

Updated: August 4, 2023

## **LDNR ACTION PLANS FOR EXECUTIVE ORDER JBE 2022-19**

The Louisiana Department of Natural Resources (DNR), in compliance with Executive Order Number JBE 2022-19, has developed and herein updates its action plan in regard to DNR's efforts in applying for and expending federal funds stemming from the Infrastructure Investment and Jobs Act (IIJA)/Bipartisan Infrastructure Act of 2022 (BIL) and the Inflation Reduction Act of 2023 (IRA) in a manner that provides for inclusion of small business and those that are minority, women, or veteran-owned or disadvantaged; and will engage with local and/or tribal government or other community organizations to maximize their access to BIL/IIJA and IRA funding opportunities and related beneficial impacts.

DNR's overall goal, per JBE 2022-19, is to ensure that BIL/IIJA and IRA programs benefit all the citizens of Louisiana and comply with the federal Justice40 Initiative mandate where applicable, moving forward on two fronts – increasing access to the contract selection process for small, minority, women, veteran-owned or disadvantaged business enterprises for BIL/IIJA and IRA or other federally-funded grant projects carried out by DNR; and engaging with local and tribal governments, nonprofits and other community organizations to increase access to federal funding opportunities.

DNR will develop project-specific contract selection action plans and stakeholder engagement plans when necessary for grant programs applied for on or after August 4, 2023. In developing project-specific stakeholder engagement plans, DNR will utilize the attached workbook to help identify necessary elements.

### **Contract Selection Action Plan**

DNR will seek to increase access to the contract selection process for small, minority, women, and veteran-owned, and disadvantaged business enterprises for all federal BIL/IIJA and IRA-funded contracts by –

- Encouraging contractors to team with small businesses and those that are minority, women, and veteran-owned.
- Working with the Louisiana Office of State Procurement for advertising contracting opportunities.
- Working with local government small businesses and minority business points of contact for additional outreach.
- Hosting an information session for small businesses and those that are minority, women, and veteran-owned on how to work with the State.
- The contract selection process shall include deliverables for all contractors engaged in the performance of BIL/IIJA and IRA-funded projects, including, but not limited to, the following:
- Submission of utilization plans to agencies, which include methods of acquiring and utilizing small, minority, women and veteran-owned, and disadvantaged business enterprises in the performance and completion of these contracts.
- These requirements will apply to all RFPs and contracts funded by BIL/IIJA and IRA grants.
- Contractors will additionally be required to present monthly utilization reports every thirty days after the initial approval of the utilization plans, including monthly reporting of invoicing breakdown between small, minority, women, veteran-owned, and disadvantaged businesses.

The default goal for participation by small, minority, women and veteran-owned, and disadvantaged business enterprises is 36.2 percent per contract workforce participation, inclusive of changes in the contract sum – in keeping with minority and female participation goals applicable to federally-assisted construction projects. Project-specific Disadvantaged Business Enterprises (DBEs) goals may be created for specific BIL/IIJA and IRA grant opportunities depending on the unique requirements of such projects. For the purposes of this goal, DNR recognizes a definition of DBEs as companies that are at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it. To that end, such DBEs must be certified by the Louisiana Unified Certification Program (LAUCP) or certified as a DBE under the Federal 8A program.

Contractors under BIL/IIJA and IRA agreements with DNR will have to demonstrate compliance with the default or project-specific standards for all construction contracts and any other contracts in excess of \$50,000, or be able to demonstrate that it has made good faith efforts to meet that participation goal. In this regard, “good faith efforts” will be such things as soliciting through all reasonable and available means, such as the inclusion of DBEs on mailing lists for bidders, attendance at pre-bid meetings, and advertising or providing information in languages other than English, where appropriate; breaking out contract work items into economically feasible units to facilitate DBE participation; providing interested DBEs with adequate information about contracts; and negotiating in good faith with DBEs, proven in part by providing the names, business addresses, and contact information for DBEs that were considered.

Contractors shall take specific affirmative action to ensure equal employment opportunity, including steps such as establishing and maintaining a current list of minority and female recruitment sources, providing written notices to these sources of employment opportunities and maintaining a record of response from them; maintaining a current file of names, address and contact information of each minority and female off-the-street applicant or referral and what action was taken in regard to their hiring; develop on the job training opportunities or participate in area training programs that expressly include minorities and women and provide notices of these programs to the required list of minority and female recruitment sources.

Contractors shall also submit compliance reports monthly and quarterly, identifying all participating DBEs, payments to them, and participation achieved by contractor and subcontractors; identifying new hires for the reporting month and anticipated employment opportunities in the next month; and identifying actual minority and female participation percentages.

### **Stakeholder Engagement Action Plan**

DNR will create project-specific stakeholder engagement action plans when necessary. DNR, either alone or with its agency partners, contractors, or consultants, will seek to engage with local and tribal governments, nonprofits, and other community organizations to increase access to BIL/IIJA and IRA funding opportunities and their benefits by –

- Conducting a tribal consultation with tribal nations to provide BIL/IIJA and IRA updates and upcoming opportunities.
- Hosting nonprofit and community organization info sessions.
- Hosting quarterly webinars for those local governments that are geographically proximate to planned BIL/IIJA and IRA opportunities.

- Identifying and aligning BIL/IIJA and IRA grants with eligible recipients such as local and tribal governments, nonprofits, and other community organizations where applicable.
- Identifying BIL/IIJA and IRA opportunities to develop partnerships and collaboration with local and tribal governments, nonprofits, and other community organizations.

The overall goal of this plan is to have at least two consultations with tribal nations per year to provide updates and receive feedback, to host nonprofit and community organization info sessions at least five times, covering various geographic areas of the state where projects might be ongoing and quarterly web-based meetings to address concerns for local governments. DNR will reach out through municipal organizations and parish governments to help get information out on opportunities and to help identify tribal nations who might be able to benefit from BIL/IIJA and IRA projects carried out through DNR. The agency will leverage its existing connections, as well as local government and contractors to reach as many community groups as possible to help identify potential opportunities and benefits applicable to the funding and projects available.

In both action plans DNR is committed to achieving the overall goal of ensuring that BIL/IIJA and IRA programs benefit all the citizens of Louisiana and comply with the federal guidelines for inclusion of economically disadvantaged people and businesses wherever the opportunity can be made. DNR considers these plans to be a default approach for ensuring the participation of DBEs and the sharing of various beneficial impacts with local and disadvantaged communities. As specific projects may have unique requirements and elements, DNR will be preparing project specific plans moving forward.