she was asked if she has had problems with a prime contractor paying her on time. She stated:

A contractor held the money so I put everything on hold and they haven't talked to me since. I know I'll get paid; I just wait and call the DBE office to get help getting paid.

Follow up question: Does getting paid late affect your cash flow?

Yes, definitely.

A DBE specialty contractor discussed problems he had obtaining payment from prime contractors. He indicated that he was concerned that the prime contractor would not use him in the future if he complained too much. During a personal interview he stated:

I think there are some of the major contractors who don't have enough office personnel to get the office paperwork out on time. There's one that's kind of notorious for that, but we do get the money after sometime. There's not much you can really do about that because if you complain too much then they won't use you and they just say that they'll find someone else to do the work.

Racist and Sexist Attitudes Toward DBEs

Both minority and women business owners alleged that they have encountered hostility, prejudice and sexism from Agency officials and majority business owners. Often DBEs are stereotyped as incapable of providing quality goods and services. These attitudes create feelings of frustration among DBE owners and serve as barriers to DBE participation with MDT in contracting and purchasing. In personal interviews, several DBEs indicated they had negative experiences on job sites. As seen in the comments below, the business owners described hostile experiences that made completing a project difficult.

During personal interviews business owners were asked whether prime contractors showed favoritism to some firms on projects. As noted in **Table 7-7** below, the vast majority of Caucasian women business owners believed that prime contractors showed favoritism to some firms. The majority of Caucasian male owned business also felt prime contractors showed

favoritism. While many of the firms indicated that the favoritism was based upon established working relationships, the following discussion will show examples of discriminatory treatment by prime contractors toward DBE subcontractors.

**Table 7-7
 Favoritism by Prime Contractors**

Do you think prime contractors show favoritism to some firms on projects?	Other	Native American	Caucasian Women	Caucasian Men	Totals
Yes	2	1	17	16	36
No		4	2	10	16
No Response		1	3	3	7
Totals	2	6	22	29	59

In **Table 7-8**, DBE business owners were also asked whether their firm ever experienced discriminatory action by MDT. Fifteen percent of the DBEs interviewed felt they had been discriminated against by MDT.

**Table 7-8
 Experienced Discrimination by MDT**

Has your firm ever experienced discriminatory action from the Agency?	Other	Native American	Caucasian Women	Caucasian Men	Totals
Yes		2	2		4
No		4	19		23
No Response					
Totals		6	21		27

While most business owners did not feel MDT had discriminated against them, the following discussion clearly shows that DBEs felt prime contractors working on contracts let by MDT had discriminated against them. Discriminatory behavior by prime contractors on MDT projects makes MDT a passive participant to an environment of discrimination.

A DBE contractor discussed the difficulty he had attempting to obtain business when he first started his company. He has been in business for approximately 25 years and has bid on 25 contracts as a prime contractor and over 100 as a subcontractor. He has received over 100 subcontracts. He felt that he was treated unfairly by MDT project engineers because they thought he was not deserving of the contracts let to his company, but rather was “getting handouts”. During a personal interview he stated: When we first started, a lot of MDT project engineers didn't like me.

Follow up question: Was that due to your race?

Yes. Because they thought I was getting handouts. But after a couple of years and I actually did the work, I started changing them. But they were thinking this

whole Indian thing was a bunch of shit. There are people in the highway department right now who think it is.

A DBE specialty contractor discussed the discriminatory treatment she received by prime contractors and MDT employees on MDT projects. This contractor has served as a subcontractor on over 100 MDT projects. During a personal interview when asked “has your firm specifically been treated unfairly in the procurement selection process, this contractor stated:

Well, it’s all low bid. I don’t know what goes on behind closed doors to get to the low. I’ve heard and been a part of little bit of the discussions ahead of time but I think once you publish a number it’s fair because it’s all low bid. But I think there’s a lot of advantages that aren’t necessarily displayed in the contract documents.

Follow up question: What gives you that impression?

Well, like I was saying, depending on who the project manager for the state is and the relationship that prime would have with that person versus another relationship, you could bid differently.

For example, we were just on a project up in Kalispell a couple a weeks ago and they were adjacent projects, side by side. Same state project, two different prime contractors, and two different subcontractors. No problem, we can work together. The project manager was requiring the prime contractor on the project that we were working on to do some incredibly fine work however the very adjacent project was not under the same standards. Same specifications supposedly, different standards in the field, side by side.

Follow up question: And you think it’s because the relationship project manager had with the prime contractor?

That’s what the prime contractor had indicated to us. There is a lot of subjectivity to the specking which is reasonable and I’m not sure how you really tighten. We show up on a job and have an inspector say, “awe good to go, get it done and I’ll see you Wednesday.” We have other guys stand behind us and breathe down our neck every move every person makes and I’m not sure sometimes how to bid some of that. Everybody’s ready to get to work and you’re out of there in three days. Other jobs we’re there a week later waiting for either the prime contractor or the state or who knows who.

Follow up question: Do you think that any of that has to do with your gender?

I do. I think there are many contractors who like working with us not only because we’re DBE but also because of our reputation. We are kind of a “can do, get done outfit”. On the other hand, I think there are firms that don’t like working with DBEs because they don’t like the extra regulations that perhaps could go along with having to do things properly. You can’t make back door agreements when you have yet another department looking out after you.

Follow up question: Do you notice a difference in how project managers for the Agency treat you and do you think that has anything to do with your gender?

Most people do a very good job both on the prime side and on the state side. I do have experience with some, being the female on the job, because I’m the

president and I'm ultimately the one that tells our crew what to do or not to do. We've had prime contractors go to our foreman and say, "who's the "B" in the office?" I don't think that's professional or necessary.

Follow up question: Does that kind of stuff happen often?

No. I think in general, things go very well. What my feeling is that most people want to do the right thing and are pretty easy to get a long with. They want to do a job, get in, do the job and get paid, and get out of there. We are all there for that reason. But there are, on occasions, hidden agendas both politically and financially and sometimes power. And to me that's why we have regulations, for those players, not for the majority of the players.

This contractor further discussed unfair treatment that she received because she is a DBE.

I'm out \$120,000 on two jobs. That's a lot of money to our firm. And a lot of negative energy with being sworn at, threatened, contracts cancelled. I had a contract sent to me by that same firm with a letter that said that if you are going to change anything in the subcontract, don't send it back. I sent a letter back that said, I can't sign this subcontract because what you have even for a bonding amount and a TERO fee, which is tribal, is not correct per the contract documents or my original estimate. I had that in writing. I'm not even talking about back door stuff. There's plenty of that. But I have it in writing, this bullying. I have an e-mail where I was told to go back to college and get some education and learn how to work in the construction industry. I forwarded all that stuff to DBE. This is what I'm putting up with. If they will put this in writing, do you know what they are saying to us? Nothing happened. Let alone got my money. I don't care if you call me names, just give me my money.

Follow up question: Do you think they do this to you because you are a DBE contractor, because you're female?

I think in this particular company's case, it definitely had something to do with.

Follow up question: What gives you that impression?

When I show up to a meeting that's with the State, the prime contractor, myself and a couple of other subs in scheduling and the prime contractor doesn't like what I'm saying during the meeting and he will stand up and shout colorful language.

Follow up question: Is it gender specific colorful language?

Not usually to me directly but you know, bullying language and gender specific language has been said to my crew. Again, this is exception; I want you to know that most people work really well together. We have some fantastic relationships. But this particular job, it went sideways on us and it wasn't due to our lack of performance.

There is one contractor in general that really pushes the subs around. And people are afraid to speak up because you are afraid to lose business. They don't have tight contracts. They might have been in a jam with performance. If there is anything at all wrong on your end, you sort of have to shut up and just play. In my case, I'm educated, I have a clear concise fully executed mutually agreed upon subcontract. I have all my orders in writing. I have all my notes in writing. And I still can't collect my money. What does that do for people that don't have all the input? It's impossible.

A DBE professional service consultant discussed how he may not have received contracts because of the negative connotations associated with being a Native American owned business. This consultant has been in business for 3 years and has served as a subconsultant on MDT projects. When asked “has your firm ever experienced discriminatory action by a prime contractor on a MDT project” he stated:

Not that I’m aware of. A lot goes on behind the scene. I don’t know if we haven’t gotten bids because they didn’t want to deal with that, I don’t know.

Follow up question: Does something give you the impression that might be the case?

There’s a fear just because you know, you say flatheads or reservations there’s this whole negative connotation. They think poverty. They think Mickey Mouse operation. I feel like we really have to prove ourselves to the primes more than a normal company would because they think that we’re just a bunch of Native Americans, uneducated, don’t know what they’re doing, etc., etc.

Barriers Faced by M/WBEs

During the personal interviews, business owners were provided a series of factors and asked whether each factor interfered with the company’s ability to bid on a project with MDT. The factors related to potential barriers to contracting with either MDT or prime contractors on MDT projects. If a business owner indicated that any of the problems were barriers they were asked to explain in detail how the problems operated as barriers. **Table 7-9** present the results of the questions asked by race and gender.

**Table 7-9
 Race or Gender Impact on Bidding**

Have any of the following factors interfered with your company's ability to bid on a project with MDT?	Other	Native American	Caucasian Women	Caucasian Men	Totals
Performance bond requirements		2	3	1	6
Insurance requirements			4	1	5
Non-competitive supplier prices		1	2		3
Bid specifications			3	3	6
Pre-qualification requirements		1	2	4	7
Asked to be a front for a majority firm		1	4	3	8
Limited information on pending projects	3	1	9	8	21
Knowledge and understanding of purchasing/contracting policies, procedures or processes	2		5	6	13
Lack of experience		2	4	11	17
Lack of personnel		1	11	13	25
Lack of equipment		1	3		4
Lack of resources to compete in the public & private markets simultaneously		1	1	4	6
Lack of relationships with larger firms that you could partner with	1	1	5	3	10
Contract is too large		2	4	6	12
Contract is too expensive		1	5	6	12
Contracting practices	1		5	7	13
Cost of buying plans for each proposal		1	1		2
Agency procurement managers tend to maintain a preferred list of vendors to the exclusion of your firm	2		2	6	10
Totals	9	16	73	82	180

While there were several areas as noted above that presented barriers to contracting with MDT, the potential barrier that generated the most discussion from DBEs was having limited information on pending projects. Forty-one percent of the Caucasian women interviewed indicated that not having information regarding pending projects was a barrier to contracting on MDT projects. This was also a significant complaint of the Caucasian males interviewed with 28 percent indicating this was a problem. The majority of the complaints were by engineering companies. These firms complained that MDT's current ranking process operates as a barrier to smaller engineering companies obtaining information on available contracting opportunities. The specific barrier created by the ranking process will be discussed in a separate section below.

A small non-DBE engineering company discussed the problems he has obtaining information regarding potential contracting opportunities. When asked if agency personnel are helpful when you have questions, he stated:

No.

Follow up question: Can you explain to me what the problem is?

For at least seven years, you go to the website to find out what projects would be coming up, I've never figured how the projects are coming up. How everybody gets these projects, I have no idea. It seems to be an inner circle.

Follow up question: And does that process serve to the disadvantage of a company your size?

Absolutely, there's no way to compete when you don't know what projects are coming up.

Follow up question: In the last seven years, have you received any projects from them?

I received one project, a service project, with them. I was called for a research project. I have no idea why I was selected.

A DBE professional service consultant discussed how not having the opportunity to connect with larger firms makes obtaining information on pending projects difficult. During a personal interview she stated:

Because we're small, subbing really helps us cause the projects tend to be pretty large dollar wise and so, again, there's really no way for us or no place for us to come together and have big firms or find them and create these relationships. We'd have to do it completely on our own.

Follow up question: Would it be helpful if the DOT could facilitate some of that?

Definitely. We could use some help there. And one of the things that would really help that kind of ties in to that is that because everything is through the internet now, they really don't have a good updated list of all the plan holders and everything. I think they actually did away with it completely. And it's because they can't keep track of whose downloading the plans. They used to send them out and they'd have a name. And that would be such a great way for small companies to see who the primes are that are going to bid the jobs and they could contact them and let them know what they have to offer. And now because everything is through the internet, nobody has to sign up. If they had some kind of pre-sign up or something at least, at least before a jobs bids, if you're a prime contractor, that would at least give me something to work off of.

Follow up question: So, you have no idea of who's even picking up plans?

No. They have a bidders list if somebody that calls and orders them a hard copy but if you download it off the internet you would never know. Often companies would bid and I would have no idea until after the bids over.

When asked what MDT could do to improve this problem, the consultant stated:

Have a mandatory primes list for who's bidding it to be available two weeks before the bid day. Then the prime could just call and say put me on there so we could get some good contacts.

A DBE specialty contractor discussed how if she were not a DBE she would not know what projects were available. During a personal interview she stated:

If I wasn't a DBE and got the weekly notice through the DBE office, it would be difficult to know of those projects. They send out an email once a week to DBE's.

A non-DBE engineering company discussed information on pending projects is not readily available to consultants. During a personal interview he stated:

Consultants aren't necessarily aware of what projects they would have forthcoming and that information really isn't readily available for design projects, but it is for construction.

A DBE specialty contractor discussed how the purchasing department does not provide consistent information on potential projects. During a personal interview she stated:

Well, they put out future projects in construction, in purchasing well you don't always have all the information of what's coming up or when it's going to be bid which could affect which jobs you wanted to pursue. We don't do as much prime bidding with construction. The primary thing we bid is [contracting area] and those are now in the purchasing services. They don't put out a schedule like construction does; a future project schedule. They do like a six month one out. It's not written in stone. And the RFQs, you don't have those until you see it come up on their website. And it's usually a few maybe three weeks, maybe a month, notice, or maybe a couple of weeks.

A DBE professional service consulting firm discussed how she does not know about pending projects and when she does obtain information she has a short turn-around time to submit her proposal. During a personal interview she stated:

You never know anything about a pending project. They just call us and give us a short amount of time. Usually we have to respond within a couple of weeks, which isn't a problem, but if it's in the middle of a field season, it would be a problem.

Engineering Ranking Process

The engineering ranking process creates a contracting barrier for many small DBE firms. In selecting firms to perform on some professional service contracts, it is the policy of MDT to pre-qualify engineering, architectural and surveying firms every two years and to allow the Consultant Selection Board to select the firm used from the prequalified firms when work is needed. The criteria for a firm's inclusion on the pre-qualified list are similar to MDT's consultant services selection procedures. In determining whether a firm shall be included on the pre-qualification list, MDT considers the quality of the firm and its personnel, the capability and capacity of the firm and the record of past performance of the firm in previous projects. There is no requirement that the firms on the pre-qualified list be used on a rotating basis. Therefore, according to many of the firms interviewed, the highest rated firms are almost always chosen by the Consultant Selection Board. During the time the anecdotal interviews were conducted there were no pre-qualified DBE firms. Presently, there are four DBE firms on the list of pre-qualified firms. Several firms interviewed discussed how the ranking process prevents them from obtaining business with MDT.

The owner of a small engineering firm discussed his inability to obtain work from MDT. This company has never been asked to serve as a subconsultant on any MDT projects during

the study period and is not able to obtain information about pending projects so he could contact the prime consultant directly. When asked if he experienced any problems with the ranking process he stated:

I've heard from firms that get a lot of work, as far as their ranking their methodology is they look at the most recent work you've done. And if there is anybody at all that had any problem to do with consulting, you're immediately deducted points. Is it a personality thing, or is it a qualification thing? Over the past 15 years, at least, I've had a number of people at MDT that had a personal vendetta against me, preventing me from getting work.

Follow up question: Do you know what that's related to?

I'm not too sure. I've had a confrontation with those people in Helena about ten years ago and they admitted that to their supervisor and had been discriminating against me because they just didn't like me.

When asked what he thought MDT could do to improve the engineering selection process he stated:

I would like to see them abandon the entire process they have created over the last ten years and go back to the way it used to be and send out request for proposals on every project.

Follow up question: Do you ever see RFPs on projects that you could bid on?

Never.

A small engineering company discussed how the ranking process is subjective and that the results of one project can negatively impact the company's ranking thereby preventing them from obtaining work with MDT. During a personal interview he stated:

The solicitation process for engineers and architects is basically you submit an annual or biannual statement of qualifications and then they select from there. They have a ranking process where they rank you on performance that I agree with. Except for one year I feel like that process was kind of really unfair and wrong for us. That's when we quit doing the work from them.

Follow up question: That particular year, why did you think it was unfair?

Well, it wasn't that the comments were unjust, but they basically had a negative comment on the geotechnical work for a project that we had been the geotechnical engineers on. There was a reason for that and the reason was because our prime sub contractor had contracted to do a certain scope of work and then they had sub contracted a portion of that to us. Our prime contractor really messed up and basically didn't do all the things they said they would do and we got a black eye for it. So I can understand why it happened, but it was kind of an unfortunate thing because they only solicit a couple of comments about each contractor and if one of them was bad, one negative comment put us at the bottom of the ranking for everything and we were finished. In fact, we're in a law suit with that prime still, since 1999.

Follow up question: Is there ever a way to redeem yourself?

No, there really isn't. I think weren't not going to be getting more jobs from them, which would be the road to redemption. That process is flawed that way and it's

very frustrating. They were our single biggest client for about 3-4 years. We did \$1 million - \$1.5 million per year for them and then it went to zero because of the ranking issue. And we did an excellent job for them except for this one. And the only reason why we didn't do an excellent job for this one is because we acted as a sub.

Follow up question: Was there an opportunity for you to file a complaint with MDT?

No. I was in talking to a consultant design engineer, and he just said, well, that's our process and I know it's not perfect. There really wasn't an opportunity. They don't have a board of inquiry or any kind of process to review rankings or come up with those things. We finally, after feeling sick about this ranking because we're used to being ranked right there with the best engineers of the state, we're small, but we competed with the HDR's and the Morrison Mairalee's and the big companies in the state and have been in the top 3 ranking. We were then at the bottom of the barrel and it just wasn't right and it was sickening thing. It just seemed like there was nothing we could do about it.

The same engineering consultant discussed how having a low ranking impacts his ability to obtain work as a subconsultant. He stated:

The biggest obstacle that we've had to overcome is that unfair ranking. Those rankings are available to every engineering firm in the state so all of the potential primes and subs know where you rank. It pretty much eliminates our opportunity as a subconsultant. In fact, that's what the consultant design engineer told me, he said the way to rebuild is to get in with some prime and reestablish yourself. But what prime wants to put someone from the bottom of the barrel on their team. It just isn't going to happen. It's really frustrating. But we had enough prior work; we just bulk up on that.

During a personal interview, an engineering company discussed how MDT staff generally selects the same few firms for all civil engineering projects. He discussed how this prevents other firms from obtaining experience with MDT and therefore the firms without the experience continue to rank low because prior experience with MDT is an important aspect of the ranking process. He also discussed how his company has not been able to improve their ranking. During the interview he stated:

It seems to be that the bulk of work in the civil engineering side is done by a handful of firms and it's a tough circle to break into. MDT staff is comfortable with those firms, used to working with those firms, and in their procurement process, past experience with MDT counts for a lot. The firms that are doing work can score higher in those categories. I think it could be more open to new blood, if that's the right word. I am willing to bet that if you are able to get the records for their projects, civil engineering and highway design kind of projects, and looked at the dollar awarded by firm, you would see probably just a handful, six to eight that get the bulk of it.

Follow up question: With regards to the ranking process, are you able to ascertain what your ranking is or figure out how to change it, how to improve it or anything?

Yes, and it's something that we pursue. Once the ranking are out, you know the numerical rankings of all those firms that submitted. MDT, specifically the consulting design section, will meet with you to talk about your ranking and discuss with you why you may be ranked higher, lower or otherwise.

Follow up question: Have you ever tried to do things to improve your ranking?

Yes.

Follow up question: Has it helped?

Not from my experience. I came to the company in 2001 and at that time we had a contract with the MDT to do a highway design project over by the [name of contract]. And it wasn't going very well. They were behind schedule because they had some personnel changes so they were struggling. And I came over with one other guy and we were put on that project to get it back going again. Which we did, we finished the project. Probably two years after, we were submitting for our ranking, we were ranked pretty low in highways. We talked to MDT about it and they said that one of their criteria, an important one, is past experience and that project was delayed or was late and the reviewers know that and so they associate that, hence we don't get very many points. But they told us that that criterion had a three year window. In other words, MDT didn't consider past experience that was older than three years. In the subsequent year and the year after that, our ranking didn't change at all every time we submitted. In my mind, it was because the staff that's there maybe told intellectually you have to look at a three year window, but human beings being what they are, they remember things. And so I think that that in a sense holds us back even though officially according to their process and procedures it shouldn't.

When asked "What can be done to improve the Agency's procurement and selection process?" this business owner stated:

They need to restructure their emphasis or their grading system for statements of qualifications. They need to place less emphasis on past MDT work and place more emphasis on past relevant kinds of work.

The owner of an engineering company discussed how obtaining feedback from MDT regarding why their company was not selected on MDT projects despite their high ranking would assist them in addressing any deficiencies their firm may have. During a personal interview, he stated:

A little better feedback about whose getting awarded work and why. Because we get on a list and get ranked and we're ranked pretty high sometimes and never get awards. So when the awards for professional services are going to others - this is who we gave this job to and why so that we can address our perceived weaknesses.

The owner of an engineering company discussed how MDT should disclose information on the ranking process. He is of the opinion that the current process is closed and subjective. When asked if he had any suggestions for improvement to the MDT's purchasing practices he stated:

More disclosure on the process of the rankings, why one firm gets work and why the other firm doesn't, and more objectivity in their process and people associated with that process. It's a pretty closed club right now.

An engineering company discussed how there is no specified process for selecting firms from the pre-qualification list for specific projects. He indicated that often times after a firm is on the pre-qualification list, the firm may not know when MDT is going to select a firm for a particular project. When asked whether agency procurement managers tend to maintain a preferred list of companies to the exclusion of your firm, the owner stated:

That all comes down to ranking. I think they seem to fill up those first slots to their capacity and then they start moving down the line.

Follow up question: So they don't go down the list, like the first project goes to the first company and the second project goes to the second company?

That's definitely not the case.

Follow up question: Once you're on the preferred vendors list, what's the process then for the agency to determine who they're going to award what projects to?

Now that I think is an internal thing. I'm not really sure how they make those selections.

Follow up question: How do you find out what they're getting ready to award a contract from the list?

That's tough. You have to call and talk to basically any contact you have developed and see what's out there. And know what's coming up.

Follow up question: Because theoretically, something could come up and you won't know about it until actually after it's been awarded.

That can certainly happen.

Follow up question: Does it happen?

Yes. It does.

Follow up question: Say you were to find out that a project was coming out and it was something in civil engineering and it would be great for your company, is there a lobbying process that you can go through to contact the project manager?

Yeah, typically we try to contact people involved to find out as much information as they have and let them know that we were interested. Beyond that, there's not a lot that you can do. At least then you are in the running and they can think about your firm when their making a selection.

Follow up question: When do they decide to let projects by special RFP as opposed to making the decision based on the list?

I'm not sure about how they make that decision.

The owner of an engineering company discussed how they are not able to obtain information on the proposals submitted by the firms who were selected for the projects. He

discussed how reviewing the proposals of other firms that were ranked higher is discouraged.

During a personal interview he stated:

It would be nice to have a little more access to their actual process. You get a little bit but you really don't get....they don't sit down and explain....very general terms but they never go into specifics.

Follow up question: Do they offer debriefing sessions:

You do get a debriefing, but again it's limited to how you did. They don't give you information on other people and what they did to compete that was better than yours, why they picked them...How they actually select or information on that selection is held very tightly. They do not want to release other people's information. Other words, when you propose and three other people propose, and we say well, we'd just like to stop in and take a look at their proposal and see how they match to ours, they just told us, we can't stop you from doing that but we also would not encourage you to do that because it may lead to you not getting any work. We are just trying to see our strengths, our weaknesses, are we giving them what they want.

Good Old Boy Network

Another contracting barrier indicated by DBE business owners is the existence of an informal network, commonly referred to as a "good old boy network," that gives advantages to firms selected for MDT contracts. In interviews, many DBE business owners indicated that the existence of this good old boy network operated to exclude their businesses and that their inability to be a part of this network had a disparate impact on their ability to obtain business.

Table 7-10 below summarizes the responses of business owners to the question whether they were aware of informal networking that gives advantages to firms selected for MDT contracts. Of the DBEs interviewed, approximately forty percent acknowledged that a good old boy network exists that gives advantages to majority firms selected for MDT's contracts, whereas only twenty-one percent of the Caucasian male owned firms acknowledged that such a network exists.

Table 7-10
Informal Networking

Is your firm aware of informal networking that gives advantages to firms selected for MDT's contracts?	Other	Native American	Caucasian Women	Caucasian Men	Totals
Yes	1	2	9	6	18
No	1	4	13	21	39
No Response				2	2
Totals	2	6	22	29	59

The following discussion expresses the comments of some of the DBE firms regarding the existence and impact of a good old boy network on their business operations.

A small engineering company that has served as a subconsultant on MDT projects discussed how the existence of a good old boy network prevents him from being aware of potential contracting opportunities. During a personal interview he stated:

I'm a subconsultant for several larger firms, and they seem to always know when a job is coming out well before everyone else knows. They spend most of their time finding about projects and developing their strategies to get those projects.

Follow up question: And that practice operates to the disadvantage of smaller companies?

Yes.

Follow up question: Is that because you're not able to spend the time trying to figure out available jobs, you don't have the resources?

I don't have the time and you have to have the personal connections with these people to even find this out.

A DBE subcontractor discussed the existence of the Good Old Boy Network in the state of Montana. During a personal interview she stated:

I think its raging in this state. You have to realize that this is treading on some scary territory. I do think that it's very much in place in the state of Montana. I think if the truth were ever to come out, we would be one of the top states and I know that's not far off from what the Feds believe. I know that they've looked into this state and I know that they continue to look at this state; I just really hope they continue to look into it. But as far as the Department of Transportation's actual roll in that, I'm well aware of a few people that need to not be a part of DOT and I think the DOT is aware of that as well.

Follow up question: How does that good old boy network operate from a contractor's perspective in your opinion?

I think they get who they want and have these little cohesive networks. We couldn't make it doing the highway because we weren't part of the good old boy network.

Another DBE specialty contractor discussed the existence of a good old boy network in Montana. She felt that because of the relationships between some prime contractors and MDT inspectors, that project specifications are sometime overlooked. She discussed how she was asked to complete work incorrectly by a prime contractor. She stated:

Montana is the good old boy network.

Follow up question: Describe it for me.

I had a situation where the specifications were backwards.....and I indicated both to the prime contractor and to the state that they were in fact backwards and that in fact it would be at cost savings to the state to reverse it. And I was told just put it in the way it was specked. If they wanted it done over they'll pay us to do it a different way. I said wait a minute that's not right, were a specialty

subcontractor and we believe in doing due diligence when we see things like that because specs do get mixed up. And it is relatively innocent most of the time, but in this particular project I was swore at, e-mailed at and was threatened to just get my ass to work. So is there good old boy? Yes, because I think that in that case if the prime contractor and the state inspector weren't all tucked in all nice and tight there would have been some reasonableness to doing it right rather than just feeling the contract so that the prime contractor can get their incentive money.

A non-DBE specialty contractor discussed how the good old boy network operated with MDT. During a personal interview he stated:

All procurement officers are inclined to hire people they know. And that's how it works. They want people they know and know the track record of, they're comfortable and know their processes and provide services on time and in the proper format. They don't have to struggle to get things in the format they want.

A DBE consulting firm discussed the impact the good old boy network had on his ability to obtain business. During a personal interview, he discussed how he is not able to obtain a subcontract unless he bids the job at cost. He stated:

They (prime contractors) have there "go to subs". I pretty much have to come in at our cost to break in. They are not going to deal with us unless we give them something to deal with. It's just ridiculous. In talking to other minority owned subs we've been told that you have to come in really low to get on with the prime bids. From what I understand, they have relationships with companies they've formed for years. So they're not interested. I would almost do the same thing if I had somebody I know is dependable, then you're going to take their bid even if it's a little higher than other companies or equal to. I think it's a lot of guys that they have done business with, that they're friends with or whatever reason and there's just no incentive for them to shop around that much. You really do see the same companies and the same subs getting the same good jobs over and over.

A non-DBE consulting firm discussed how his inability to provide incentives to MDT employees has negatively impacted his firm's treatment in the selection process. He is not able to compete with the relationships formed between some prime consultants and MDT employees. This company has been in business for over 20 years and has made between one and ten attempts to serve as a prime consultant on MDT projects. When asked "has your firm specifically been treated unfairly in the procurement selection process" he stated:

I think they're influenced by a lot of subjective things, such as who lets them hunt on their ranches. They are very good with personal relationships. If you send them a \$10 box of candy, they say "oh no, we can't do that" but in Montana, hunting privileges are huge. It's not an even playing field by any means.

Follow up question: Do you feel that your firm has been specifically treated unfairly during the procurement process?

Yes, because of the above. We're not willing to buy ranches to send people out to hunt.

CHAPTER 8.0 - FINDINGS AND RECOMMENDATIONS



CHAPTER 8.0 - FINDINGS AND RECOMMENDATIONS

In summary, the Montana Department of Transportation (MDT) should implement a race-neutral program, as described in Section 8.4, to include a small business program. In the area of construction, the availability of DBEs is so low that MDT should focus on assisting DBE businesses to increase capacity; and, identify new DBE businesses to participate in its program. The construction program should be monitored carefully to ensure that the DBE firms continue to participate at their levels of availability. If the utilization rates decrease below availability, the MDT should consider implementing race-conscious measures for the DBE groups affected.

For professional services, the MDT has not established subcontract goals on its contracts. MDT should develop a race-neutral goals program to establish base-line data in a race-neutral environment for a period of two years. If the race-neutral program does not increase DBE subcontract participation, MDT should implement a race-conscious program for professional services.

The findings and recommendations included in this chapter are based on the analyses of the data represented in Chapters 2.0 through 7.0. The findings and recommendations address procurement practices for the Montana Department of Transportation (MDT). Where appropriate, the subsections will provide specific recommendations for procurement of construction services and professional services.

8.1 MDT - Policies and Procedures

8.1.1 Compliance

There are several barriers to contract participation that exist because there are no regular procedures in place to ensure that compliance with DBE requirements is enforced after a contract is awarded. Several DBE business owners expressed frustration because they were provided no assistance from MDT when issues of discrimination arose on the job site. They complained that MDT's DBE program had no mechanism to enforce the DBE requirements. MDT indicated that assistance with compliance issues is provided to DBEs when requested. However, during several personal interviews with DBEs, business owners noted that they had issues such as being held to a higher standard of performance on the contract, lack of prompt payment by the prime contractors, discriminatory treatment by prime contractors on the job site, and bid shopping by the prime contractors. When these business owners sought assistance from MDT they were often advised that there was nothing the agency can do to assist them.

Finding: The Civil Rights Bureau performs compliance reviews only when a Project Manager brings the issue to the DBE Program Manager's attention. Whether the DBE Program Manager receives information regarding prompt payment, discriminatory treatment, contract compliance reviews and other issues, such as whether the DBE is performing a commercially useful function, or whether substitution of DBE subcontractors is performed in accordance with the federal regulations, depends upon the Project Manager. Therefore, the effectiveness of determining compliance with the DBE program depends upon the individual Project Managers and/or Contracting Officers.

Finding: DBE business owners noted significant complaints regarding prompt payment from prime contractors on MDT projects, even though prime contractors are required by 28-2-2103, Montana Code Annotated (2007) to issue payment within seven days of payment by MDT.

Finding: A common complaint among DBE business owners was that prior to submission of bids to MDT, the prime contractors shop their bids.

Recommendation: The responsibility of DBE contract compliance reviews and other compliance issues should not rest with the Contracting Officers and Project Managers. Issues such as non-payment or late payment of DBE subcontractors, non-utilization of DBEs once projects have begun, racial and gender discrimination against DBE subcontractors on the project site, etc., should be handled by establishing a compliance arm to the Civil Rights Bureau. This arm would have exclusive responsibility for compliance with the DBE program on projects and would implement the policies set by MDT.

Finding: Some DBE contractors feel that they have been discriminated against because of their gender or race while performing their subcontracts.

Recommendation: Refer all discrimination issues that occur on the contract site to the compliance arm of the Civil Rights Bureau.

8.1.2 Informal Procurements

MDT has two types of consultant design procurements—informal and formal. Procurements that are \$20,000 and under are informal and MDT uses pre-qualified consultants. No RFP is issued and there is no process for the requesting department to notify the Civil Rights Bureau of these procurements. Informal procurements constitute a minority of MDT's professional services contracts and usually involve environmental or planning-type issues.

Recommendation: Smaller contracts under \$20,000 present MDT with the chance to create, on a race-neutral basis, specific opportunities for small businesses. All professional service procurements under \$20,000 should be reserved for competition for qualified small consulting companies. The procurement officers should be required to document the efforts

they make to solicit proposals from Small Business Enterprises (SBEs). The documentation should be forwarded to the compliance arm of the Civil Rights Bureau of MDT.

8.1.3 Formal Procurements

Formal procurements include Consultant Design that are over \$20,000. The findings and recommendations below address specific policy concerns that if addressed, should assist MDT in meeting the recommended race-conscious goals in the professional services areas.

DBE compliance is tracked by the consultant design engineer through invoicing and the DBE Program Manager conducts random audits. In addition, MDT prequalifies and ranks Design Consultant firms once every two years. The Consultant Selection Board strives to select the most qualified Design firms. During the time when the policies and procedures interviews were conducted, there were no prequalified DBE Design Consultant firms. Currently there are four (4) DBE Design Consultants on the pre-qualified list. The Design Consultant procedures were recently updated by MDT. However, our findings and recommendations are based upon the written procedures in place at the time the contracts were awarded.

Finding: The DBE goals set on professional services contracts have been lower than DBE availability and have not been monitored regularly during performance of the contract.

Recommendation: MDT should set DBE subconsulting goals on all professional services contracts where DBE consultants are available. The goal should be set using a process that evaluates the availability of DBEs for the specific scopes of work in the RFP. MDT should establish a waiver process that includes a good faith efforts evaluation process for professional services similar to that in construction. If a prime consultant does not meet the goals set or does not obtain a waiver of those goals, the consultant's proposal should be deemed non-responsive.

Recommendation: The compliance arm of the Civil Rights Bureau should monitor the process for utilization of DBEs during the selection and performance of the professional services contracts.

Finding: In selecting firms to perform on some professional service contracts, it is the policy of MDT to pre-qualify engineering, architectural and surveying firms every two years and to allow the Consultant Selection Board to select from the prequalified firms when work is needed. Based on this arrangement, only the highest rated prequalified firms are permitted to submit proposals to the Consultant Selection Board.

Recommendation: MDT should consider creating a two-tiered prequalification program that allows smaller businesses to pre-qualify for smaller projects, and larger businesses to become pre-qualified for larger projects. Formal procurements under a certain amount, e.g.,

under \$100,000, could be reserved for the businesses that are pre-qualified for smaller projects. The nature of these contracts is ideal for smaller firms and reserving them for SBEs would increase DBE utilization and capability using a race neutral method. The procurements over \$100,000 could be open to any business qualified for the type of work being procured. By reserving the smaller contracts for smaller businesses, including DBEs, the smaller businesses would be able to build their capacity to compete with and pre-qualify for larger procurements.

8.2 Data Collection

Data collection is an important step of ensuring the accuracy of contract information and DBE participation on all federally-funded contracts awarded.

Finding: Inconsistencies exist in the data collection of all contract information and utilization data for contracts awarded to DBE and non-DBE prime contractors and subcontractors.

Finding: MDT does not electronically record all professional services consultants and subconsultants in a uniform manner.

Recommendation: Identify one (1) tracking system to collect and monitor all contractors and subcontractors for all federally-funded projects.

8.3 Program Review

Finding: The DBE program is a federal program administered by the state DOTs. 49 CFR has within it the elements needed to ensure that the use of race- and gender- conscious measures are utilized only by the state when needed (e.g., annual review of goals includes an evaluation of the extent to which the use of race-gender conscious contract goals are needed to meet the overall annual goal). According to the Federal Regulations, if an agency achieves or exceeds its DBE goal for two years consecutively, it must adjust its race- and gender-conscious goals and utilize only race- and gender-neutral methods to achieve its annual goals until it becomes necessary to resume the use of contract goals to meet the annual overall goal.

Recommendation: MDT should set overall DBE project or contract goals annually utilizing USDOTs two step methodology as set forth in 49 C.F.R. 26.45. Included as part of this report is a goal setting methodology for MDT to utilize when setting annual goals (Appendix F).

Recommendation: MDT should review the utilization of DBEs on a quarterly basis to ensure that no disparity exists. It should conduct a subsequent disparity study within five years of this final report.

8.4 Small Business Enterprises Program

Finding: 49 CFR § 26.51 of the federal DBE rules require that owners meet the maximum feasible portion of their annual overall goal by the use of race and gender neutral means of facilitating DBE participation. In addition to DBEs winning prime contracts or subcontracts that do not carry a DBE goal, race and gender neutral methods include creation by the owners of opportunities that benefit all small businesses, therefore benefitting DBEs.

Recommendation: MDT should amend its statutes, if necessary, to allow for the creation of a race-neutral Small Business Enterprises (SBE) program to encourage contracting with all small businesses, including DBE businesses. MDT should establish small business financial criteria for construction and professional services. If a company is a certified DBE and is within the above financial criteria, it should automatically qualify as a SBE. Otherwise, a company must demonstrate that it meets the small business financial criteria.

The Small Business Enterprises program could be used by MDT to build the state's DBE capacity. It could include provisions such as:

- Separating certain construction, and professional services contracts into smaller contracts reserved for bidding only by SBEs;
- Creating a system to track all prime and subcontracts awarded to SBEs;
- Providing technical assistance, outreach and supportive services for SBEs;
- Creating a mentor-protégé program for SBEs, including contractors, consultants and suppliers.

Recommendation: The Civil Rights, Procurement and Consultant Design Bureaus and Construction Programs should implement quarterly networking programs designed to provide SBE and DBE business owners with the opportunity to meet with procurement officers and project managers that utilize the services they provide. The Civil Rights Bureau should also establish a method to track the dollar amount of formal purchases made with SBE and DBE firms and to recognize the employees who have made such purchases.

8.5 Implementation Plan

8.5.1 Create a Contract Compliance Position

- Identify or create position for DBE Contract Compliance.
- Position should report directly to the DBE Program Manager.
- Position description should include the following responsibilities:
 - Ensuring prompt payment of DBE subcontractors;
 - Monitoring complaints of bid-shopping by prime contractors;
 - Addressing contract disputes between prime contractors and DBE subcontractors;

- Monitoring utilization of DBE contractors and consultants once the contract has been awarded;
 - Participating in good faith efforts determinations;
 - Monitoring the process for utilization of DBEs during the selection and performance of the professional services contracts;
 - Addressing issues related to discriminatory treatment of DBEs on project sites;
 - Enforcing sanctions against prime contractors who violate DBE requirements;
 - Attending all pre-construction meetings and review the Federal DBE requirements for contractors and subcontractors;
 - Reviewing all bid documents and professional services proposals to determine responsiveness and verify the DBE utilization requirement in each bid or proposal is met; and
 - Resolving payment, discrimination and substitution issues and any other violations of the DBE requirements.
- Draft procedures to implement position responsibilities.
 - Notify vendors of proposed changes with a comment period.
 - The Compliance Section should be fully operational within one year.

8.5.2 Develop a Department-wide Contract and Payment Tracking System

- Determine if the current MDT software can be modified for all key-staff use to enter and update relevant contract and payment data;
- The tracking system should be maintained for accuracy with quality control checks;
- The tracking system must include all awards and payments to all (DBE and non-DBE) contractors and consultants.

8.5.3 Develop a Race-Neutral Small Business Program

- Seek legislative approval (if necessary) to create a Small Business Program for federally and state funded construction and professional services contracts with provision for MDT to adopt Rules.
- Establish qualification and criteria for businesses to become certified as a SBE. Criteria should not include race or gender as a requirement:
 - Firm size;
 - Income limit;
 - Annual renewal;
 - Limit years for active participation.
- Establish approval and denial processes for SBE status.
- Incorporate supportive services within the Small Business Program:

- Bonding reimbursement
- Tuition Reimbursement
- Reserve small contracts for SBE firms:
 - Informal Professional Services contracts less than \$20,000;
 - Create a prequalification process for small Professional Services Consultants on contracts less than \$100,000. This will allow smaller firms to submit proposals and generate experience on MDT projects. Some of the criteria that may be included are:
 - ❖ Business whose gross income is no more than an average of \$2 million per year over a three year period;
 - ❖ Maximum 20 employees;
 - ❖ Personal Net Worth of less than \$250,000.

CHAPTER 9.0 - REFERENCES CITED



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