November 23, 2016

Subject: Sunset Review of the Texas Department of Transportation

Dear Sunset Advisory Committee:

Thank you for the opportunity to review and provide comments about the Sunset Staff Report on the Texas Department of Transportation, as submitted to the Sunset Advisory Commission. My responses are as follows:

**Issue 1 - TxDOT’s Progress Toward a More Transparent, Performance Based Transportation Planning Process Is Far From Complete.**

- I am in support of all the recommendations listed for this issue.
- I would recommend and would like for the Sunset Commission to consider an added component of seeking the services of qualified Historically Underutilized Businesses (HUBs) and Small Business Enterprises (SBEs) who perform similar professional consulting services to assist in accomplishing these recommendations through professional services contracts with TxDOT.

**Issue 2 - TxDOT Must Quickly Finalize Ongoing Project Development Fixes to Eliminate Backlogs and Prepare for the Future**

- I am in support of all the recommendations listed for this issue.
- I would recommend and would like for the Sunset Commission to consider an added component of seeking the services of qualified Historically Underutilized Businesses (HUBs) and Small Business Enterprises (SBEs) who perform similar professional consulting services to assist in accomplishing these recommendations through professional services contracts with TxDOT.
- I would like to make one new recommendation not included in the report for consideration by the Sunset Commission. I would recommend all future external stakeholder outreach be coordinated by an outside qualified Historically Underutilized Businesses (HUBs) and Small Business Enterprises (SBEs) consulting firm hired to specifically manage meaningful and proactive contact with the community, metropolitan planning organizations and local governments.
Issue 3- TxDOT Lacks Critical Contract Oversight Tools to Efficiently Spend Billions in Taxpayer Dollars and Better Deliver Construction Projects on Time

- I am in support of all the recommendations listed for this issue.
- I would recommend and would like for the Sunset Commission to consider an added component of seeking the services of qualified Historically Underutilized Businesses (HUBs) and Small Business Enterprises (SBEs) who perform similar professional consulting services to assist in accomplishing these recommendations through professional services contracts with TxDOT.
- I would like to make one new recommendation not included in the report for consideration by the Sunset Commission. I would recommend the inclusion and enforcement of contract sanctions and performance review rating impacts of contractors not meeting contract Disadvantaged Business Enterprise (DBE) goals.

Issue 4- TxDOT Has Not Taken Proactive Steps to Improve Contracting Opportunities for Disadvantaged Businesses

- I am in support of all the recommendations listed for this issue.
- I would recommend and would like for the Sunset Commission to consider an added component of seeking the services of qualified Historically Underutilized Businesses (HUBs) and Small Business Enterprises (SBEs) who perform similar professional consulting services to assist in accomplishing these recommendations through professional services contracts with TxDOT.
- I would like to make one new recommendation not included in the report for consideration by the Sunset Commission. I would recommend TxDOT’s Civil Rights Division be directed to provide a fair opportunity to win government contracts and not exclude HUB certified women-owned businesses from contracting opportunities and supportive services offered to other small and disadvantaged business through TxDOT.
- I would like to make one new recommendation not included in the report for consideration by the Sunset Commission. I would like to recommend TxDOT’s Civil Rights Division be directed to create and maintain a complaint process for Small, Minority, and Women owned businesses who feel they have not been afforded a fair opportunity to win government contracts. There should be a database compiled to track all complaints, a resolution process, and an annual reporting component to Federal Highway Administration (FHWA) and the Sunset Commission.

Issue 5- TxDOT’s Process Improvement Efforts Lack Clear, Measurable Results

- I am in support of all the recommendations listed for this issue.
- I have no additional recommendations for the Sunset Commission to consider.
Issue 6 - TxDOT Does Not Effectively Oversee or Support Its 25 Districts

- I strongly support all the recommendations listed for this issue.
- I would like to make one new recommendation not included in the report for consideration by the Sunset Commission. I would like to recommend TxDOT’s Civil Rights Division be directed to create and maintain a complaint process for its 25 District DBE coordinators related to contract monitoring and guidance on compliance matters for all federally funded and alternate delivery construction projects.

Issue 7 - The State’s Aging Aircraft Fleet Raises Questions About Its Future and Requires More Accountability for Its Use

- I am in support of all the recommendations listed for this issue.
- I have no additional recommendations for the Sunset Commission to consider.

Issue 8 - Paper Crash Reports Increase Administrative Costs and Limit the Reliability and Timeliness of Vital Safety Data

- I strongly support all the recommendations listed for this issue.
- I would like to make one new recommendation not included in the report for consideration by the Sunset Commission. I would recommend TxDOT be directed to explore outsourcing management of the electronically filed reports, similar to DPS process with MSB for driver license fines and surcharges. With consideration given to an added component of seeking the services of qualified Historically Underutilized Businesses (HUBs) and Small Business Enterprises (SBEs) who perform similar professional consulting services to assist in accomplishing this recommendation through a professional service contract with TxDOT.

Issue 9 - Texas Has a Continuing Need for the Texas Department of Transportation

- I am in support of most the recommendations listed for this issue. I would oppose continuing TxDOT for 12 years. I would recommend 6 years.
- I would like to make one recommendation not included in the report for consideration by the Sunset Commission. The Internal agency oversight is lacking in leadership and objectivity. As required by state law, TxDOT has an internal audit and compliance function that should act independently of department staff, but it does not. The internal audit and compliance function acts in a non-objective, dictatory fashion producing reports in favor of specific agendas by the Chief Audit and Compliance Officer, Benito Ybarra. I would recommend that TxDOT’s Audit Subcommittee be directed to conduct televised and recorded meetings for public viewing. I would also like to recommend an objective third-party member be added to the committee to offer a balanced perspective or abolish the Audit Committee and in its place create an advisory committee.
Issue 10- The Department’s Statute Does Not Reflect Standard Elements of Sunset Reviews

- I am in support of most the recommendations listed for this issue. The department did not meet civilian workforce percentages in most job categories in the last three years for African Americans, Hispanics, and women because they have systematically weeded them out of the agency through false and discriminatory practices of the Chief Audit and Compliance Officer, Benito Ybarra.

- TxDOT especially struggles to achieve a more diverse workforce in its management and executive levels because they do not promote from within. Additionally, they do not recruit or hire minorities and women at a similar rate as white males. It is a mathematical impossibility to every achieve parity and this information was documented by FHWA is a 2007 and 2009 federal audit.

- I would like to make one recommendation not included in the report for consideration by the Sunset Commission. Direct TxDOT to create employment outreach events to assist in employing well qualified minorities. Additionally, direct TxDOT to track and maintain data on their efforts to include employee survey such as those maintained by the City of Austin.
Me. Levine,

Please find attached, my responses to the Sunset Staff Report on the Texas Department of Transportation. Thank you for this opportunity to share my professional assessment of my experiences and concerns.

Kindest regards,
LaVonia Horne-Williams, President/CEO
Horne-Williams Management Consulting, LLC