



Part C: Draft DBE Open-ended Performance Plan



In Association With Lead Designer





PART C - DRAFT DBE Open-Ended Performance Plan (OEPP)

The Beaver Excavating Company is a General Contractor with over 70 years of experience in the Heavy Highway/Civil, Industrial, Commercial, and Shale industries. Within these construction industries, Design-Build projects represent the greatest challenge and significance to our growth as an Ohio Contractor.

Design-Build Projects provide a challenge with regard to details yet to be determined such as final design, scheduling, materials, and quantities. Due to the lack of these details, DBEs are reluctant to contract on a project without the security of clearly defined expectations. In addition to undetermined details for the DBE's, a risk of overcommitting by a DBE also exists.

This DBE Open Ended Performance Plan submitted by Beaver is a condition of a responsive proposal. This plan represents Beaver Excavating's commitment to meet the project's established goal with details of anticipated subcontracting and supplier opportunities throughout the project's duration.

OEPP Part 1: DBE Utilization Commitment

The commitment letter for DBE utilization is attached on the next page.



THE BEAVER EXCAVATING COMPANY

Ohio Department of Transportation
Office of Alternative Project Delivery
First Floor 1980 W. Broad Street Mail Stop 4090
Columbus, OH 43223

BEL-70-9.35, PID 120547

Project (25) 3000

OEPP and DBE Commitment Certification

The Beaver Excavating Company hereby commits to making all Good Faith Efforts, including those efforts outlined in this DBE Open-Ended Performance Plan (OEPP), to meet the Project's identified DBE Goals.

The Beaver Excavating Company hereby commits to negotiating and contracting in Good Faith with each DBE to allow economically disadvantaged individuals a fair opportunity to compete for work on the project.

The OEPP is being provided in Good Faith and demonstrates The Beaver Excavating Company and the DBT's Project Management's intent to cooperate fully in meeting our requirements of the applicable DBE regulations and the requirements within the DBE Open-Ended Performance Plan (OEPP) specifications for the project.





OEPP Part 2: DBE Utilization Manager

Brian Francis is Beaver's DBE Utilization Manager. He has over 27 years of experience in the construction industry with a strong track record of executing project objectives and ensuring compliance with DBE requirements. With the support of Beaver's administrative team, he has built strong relationships with ODOT's regional DBE outreach community and DBE communities throughout Ohio, as well as in other states where Beaver is prequalified to perform work. Brian Francis has a background and understanding of the following:

- DBE outreach
- DBE networking opportunities
- DBE recruitment and development
- Compliance and management of the Commercially Useful Function (CUF) for federally-funded projects
- EEO compliance and requirements monitoring and reporting
- Multi-state experience in DBE outreach and goal attainment using Mentor Protégé Programs
- State of Ohio DBE pilot program for DBE certification assistance
- ~~Stark County Minority Business Agency - Successful Bidding Staff training~~

Mr. Francis is empowered to represent Beaver in DBE contractual issues and will report to Beaver's Project Manager and ownership concerning all aspects of outreach, contracting, CUF, and reporting. He will work directly with our Key Project Personnel to evaluate the status of DBE commitments throughout the duration of the project.

Brian Francis's resume is attached for reference on the next page.

Gabrielle Kline was originally listed as the DBE Utilization Manager in the PTI submittal; However, due to her opted retirement, Brian Francis will now assume the role.



BRIAN FRANCIS

Vice President

Begin Construction in 1998, Employed by Beaver Since 2005



EMPLOYMENT HISTORY

The Beaver Excavating Company

Vice President

2005 – Present

J.D. Williamson Construction Company

Project Manager and Superintendent

1998 - 2005

EDUCATION

The University of Akron

Akron, Ohio

B.S., Business Administration

PROFESSIONAL EXPERIENCE

As Vice President, Brian Francis brings extensive experience overseeing multiple projects exceeding \$30 million in value. He has experience with Commercially Useful Function (CUF) reviews, Disadvantaged Business Enterprise (DBE) analysis, and related reporting requirements.

Performs the following:

- Performs CUF reviews on projects.
- Good faith effort execution and reporting.
- Mentors DBE's in bidding process and best practices.
- Tracking and reporting DBE activity/payments.
- Assist DBE's with growth plan/additional opportunities.
- EEO Compliance/Reporting.
- Reports Project DBE goals.
- Assist minority and female businesses in obtaining DBE/MBE/WBE/FBE/VFBE.
- Investigate Compliance Concerns.



OEPP Part 3: DBE Goal Attainment Reporting

Monthly DBE Goal Attainment Reporting will be generated for the duration of the project. This will take place on the 10th of each month for payments processed in the previous month. Payments to DBEs will also be tracked using prompt payment software (Signet™) if required by ODOT. Annual DBE Affidavits will be submitted for each active DBE by January 15th of the following year.

A spreadsheet will be used to capture the contract amount, the amount paid-to-date, and any relevant change orders or non-performance activity associated with each DBE firm. In addition to this spreadsheet, a forecast schedule of DBE participation will be reviewed and updated. See Exhibit A for additional details.

Key Project Personnel will attend weekly progress meetings to discuss additional opportunities for DBE Participation and to review DBE Goal Attainment for the duration of the project.

The following project personnel will be responsible for Project DBE Oversight:

- ❖ **Jeff Wiemken, PE, Senior Project Manager:** Responsible for conveying any schedule, scope, or quantity changes to the DBE Utilization Manager weekly. Responsible for identifying future DBE opportunities.
- ❖ **Afdal Basheer, PE, Project Manager:** Responsible for updates to the DBE Forecast Schedule, assisting with CUF Reviews, and approval of DBE invoicing weekly.
- ❖ **Joe Brown, PE, Lead Project Manager:** Responsible for managing and informing project personnel and the DBE Utilization Manager of any design changes that could impact DBE participation on the project.
- ❖ **Chad Ratkovich, Vice President:** Responsible for Project DBE Goal Overview, review of internal reports, and assurance of a successful project outcome.

OEPP Part 4: Good Faith Efforts

The first step will be to identify the anticipated types of subcontractors, services or suppliers that could be used on the project. Based on the anticipated project work types, Beaver has identified the following areas of opportunity:

- 1 - Clearing and Grubbing
- 4 - Roadway Excavation and Embankment Construction
- 5 - Major Roadway Excavation
- 6 - Incidental Grading
- 8 - Temporary Soil Erosion & Sediment Control
- 9 - Aggregate Bases



- 10 - Flexible Paving
- 12 - Rigid Paving
- 13 - Pavement Planning, Milling, Scarification
- 14 - Concrete Texturing
- 15 - Sawing
- 16 - Flexible Replacement
- 17 - Rigid Pavement Replacement
- 19 - Structure Removal
- 20 - Level 1 Bridge
- 21 - Level 2 Bridge
- 22 - Level 3 Bridge
- 23 - Reinforcing Steel
- 24 - Structural Steel Erection
- 25 - Stud Welding
- 27 - Expansion & Contraction Joints, Joint Sealers, Bearing Devices
- 28 - Caissons/Drilled Shafts
- 29 - Structure Repairs
- 33 - Tieback Installation
- 34 - Earth Retaining Structures
- 35 - Drainage (culvert, misc.)
- 36 - Guardrail/Attenuators
- 37 - Fence
- 38 - Miscellaneous Concrete
- 39 - Maintenance of Traffic
- 40 - Waterproofing
- 41 - Raised Pavement Markers
- 42 - Signing
- 43 - Highway Lighting
- 44 - Traffic Signals - Standard
- 45 - Pavement Markings
- 46 - Landscaping
- 48 - Trucking
- 52 - Tunneling
- 53 - Piling
- 55 - Fiber Optic Cable Installation, Splicing, Termination & Testing - ITS & Traffic Signal System
- 57 - Sealing of Concrete Surfaces with Epoxy or Non-epoxy Sealers



Design Services anticipated on this project include:

- Non-complex Roadway Design
- Complex Roadway Design
- Bicycle Facilities and Enhancement Design
- Level 2 Bridge Design
- Level 1 Bridge Inspection
- Limited Lighting Design
- Complex Lighting Design
- Interchange Operations/Modification/Justification Study (IOS/IMS/IJS)
- Basic Traffic Signal Design
- Traffic Signal System Design
- ITS Design and Operations
- Geotechnical Engineering Services
- Subsurface Utility Locations Services

The Beaver Excavating Company will initiate its outreach efforts with an email blast and advertisements to invite DBE firms to bid on this project. These invitations will include drawings, specifications, and contact information for any questions DBEs may have. This process will begin upon approval of our OEPP.

To ensure all intended recipients receive the invitation, Beaver will follow up on unsuccessful emails in an attempt to find the correct contact information and resend invitations as necessary.

Next, Beaver will begin direct phone calls to the invited DBE firms to confirm their intent to bid. A spreadsheet log will be maintained to track all call and bid outcomes. If a firm is non-responsive, Beaver will make additional attempts, leaving messages when necessary and following up again. If a firm decides not to bid, Beaver will ask for the reason to determine if any assistance can be provided and note it.

Once bids are received, project management personnel will review them. If a bid is deemed non-viable, the submitting firm will be contacted and informed of the reason. Beaver will offer the firm an opportunity to reevaluate and resubmit its bid if desired. All quotes will be logged, and Beaver will notify each bidder of the outcome. The results of all submitted quotes will be tracked in the log sheet.

Throughout the project, this process will be repeated whenever additional DBE inclusion opportunities arise.



If work is deemed “non-performed” by the Department, Beaver will immediately notify the affected DBE in writing and complete all requirements outlined in Proposal Note 13. Proper DBE Termination Documentation will be prepared and submitted to the Department.

During progress meetings with the Department, key personnel will inquire about any known non-performance items. A review will be conducted to determine if an alternate opportunity exists for DBE participation.

Additionally, Beaver will request all first-tier subcontractors to include second-tier DBE participation in their quotes. Subcontractors will be informed that DBE participation may be a factor in selection, not just the lowest bid.

OEPP Part 5: Non-Discrimination, Affirmative Action, and EEO

The attached exhibits include the following documents:

- Exhibit B: Contractor’s (The Beaver Excavating Company) EEO & Anti-Discrimination / Anti-Harassment Policy.
- Exhibit C: Lead Designer’s (TRC Engineers, Inc.) EEO & Affirmative Action Policies.

Exhibit B has been updated to reflect Ms.Kline's retirement.

The internal investigation process will follow these steps:

- A complaint may be submitted by the complainant, on their behalf, via the hotline, or through an external agency (e.g., EEOC, ODOT). Once received, an investigation form is completed, and all relevant individuals, including witnesses, are interviewed.
- If a violation is identified, corrective action will be taken and additional project site education may be required. Progress meetings will include updates on complaints, investigation status and outcomes, with a report being generated to share with ODOT.

In compliance with regulatory requirements, Beaver Excavating will formally report any complaint involving a potential violation to the Department’s Office of Business & Economic Opportunity (OBEO) and Office of Civil Rights (OCR) as follows:

- A summary of the complaint, including the nature of the allegation, date received, and parties involved, will be submitted to OBEO and OCR within five (5) business days of receipt.
- A follow-up report detailing the investigation’s progress, including interviews conducted and preliminary findings, will be submitted within fifteen (15) business days of the initial notification.



- Upon conclusion of the investigation, a final report outlining the findings, any corrective actions taken, and any additional site education or training measures implemented will be provided within thirty (30) business days of case resolution.
- Updates on complaints, investigations, and resolutions will be included in regular progress meetings, with reports shared with OBEO and OCR as required.

All documentation related to complaints, investigations, and resolutions will be retained in compliance with Department guidelines and made available for review upon request.

OEPP Part 6: DBE Prompt Payment

Pay estimates will be reviewed during the pencil copy phase, which is the preliminary draft stage before official submission. This phase allows the project team to verify quantities, work activities, and payment items to ensure accuracy, including identification of DBE-related activities.

Signet™ reporting will be conducted to ensure timely and accurate payments.

The Monthly DBE Report will include details on total payments to date, outstanding balances, and any factors that may be causing delays, such as overdue invoices or other administrative issues. This report will help monitor DBE invoicing status and ensure prompt resolution of payment concerns.

OEPP Part 7: DBE Contracting Notification

Beaver will notify ODOT's Contract Compliance Officer via email 24 hours before a DBE performs project-related work. Beaver will also notify ODOT's project-level personnel via email 24 hours before a DBE performs project-related work and/or at progress meetings.

Similarly, The Lead Designer will notify Beaver and ODOT via email 24 hours prior to a DBE performing design work, including the physical location of the firm performing the design work.



OEPP Part 8: Commercially Useful Function

Beaver will vet each utilized DBE before their performance of project-related work to determine the following:

- All DBE work is being managed and supervised by the DBE firm.
- The DBE is purchasing their own materials.
- All labor is employed by the DBE firm.
- All equipment used by the DBE is the property of the DBE or on an approved long-term lease.
- DBE project work is not sublet.

DBE CUF Field Reports will be completed on all active DBE firms. See Exhibit D for an example of a CUF sheet.

OEPP Part 9: DBE Work Package Notification

Our first priority is to identify the types of subcontractors, services, and suppliers that are anticipated to be needed for the project. Beaver will review the required work types and establish areas of opportunity. Beaver will review the project scope and schedule to evaluate potential work packages and their timing. Examples of work packages are aggregate supply combined with the hauling of earth/concrete/asphalt waste from the project, and subcontracting of work type combinations (MOT C Pavement Markings, Guardrail C Fence, etc.).

Beaver will review any “Work Package” that is presented by a DBE or multiple DBE firms for a possible opportunity of participation in the project as long as all required items such as NAICS Codes and work type prequalifications are met.

Beaver Excavating is a member of the Ohio Contractor’s Association (OCA) and participates in various conferences and meetings to network with subcontractors, suppliers, and service providers. As DBE firms regularly attend these events, Beaver seeks out these outreach opportunities. Beaver has also attended ODOT DBE Matchmaker events throughout the state to develop relationships with DBE firms for future partnership opportunities.

Similar to our Good Faith Efforts process presented previously in this document (OEPP Part 4), upon OEPP approval Beaver Excavating will invite DBE firms to bid via an email blast and advertisements that include project details and contact information. These invitations will include drawings, specifications, and contact information for any questions DBEs may have. To ensure all intended recipients receive the invitation, Beaver will follow up on unsuccessful emails in an attempt to find the correct contact information and resend invitations as necessary.

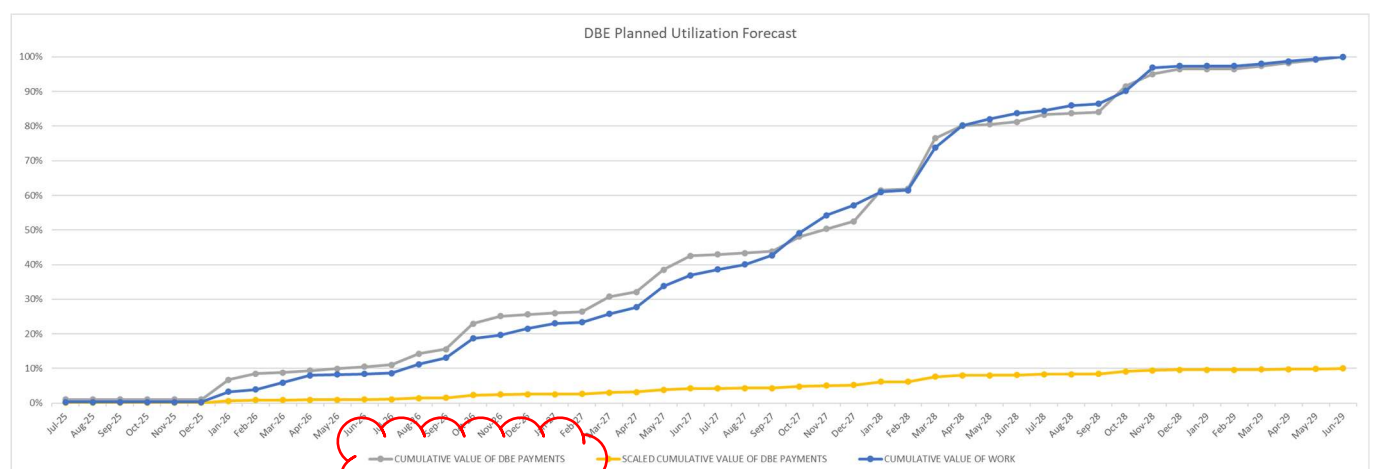


Beaver will then call invited DBE firms to confirm bidding intent, tracking responses in a spreadsheet. Non-responsive firms will receive follow-ups, including voicemail messages. If a firm declines to bid, Beaver will document the reason and offer assistance if needed.

Project management personnel will review the received bids to determine the lowest and best offer while considering DBE firms for any package where their pricing is reasonably close. Any bid deemed non-viable will be followed up with an explanation, and Beaver will offer the bidder the opportunity to re-evaluate and resubmit. All quotes will be logged, and each bidder will be notified of the outcome. The results will be tracked on the log sheet. This process will be repeated throughout the project whenever additional opportunities for DBE inclusion arise.

OEPP Part 10: DBE Planned Utilization Forecast

The anticipated overall value of work and value of DBE work is forecasted per the graph below.



A secondary scale for the DBE project work, adjusted for the DBE work

The anticipated work types and their estimated values are provided in the table in Exhibit E.



Appendix : Part C Exhibits

Exhibit A

Exhibit B

Exhibit C

Exhibit D

Exhibit E



In Association With Lead Designer



Beaver Project No.:

DBEGOAL REQUIREMENT 10%

| | | |
|-------------------|----|--------------|
| ORIGINAL DBE GOAL | \$ | 2,951,188.88 |
|-------------------|----|--------------|

CHANGE ORDER TOTAL

CURRENT CONTRACT VALUE

CURRENT DBE 10% GOAL

| COMPANY | SUBCONTRACTOR/VENDOR | SUBCONTRACT/ PURCHASE ORDER NUMBERS | CONTRACT VALUE | CHANGE ORDERS | CONTRACT VALUE | DBE PAYMENTS TO DATE | REMAINING BALANCE OF CONTRACT |
|---------|----------------------|----------------------------------------|----------------|---------------|----------------|-------------------------|----------------------------------|
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| TOTALS: | | | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |

**CONTRACTED DBE %
(BASED OFF OF CURRENT CONTRACT AMOUNT)**

#DIV/0!

DBE GOAL (BASED ON CURRENT CONTRACT AMOUNT)

DBE PAYMENTS MADE TO DATE

DBE REMAINING

\$ 2,951,188.88

\$0.00

| | |
|----|--------------|
| \$ | 2.951.188,88 |
|----|--------------|

CURRENT DBE % MET = 0.00%

DBE % REMAINING = 10.00%

\$0.00

GOOD FAITH EFFORTS

| COMPANY | SUBCONTRACTOR/VENDOR | SUBCONTRACT/ PURCHASE ORDER NUMBERS | CONTRACT VALUE | CHANGE ORDERS | CURRENT CONTRACT VALUE | DBE PAYMENTS TO DATE* | REMAINING BALANCE OF CONTRACT |
|---------|----------------------|-------------------------------------|----------------|---------------|------------------------|-----------------------|-------------------------------|
|---------|----------------------|-------------------------------------|----------------|---------------|------------------------|-----------------------|-------------------------------|

* WEEKLY DISCUSSIONS FOR OTHER DBE OPPORTUNITIES

*INCLUDES RETAINAGE NOT PAID TO SUBS YET



Anti-Discrimination & Harassment Policy

The Company is proud of its work environment in which all employees are treated with respect and dignity. It is our policy that all employees have the right to work in an environment free from all types of illegal discrimination and harassment. Any employee found to have engaged in any form of discrimination or harassment, whether verbal, physical, or arising out of the work environment, and whether in the work place, at work assignments off-site, at Company-sponsored social functions, or elsewhere, is unacceptable and will not be tolerated.

The Company's Anti-Harassment and Discrimination Policy is designed to ensure that all individuals can work in an environment that promotes equal opportunities and prohibits discrimination and harassment on the basis of race, religion, color, sex, age, national origin, mental or physical disability, veteran or family status, or any other status or condition protected by applicable federal, state, or local laws.

The Company's commitment to protecting its employees from discrimination and harassment extends to improper behavior by all persons, not just other employees. This means that the Company will not tolerate discrimination or harassment toward its employees, even if that behavior is perpetrated by customers, guests, vendors or other business associates.

Sexual Harassment:

For purposes of this policy, sexual harassment is defined as follows:

Unwelcome or unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature when (1) submission to or rejection of this conduct by an individual is used explicitly or implicitly as a factor in decisions affecting hiring, evaluation, promotion, or other aspects of employment; or (2) this conduct substantially interferes with an individual's employment or creates an intimidating, hostile, or offensive work environment.

Examples of sexual harassment include, but are not limited to, unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; repeated sexual jokes, flirtations, advances, or propositions; verbal abuse of a sexual nature; graphic commentary about an individual's body, sexual prowess, or sexual deficiencies; leering; whistling; touching; pinching; assault; coerced sexual acts; suggestive insulting; obscene comments, gesture, and emails; and display in the work place of sexually suggestive objects or pictures.

Other Prohibited Discrimination and Harassment

In addition to prohibiting sexual harassment, the Company prohibits all forms of conduct which amount to discrimination or harassment based on characteristics such as an individual's race, color, religion, age, sexual orientation, gender, disability, national origin, veteran status or any other characteristic protected by law. It includes actions such as treating persons differently based on a



Anti-Discrimination & Harassment Policy

protected characteristic and engaging in verbal, written or other behavior that is abusive, hostile or offensive based on one of these characteristics. Prohibited discrimination and harassment also includes conduct based on one or more of these personal characteristics that:

- Unreasonably interferes with an individual's work performance.
- Creates an abusive or hostile work environment.
- Otherwise adversely affects an individual's employment opportunities.

Reporting Discrimination and Harassment

If an employee believes that he or she has witnessed or is being subjected to any form of harassment or discrimination, the employee must immediately notify one of the following:

- Kelly May, EEO Officer
 - Cassie Allen, HR Business Partner
 - Katie Woodhall, Safety Director
 - Betsy Sterling, President
 - All may be reached at **The Beaver Companies, 330-478-2151**.
- You may also use the **Compliance Hotline (330) 478-4155** without fear of reprisal.

The Company cannot address problems it does not know about, so it is critical that any discrimination or harassment be reported promptly.

As explained above, this policy is designed to protect employees from discrimination and harassment from any person, including other employees, and non-employees such as vendors, customers and others. All discrimination and harassment must therefore be reported, regardless of the source.

The Company will treat all reports of discrimination and harassment seriously and will promptly investigate the reports and take any appropriate corrective measures. Any employee found to have engaged in discrimination or harassment will be subject to disciplinary action, up to and including immediate termination, and any non-employee found to have engaged in harassment or discrimination will be dealt with accordingly.

Prohibition on Retaliation

No employee shall be retaliated against for making a complaint or assisting in an investigation concerning allegations of harassment or discrimination or for advising the offending person or persons why their conduct was improper or unwelcome. If an employee is aware of retaliatory behavior, the employee must report that behavior immediately so that the Company can investigate it and take any appropriate corrective measures. Any employee found to have engaged in retaliation will be subject to disciplinary action, up to and including immediate termination, and any non-employee found to have engaged in retaliation will be dealt with accordingly.



GENERAL EMPLOYMENT INFORMATION

EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION POLICY

Nondiscrimination

TRC is an Equal Opportunity and Affirmative Action employer, and it is the policy of TRC to ensure equal employment opportunity to all job applicants and employees and to make employment-related decisions based upon qualifications and ability without regard to race, color, creed, religion, sex, national origin (including those for whom English is a second language or who are legal immigrants), ancestry, age, gender, sexual orientation, gender identity, transgender status, genetic information, marital status, political affiliation, physical disability, mental disability, medical condition (including pregnancy, childbirth or related medical conditions), veteran status, citizenship status, family responsibilities or any other basis protected by local, state or federal laws. TRC will recruit, hire, assign, transfer, promote, train, compensate, provide benefits, and administer programs without regard to the foregoing considerations. TRC will strive to provide a work environment free from discrimination and harassment based on any of those factors and prohibits retaliation against any applicant or employee who complains about discrimination or harassment.

POLICY AGAINST DISCRIMINATION AND HARASSMENT

The Company has a fundamental commitment to treating its employees with dignity and respect. Discrimination and harassment of employees on account of race, color, creed, religion, national origin (including those for whom English is a second language or who are legal immigrants), ancestry, age, gender, gender identity, sex, sexual preference, sexual orientation, genetic information, marital status, political affiliation, physical disability, mental disability, medical condition (including pregnancy, childbirth, or related medical conditions), veteran status, or citizenship status, family responsibilities, or membership in any other category or class protected under the law will not be tolerated. All employees have the right to be free from verbal or physical conduct that constitutes harassment. In addition, employees must not use social media to harass, threaten, defame, libel, embarrass, disrespect, or offend co-workers, customers and/or any Company related supplier, vendor, or other person in connection with any Company-related activity. The Company's property (including telephones, copy machines, facsimile machines, and computers) may not be used to engage in conduct that violates this policy.

Conduct that denigrates or shows hostility or aversion toward an individual because of the above attributes, or those of his/her relatives or friends, constitutes harassment when it:

- Has the purpose or effect of unreasonably interfering with a person's work performance;
- Has the purpose or effect of creating an intimidating, hostile, or offensive working environment; or
- Otherwise adversely affects an individual's employment opportunities.

Sexually harassing behavior, in particular, includes unwelcome conduct, such as sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature where: (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or (b) such advances, requests or

conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

These definitions include any direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits, such as favorable reviews, salary increases, promotions, increased benefits, or continued employment, as well as any sexually oriented conduct that is unwelcome and has the effect of creating a workplace environment that is hostile to workers.

While it is not possible to list all those circumstances which may apply, examples of conduct that, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness, include the following:

- Either explicitly or implicitly conditioning any term of employment (e.g., continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- Touching any part of an employee's body after that person has indicated, or it is known, that such physical contact is unwelcome;
- Continuing to ask an employee to socialize on or off-duty when that person has indicated she or he is not interested;
- Displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that the behavior is unwelcome;
- Regularly using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior; or
- Derogatory or provoking remarks about or relating to an employee's gender, sexual activity, or sexual orientation; or coerced sexual acts.

Because TRC views any form of unlawful harassment as a sensitive and serious offense, the responsibility to investigate complaints of such harassment has been assigned to the human resources department. Any employee that believes he or she has been the subject of illegal harassment should report the alleged act to the human resources department as soon as possible. If the employee would prefer, he or she may bring his or her concerns to the attention of TRC Corporate Counsel, or the relevant manager. Employees should not allow an inappropriate situation to continue by not reporting it, regardless of who is creating the situation.

An investigation of any complaint will be undertaken promptly. The investigation may include an interview with the employee making the complaint, with witnesses (if any), and with the person accused of the harassment. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.

Please note that while this policy sets forth the Company's goals of promoting a workplace that is free from discrimination and harassment, the policy is not designed nor intended to limit the Company's authority to discipline or to take remedial action for workplace conduct it deems unacceptable, regardless of whether that conduct satisfies the legal definition of harassment.

Further, it is unlawful to retaliate against an employee for filing a complaint of illegal harassment or for participating in an investigation of a complaint. The Company will not tolerate any such retaliatory conduct. If any employee believes that he or she has been subjected to retaliation for having brought a complaint or participated in an investigation of harassment, that employee is encouraged to report the situation as soon as possible to human resources, corporate counsel, or management.

We trust that all managers, supervisory personnel, and employees will continue to act responsibly to establish a working environment free of discrimination and harassment.

Any employee who has been found to engage in harassment or retaliation prohibited by this policy will be subject to appropriate disciplinary action, up to and including termination from employment.

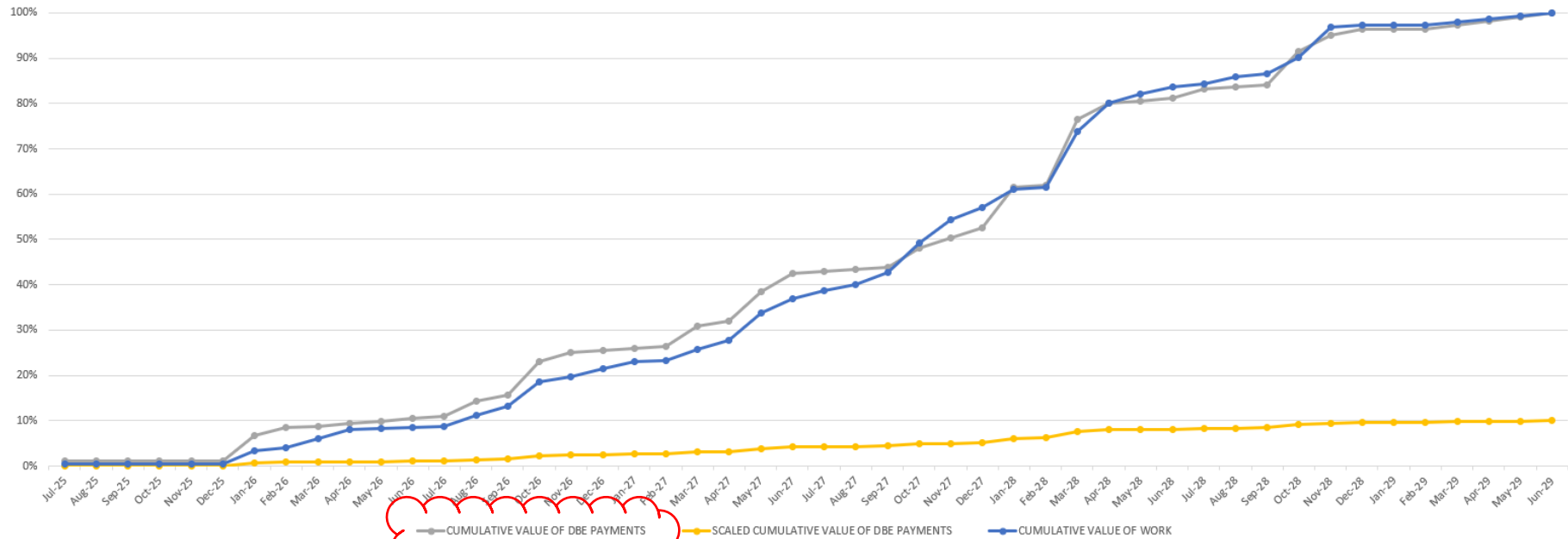
CUF Field Review

| | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|----|
| <p>“A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved... A DBE does not perform a CUF if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation...”</p> <p>This form is for the purposes of reviewing DBEs for compliance with the CUF requirements for credit. Field personnel will perform CUF reviews on DBE subcontractors. Perform a review for each DBE on a federally assisted construction project. The review should be conducted when the DBE first begins work. Monitor compliance through the course of the project.</p> | | |
| Project No.: County: Prime Contractor: DBE Superintendent/Foreman: DBE Start Date: | Reviewer: Reviewer Title: Review Date: DBE Anticipated Completion Date: | |
| DBE Name: | | |
| Provide a brief description of the DBE's scope of work: | | |
| <u>Supervision</u> Does the DBE have a superintendent/foreman on project? Does the superintendent/foreman work exclusively for the DBE? If not, who does he/she work for? Who does the superintendent/foreman report to? | Yes | No |
| <u>Employees</u> Does the DBE have employees on the job? Who assigns work to them? What is the name of the company that pays the DBE's employees? | Yes | No |
| <u>Performance</u> Has any other contractor performed any of the DBE's work? If yes, who and what work items? | Yes | No |
| <u>Equipment</u> Whose name appears on the equipment? Does DBE own or lease equipment? Does DBE use prime contractor's equipment? | Yes | No |
| <u>CUF</u> Does it appear the DBE is performing a CUF? If DBE is not performing a CUF, contact Project Manager | Yes | No |
| COMMENTS: | | |

EXHIBIT E

| DBE Work Types | % of DBE | % of Project | Q3 2025 | Q4 2025 | Q1 2026 | Q2 2026 | Q3 2026 | Q4 2026 | Q1 2027 | Q2 2027 | Q3 2027 | Q4 2027 | Q1 2028 | Q2 2028 | Q3 2028 | Q4 2028 | Q1 2029 | Q2 2029 |
|-----------------------------------------------------------------|----------|--------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| 8 Temporary Soil Erosion & Sediment Control | 3.33% | 0.33% | 0% | 0% | 25% | 0% | 0% | 25% | 0% | 25% | 0% | 0% | 0% | 0% | 25% | 0% | 0% | 0% |
| 9 Aggregate Bases | 1.67% | 0.17% | 0% | 0% | 5% | 0% | 0% | 10% | 0% | 10% | 0% | 5% | 25% | 25% | 0% | 20% | 0% | 0% |
| 23 Reinforcing Steel | 10.00% | 1.00% | 0% | 0% | 0% | 0% | 25% | 0% | 0% | 25% | 0% | 50% | 0% | 0% | 0% | 0% | 0% | 0% |
| 24 Structural Steel Erection | 6.67% | 0.67% | 0% | 0% | 0% | 0% | 25% | 0% | 25% | 0% | 0% | 50% | 0% | 0% | 0% | 0% | 0% | 0% |
| 36 Guardrail/Attenuators | 10.00% | 1.00% | 0% | 0% | 0% | 0% | 0% | 13% | 0% | 13% | 0% | 0% | 25% | 25% | 0% | 25% | 0% | 0% |
| 39 Maintenance of Traffic | 8.33% | 0.83% | 0% | 0% | 10% | 0% | 0% | 10% | 0% | 10% | 0% | 0% | 40% | 0% | 0% | 20% | 3% | 8% |
| 41 Raised Pavement Markers | 0.50% | 0.05% | 0% | 0% | 10% | 0% | 0% | 10% | 0% | 10% | 0% | 0% | 40% | 0% | 0% | 20% | 3% | 8% |
| 42 Signing | 2.50% | 0.25% | 0% | 0% | 10% | 0% | 0% | 10% | 0% | 10% | 0% | 0% | 40% | 0% | 0% | 20% | 3% | 8% |
| 43 Highway Lighting | 7.83% | 0.78% | 0% | 0% | 10% | 0% | 0% | 10% | 0% | 10% | 0% | 0% | 40% | 0% | 0% | 20% | 3% | 8% |
| 45 Pavement Markings | 3.33% | 0.33% | 0% | 0% | 10% | 0% | 0% | 10% | 0% | 10% | 0% | 0% | 40% | 0% | 0% | 20% | 3% | 8% |
| 48 Trucking | 10.00% | 1.00% | 0% | 0% | 2% | 12% | 11% | 9% | 9% | 9% | 9% | 9% | 9% | 8% | 8% | 5% | 0% | 0% |
| 57 Sealing of Concrete Surfaces with Epoxy or Non-epoxy Sealers | 3.33% | 0.33% | 0% | 0% | 0% | 0% | 0% | 25% | 0% | 25% | 0% | 0% | 50% | 0% | 0% | 0% | 0% | 0% |
| DBE SUPPLIES | 25.00% | 2.50% | 0% | 0% | 30% | 0% | 0% | 0% | 30% | 0% | 0% | 0% | 20% | 0% | 0% | 20% | 0% | 0% |
| DBE Subconsultant | 5.00% | 0.50% | 45% | 45% | 10% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% |
| Testing | 2.50% | 0.25% | 0% | 0% | 2% | 12% | 11% | 9% | 9% | 9% | 9% | 9% | 9% | 8% | 8% | 5% | 0% | 0% |
| | 100.00% | 10.00% | | | | | | | | | | | | | | | | |

DBE Planned Utilization Forecast



A secondary scale for the DBE project work, adjusted for the DBE work

| Quarter | Months |
|---------|-----------------------------|
| Q1 | January, February, March |
| Q2 | April, May, June |
| Q3 | July, August, September |
| Q4 | October, November, December |