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 DBE Supportive Services

# The Rules of 49 CFR 26

## The federal regulatory rules that TDOT must follow concerning DBE goal projects.

### David Neese

Director of the Small Business Development Program

While I have been with TDOT's Civil Rights Division close to ten years, I've only been working as the Small Business Development Program (SBDP) Director for a few months. Now that I am responsible for overseeing the entire DBE Program, I am now getting a full overview of every aspect of DBE certification and compliance and am now the initial point of contact when issues arise concerning DBEs. During this short time in the Director capacity, I've noticed a few things that need to be emphasized.



At the end of April/beginning of May, I went out to all four regions to talk at the Tennessee Road Builders Association (TRBA) quarterly meetings. I used my time to discuss some of the most frequently encountered items that we see that are not necessarily in line with the rules of 49 CFR 26 (the federal regulatory rules that TDOT must follow concerning DBE goal projects). As 49 CFR 26 is quite a lengthy set of rules, I had several prime contractors come up to me afterwards telling me they

never knew that something I talked about was a requirement. Most of the items I talked about had to deal with the rules of trucking, supplying issues, dismissing DBEs, DBEs not being independent from the prime, primes not making the goal, and delays in sending information to our office.

I know that while some contractors may willfully defy these rules as they appear burdensome, I also believe most primes and DBEs do not fully comprehend the entirety or importance of the regulations as they apply to them. But these rules are extremely important in that there could be consequences if not followed. Recently, we have seen several inquiries and investigations by FHWA and the USDOT on both Primes and DBEs not following the regulations, resulting in monetary and criminal penalties. This is why we are working on educating primes, DBEs and even TDOT field personnel on the information most needed to have a successful DBE goal project from start to finish.

A document entitled [Important Information Concerning TDOT DBE Goal Contracts](#) is available for download. This was created to give contractors useful tools and information and will be updated as needed to better ensure that the rules are being followed. In addition to the chart, we will be talking to DBEs and primes at our annual meetings and at other TDOT/TRBA/FHWA functions as needed. If you have any questions or comments about the DBE program, please feel free to contact me directly at [david.neese@tn.gov](mailto:david.neese@tn.gov).



# Construction Projects Are Now Flowing: What About Your Cash Flow?

The construction industry plays a huge role in generating and fostering the economic well-being of our nation. One could also infer that once a construction project is complete it immediately improves the quality of life of people who use those facilities like houses, schools, hospitals, roads, airports, parks, etc.

**Victor C. Tyler, P.E., M.ASCE, NSPE**  
Construction Business Management Expert

**C**onstruction activity has a multiplier effect that encourages other industries to prosper alongside its activity. Therefore, it is vital to ensure that all construction projects are efficiently and effectively implemented.

We are witnessing increased construction activity at the local and state level. Money is flowing into all types of infrastructure. However, some construction participants would admit they are having issues with poor cash flow and profit fade.

If money is flowing from owners to general contractors to subcontractors, then what's the problem?

Construction work involves huge amounts of money, and most contractors find it very difficult to bear the heavy daily construction



expenses when the payments are late, or if there is an under-payment, or non-payment. The construction industry has a stormy reputation when it comes to payments. We know subcontractors and suppliers understand they are the last to be paid in the payment cycle.

Slow payment is a very serious matter. If all goes well during the physical construction process, then the delays in payment could be the result of poor quality of invoices submitted (prime and/or subcontractor), or lack of timeliness of the client in executing the pay request, for whatever reason.

Payment is considered as the lifeblood of a construction company. Timely and regular disbursement of interim payments is a critical activity for a contractor to help them survive in the construction field. The

processes and requirements for timely payment to the contractor are typically set forth in the contract provisions.

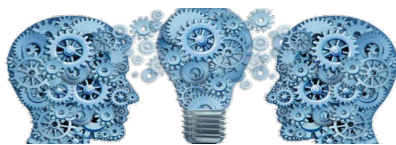
In summary, it was not the intent of the author to offer a solution to this problem plaguing the industry. In this season of money flowing in the industry, the intent was to remind all parties (this includes local, state and federal entities, project reps, primes, general contractors, subcontractors, and suppliers-not pointing any fingers) that the ease of cash flow is an essential element in delivering a successful project.

All of us must work on doing our individual part to build a great project and intentionally communicate better to each other about the payment process. Much Success!



Join friends and colleagues at the  
**2016 TDOT DBE Small Business Annual Meeting**  
August 22-23, 2016

The economic climate has changed, and so has the way many companies are now doing business. To address these changes, this year's **TDOT DBE Small Business Annual Meeting** will focus on financial health, employees, technology trends, and legal issues that matter most to small business owners.



**Learn | Innovate | Grow**

Our theme for this year is *Learn, Innovate and Grow*. This two-day event will present crucial information and insight that will be key to the success of any small business that wants to experience growth and sustainability in today's market. Activities include presentations from law firm **Burr & Forman, LLP**, national accounting firm **Marcum, LLP**, and **Dr. Sybril Brown**, all industry experts. You will hear updates from TDOT Commissioner **John Schroer**, FHWA Division Administrator **Pamela M. Kordenbrock**, and TDOT Deputy Commissioner and Chief Engineer **Paul Degges**. Attendees will also hear from an exciting panel of successful women small business owners sharing their stories of challenges and success in the construction industry.

Last year's Annual Meeting was a great success, and this year we expect it to be even better.

**LOCATION:**

*Franklin Cool Springs Marriott Hotel / 700 Cool Springs Blvd/ Franklin, Tennessee 37067*

**WHO SHOULD ATTEND:**

*DBE Small Businesses, Prime Contractors, Vendors, Procurement Officers, Small Business Advocates, and other state DBE Supportive Services Providers. Be sure to bring your brochures, business cards, and capability statements.*



*Last year's After Hour reception provided great music!*

**REGISTER BY AUGUST 12, 2016**

Use the link to register and see the agenda. Also make your hotel reservations now to get our special group rate. <http://www.tyler-engineers.com/registration>



# 2016 DBE Small Business Annual Meeting Agenda

## Monday, August 22, 2016

- 7:00 am - 8:00 am    REGISTRATION & BREAKFAST
- 8:00 am - 8:50 am    OPENING ADDRESS & WELCOME
- 8:50 am - 10:05 am    BREAK-OUT SESSION ONE  
  
Breakout A: Financial: Boost Profits with Financial Analysis  
Breakout B: Human Resource: Employment Law Update
- 10:05 am – 10:15 am    MARKETPLACE HALL NETWORKING BREAK
- 10:15 am – 11:30 am    BREAK-OUT SESSION TWO  
  
Breakout A: Financial: Boost Profits with Financial Analysis  
Breakout B: Human Resource: Employment Law Update
- 11:30 am – 1:00 pm    LUNCH and LEARN (Industry Updates from FHWA & TDOT)
- 1:00 pm – 6:00 pm    MARKETPLACE HALL EXPO & BUSINESS MATCHMAKING
- 2:15 pm – 2:45 pm    DBE Talk: Do's & Don'ts for DBEs on DOT Contracts
- 3:00 pm – 4:15 pm    Tech Talk: Newest Trends in Online Digital Tools for Businesses  
Presented By: Dr. Sybril Brown, (Dr. Syb), Author and Professor of  
Journalism, Belmont University, Nashville, TN
- 4:15 pm – 6:30 pm    NETWORKING RECEPTION - Light food and music

## Tuesday, August 23, 2016

- 7:00 am - 8:00 am    REGISTRATION & BREAKFAST
- 8:00 am - 9:20 am    GENERAL SESSION A  
  
“Specs to Checks: Overview of the TDOT Contracting Payment Process”
- 9:20 am - 9:30 am    BREAK
- 9:30 am -10:45 am    GENERAL SESSION B - Contract Law for Small Business Subcontractors
- 10:45 am -10:55 am    BREAK
- 10:55 am -12:00 pm    GENERAL SESSION C - Women in Construction Panel: Building New Roads
- 12:00 pm -1:30 pm    CIVIL RIGHTS DIVISION LUNCHEON & AWARDS
- 1:30 pm                ANNUAL MEETING ENDS



# HOW DO YOU ATTRACT CUSTOMERS TO YOUR BUSINESS?

**You talk about all the benefits and advantages you give to your customers and how your added value separates your products and services from your competitors. Most small business owners only use pricing to entice a new customer and most do that wrong because they don't really know their cost to set a profitable price!**

**Curtis Webb,**  
Strategic Marketing & Business Development Specialist

**F**or the past several weeks we provided several seminars throughout the state of Tennessee and even a session in Alabama titled, "How To Acquire Profitable Work; Dominating Your Niche!" It was pointed out in those seminars how dominating a niche leads to attracting more customers and at the end of the day, profitable work. It was also pointed out that very few new customers come consistently without marketing your benefits that show true customer value. Many times you can turn your company's fortunes around with a simple strategic plan that targets your niche with terrific customer benefits.

In our seminars, we used the following case study as an example of how one small business owner changed the narrative of their business through development of a strategic plan that allowed them to better understand the fundamentals of their business, how to present its value and define their niche!

## Case Study...

A small family owned general contractor lost the president of their business. The next several years the company had to use their long standing relationships to maintain work and a base of income. After a few years of basically breaking even, the company decided that it was time to grow the business and move forward with a new aggressive marketing strategy. They hired experienced management consultants to assess the company's strengths and weaknesses. The consultants then proceeded to ask the owners a key fundamental question... "Why Should I Do Business With You?"

Understanding how an owner should effectively respond to this question is what turns qualified prospects into a solid base of customers. In our seminar session we showcased a marketing strategy exercise that positioned our case study and its services so that the owners could now speak effectively and showcase the value they give to clients.



*Curtis Webb with Tyler Construction Engineers, P.C. presents his 19Blocks Strategic Marketing Planner during an Annual Meeting Breakout Session.*

## What customer benefits do I talk about when marketing my business?

To bring clarity to what you say in presenting your business effectively, you have to ask yourself as a business owner, a few fundamental questions that help you to not only position your business in the right niche, but also allows you to present your business in a way that it showcases your business focus and all the wonderful customer benefits and advantages you offer. What you really want customers to know are the things that make them want to do business with you!

So we started with building a business focus using the 19Blocks Visual Marketing Planner. The 19Blocks Visual Marketing Planner is a visual guide for developing an effective marketing plan and sales presentation.

We used the planner to systematically go through a series of fundamental questions and statements which gave the business owners clarity in presenting themselves, including defining who they are, what they do, their niche and most importantly, the benefits and advantages they offer as a service. We like to say that the planner makes owners address the things that matter most as a small business owner.

*Continued on pg. 6*



How Do You Attract Customers To Your Business? ...continues from pg. 5

The following exercise is where we started:

**What are you trying to be in the market place?**

Response: A construction contractor specializing in concrete flatwork.

**How are you going about it? (Answer this from a client benefit perspective)**

Response: We are contacting clients looking for quality work, on-time completions, DBE status, and a quick pay history.

**Who are your customers?**

Response: Interested in customers located in my local area, the surrounding counties - State and local agencies, Private owners of commercial construction projects, Prime-contractors and residential home owners.

**Where are your hot markets?**

Response: City government dept. that handles underground infrastructure, private firms installing fiber-optics, and residential customers -sidewalks and driveways.

**What's your niche?**

Response: Concrete flatwork with emphasis on sub-base preparation.

**Anything special about what you do?**

Response: We have a selection of decorative colors and patterns that can be provided in our concrete flatwork.

**What is my competitive advantage?**

Response: 25 years in the concrete flatwork business, we give our customers a good understanding of the expectations of concrete care (emphasis on sub-base preparation), provide fantastic end results, and the ability to offer a long-term maintenance program.

**What is your compelling offer?**

Response: Long-term maintenance program.

**Are you calculating your charge rates correctly and are you profitable?**

Response: We use a Tyler Construction Engineers Template to calculate our prices and profits, since then we have shown consistent profits.

**Your budget**

Response: The budget was defined by understanding the company's true cost and defining set profit margin.

**Are you measuring your progress?**

Response: We measure our progress weekly and make adjustments.

**Marketing staff and accountability**

Response: Each staff member has their written job description and are given specific assignments which are tracked and reviewed weekly.

This simple exercise is the first twelve steps of our nineteen step process to build a strategic marketing plan.

The responses here are not necessarily the correct responses, but they help to begin the process to start discussion and in moving a client to view their business from a customer's perspective.

In our seminar sessions, this process is laid out visually as a flowchart so owners can quickly see the flow of the process. It allows owners to define and position their business quickly in the most effective way.

Many of the most common and fundamental business challenges are discussed in our seminars and workshops.

Stay tuned, and plan to attend our next monthly workshop so you can learn techniques and strategies to better your business and watch your profits grow!

—Provide excellence, stay consistent, and above all ...Be Epic!





# Managing Generational Communication Differences in the Workplace



**Marshall Tabb,**  
Financial Management &  
Leadership Coaching

What they embrace: leadership that respects everyone (diversity); instant communication; freedom; fiscal cautiousness and conservatism.

**Generation Y (1985-2004)** these are the Millennials. This generation was molded by technology, environmental awareness (go-green and recycling) and ethnic diversity.

What they value: self-expression; balanced life style; resiliency; instant delivery; very impatient; socially responsible.

What they embrace: global causes; teamwork; multi-tasking; active involvement.

As you can see each generation's work habits and performance are shaped by the historical events and technological advances occurring during their era. Leaders who understand the unique communication differences between the four generations are more likely to improve company culture, moral, recruiting, communication, motivation and productivity.

As a leader, it is not a matter of will I address generational communication differences, but when. And the sooner the better, because it's not going away. And that's the way it is!

I recently participated in a webinar that really opened my eyes about the unique characteristics of different generational communications styles in today's workforce. The life expectancy rate in 1900 was approximately 47 years. Today's rate is approximately 80 years. Thus, a business could conceivably have four different generations of employees working side by side.

Today's leadership must understand the differences between generational expectations, values, behaviors and motivational turn-ons to be competitive in the marketplace. Let's explore the four different generations.

**The Greatest Generation (1925-1945)** these are the people that fought in WWII for our freedom. They also experienced the great depression and Korean War. What they value: hard work; fiscal conservatism; respect for authority; education.

What they embrace: top down leadership style; formal communication; respect experience; neat and conservative dress/appearance

**Baby Boomers (1946-1964)** the workaholics generation. They were molded by civil rights, space travel, the Cold War and several political assassinations.

What they value: strong work ethics; team work; optimism; personal growth and success.

What they embrace: collegial leadership; team work and interaction; in-person meetings; comfortable lifestyle.

**Generation X (1965-1984)** molded by the fall of the Berlin Wall, women's liberation, Watergate, and the energy crisis.

What they value: diversity; fun and informality; independence; entrepreneurial spirit.



## Upcoming Seminars and Workshops

Module	Title	Seminar Location	Date
<b>Module IV</b> Job Costing using QuickBooks	<p><b>How To Be Profit Driven: Job-Cost Accounting is the Key</b></p> <p>Your company's job-costing system can help your business run more efficiently. Successful job costing can mean the difference between a profitable business and one that struggles to stay alive.</p> <p>Use the information you gather from job-costing reports to improve not only your business but also your way of doing business.</p>	8:30am - 3:00pm 2 International Plaza, Suite 108, 37217 Nashville, TN	June 28, 2016
<b>Module V</b> Leadership Academy	<p><b>Leadership Academy</b></p> <p><b>Part 1:</b> How To Deal Effectively With Difficult Employees Problems</p> <p><b>Part 2:</b> Pacemaker Leadership for Small Business</p> <p><b>Presenters:</b> Marshall Tabb, Tyler Construction Engineers, P.C. Teresa Daniel, PHR, Tyler Construction Engineers, P.C.</p> <p>On any given day business owners and managers can spend up to approximately 80% of their time dealing with problem employees.</p> <p>In this session we will review and discuss tools and techniques that business owners and managers can utilize to effectively manage employees in the workplace.</p>	8:30am - 3:00pm INCubator at the Business Development Center, Boardroom, 100 Cherokee Blvd, Chattanooga, TN 37402	July 12, 2016
		Nashville	TBA
		Memphis	TBA
<b>Module VI</b> Legal	<p><b>Construction Law for Subcontractors</b></p> <p><b>Presenter:</b> Matthew DeVries – Partner with Burr &amp; Forman, LLP Construction law Practices Group</p>	DBE Annual Meeting Franklin Cool Springs Marriott Hotel	August 23 2016
<b>Module VII</b> Construction Estimating	<p><b>Estimating and Bidding for Subcontractors</b></p> <p>Emphasis on Road, Drainage and Public Works Projects</p> <p><b>Presenter:</b> Victor C. Tyler, PE, MASCE, NSPE Tyler Construction Engineers, P.C.</p> <p>This course provides subcontractors and estimators with the latest techniques and information on bidding, estimating and preparing winning proposals for the road and infrastructure industry.</p> <p>Participants will learn how to estimate job costs and prepare bids that are profitable, accurate and effective. The instructor will assist you in reviewing your own estimating strategy plan.</p>	Nashville, TN	TBA
		Chattanooga, TN	TBA
		Memphis, TN	TBA
		Knoxville, TN	TBA
<b>Capstone Event</b>	<b>TDOT DBE Small Business Annual Meeting</b>	Cool Springs Marriott Hotel Franklin, TN	August 22-23, 2016

*These seminars are open to DBEs, Small Businesses and Prime Contractors interested in continuous improvement. Seating is limited. No cost to register. Watch your email inbox for seminar announcements!*





# New DBEs *Welcome*

**Region 1**  
N/A

**Region 2**  
N/A

**Region 3**  
N/A

**Region 4**  
N/A

## Recently Renewed Firms

### Region 1

**ALH Construction Company**  
**Annetta L. Hall**

Concrete flatwork, Structures, and Underground General Construction, General Freight Hauling (Local), Reinforcing Steel Contractors

**Elite Manufacturing and Professional Services, Inc.**  
**Sonja Bennett**

Employment Placement Agencies and Temporary Help Services

**McBee/Bailey & Associates Construction**  
**Emanuel Bailey**

Commercial and Institutional Building Construction

**Siler Excavating, LLC**  
**Tammy Siler**

Highway, Street, and Bridge Construction, Poured Concrete Foundation and Structure Contractors, Site Preparation Contractors, General Freight Trucking (Local), Landscaping Services

### Region 2

**C.J. Enterprises**  
**Carolyn G. Jones**

Records and Information Management, Administrative Services, Web Services, Record Management Training, General

**C.J. Enterprises -con't**

Management Consulting Services, Other Management Consulting Services, and all other Business Support Services.

**Hayward Bolt and Specialty, Inc.**  
**Patsy J. Hayward**

Hardware Merchant Wholesalers (Distribution house for fasteners in the construction line. Sells Milwaukee tools.)

**Lauren Engineering Services**  
**Lauren Shibakov**

Civil Engineering Services

**TKM, Inc.**  
**Tammie K. Melton**

Landscaping, Sodding, Seeding, Traffic Control and Erosion Control

### Region 3

**Booker Engineering, Inc.**  
**Brenda Booker**

Engineering

**Jerry Young & Son Construction, Inc.**  
**Jerry B. Young, Sr.**

Truck and Hauling Dirt, Rock and Hot Mix

**Retaining Walls of Tennessee, Inc.**  
**Sheila Futch**

Construction of Retaining Walls

**Vorioe Products, LLC**  
**George James**

Traffic Control, Sales, and Service, Supplier of Commercial and Industrial Products

### Region 4

**Braganza Associates, P. C.**  
**Wendy Gross**

Architectural Design, Interior Design and Planning

**F & B Enterprise**  
**Fredy Bowers**

Hauling, Long Distance Trucking and Public Transportation: low income, welfare to work recipients, handicap and senior citizens

**RazorTek, Inc.**  
**Daniel H. Rodriguez**

Mapping, GIS Services, Aerial & Satellite Collection, LiDAR, Collection, Database Design, CADD conversion to GIS Data, Computer and Software Merchant Wholesalers, Surveying and Mapping Services, Commercial Aerial Photography, Custom Computer Programming Services, Data Processing, Computer Training and Other Scientific and Technical Services

**Toles and Associates, Inc.**  
**James Toles**

Consultant Engineers: Civil, Structural, Transportation and Surveying



## TDOT DBE Supportive Services

### BUSINESS DEVELOPMENT AND TRAINING TECHNICAL ASSISTANCE

#### Scheduled Letting Dates 2016

August 19, October 7,  
November 4,  
(Mowing & Litter Removal),  
December 2

#### BUSINESS ASSISTANCE

- Business Planning
- Financial Analysis
- Leadership Development
- Business Coaching

#### ONE-ON-ONE TRAINING

- Strategic Marketing
- Accounting Software
- Construction Accounting
- Bidding & Estimating
- Project Management
- Contracts & Specifications
- Construction Plan Reading
- Project Controls

“PERFECTION IS NOT ATTAINABLE, BUT IF WE  
CHASE PERFECTION WE CAN CATCH EXCELLENCE.”

– Vince Lombardi

#### Civil Rights Division Small Business Development Program Team

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