

DBE 101

**Monitoring & Oversight, Best Practices,
Tribal Employment Rights Ordinance (TERO),
and Resources**

April 15, 2025

Monitoring & Oversight and Best Practices



Monitoring & Oversight

Contract Oversight

1. **Community Engagement & Outreach**

- Monthly Association meetings
- 1:1 with community members

2. **Routine Contractor Meetings**

- 1:1 with Contractor's Community Manager
- Subcontracting Progress
 - Who is getting started, who is wrapping up
 - Who needs additional assistance, who is performing well



Monitoring & Oversight

Monitoring Performance

1. 1:1 Meetings with project engineer offices and regional compliance staff
2. Monitoring DMCS for prompt pay issues
3. Review and validation of contractor progress reports
4. Monitoring trucking
5. Performing CUF reviews and on-site reviews on schedule



The **Regional Compliance Staff** are your **Best Resource** for Participation on Contracts.



Best Practices

1. Be proactive in thinking of DBEs during development of RFQ and RFP. **Host a strategy meeting.**
2. Work with proposers prior to proposal phase to ensure they **understand the importance of DBEs to WSDOT as well as to the project**
3. Perform on-site reviews on schedule — **No CUF – No CREDIT!**
4. Monitor trucking activities

Best Practices

1. Know when to have a meeting
2. Work with prime contractor after award to ensure commitment to DBEs remains on their radar
3. Be responsive when lower tier disputes arise
4. Review DBE committed work prior to award





Tribal Employment Rights Ordinance (TERO)



Each federally recognized Tribal Nation is a unique **Sovereign Government**, and each Tribal Nation operates its own *TERO office with varying strategies and policies to protect the employment rights of their tribal workforce.

**Not all Tribes have TERO programs*



Federally Recognized Tribes of WA (2023)

Treaty of No Point
January 26, 1855

Treaty of Point Elliot
January 22, 1855

Treaty of Neah Bay
January 31, 1855

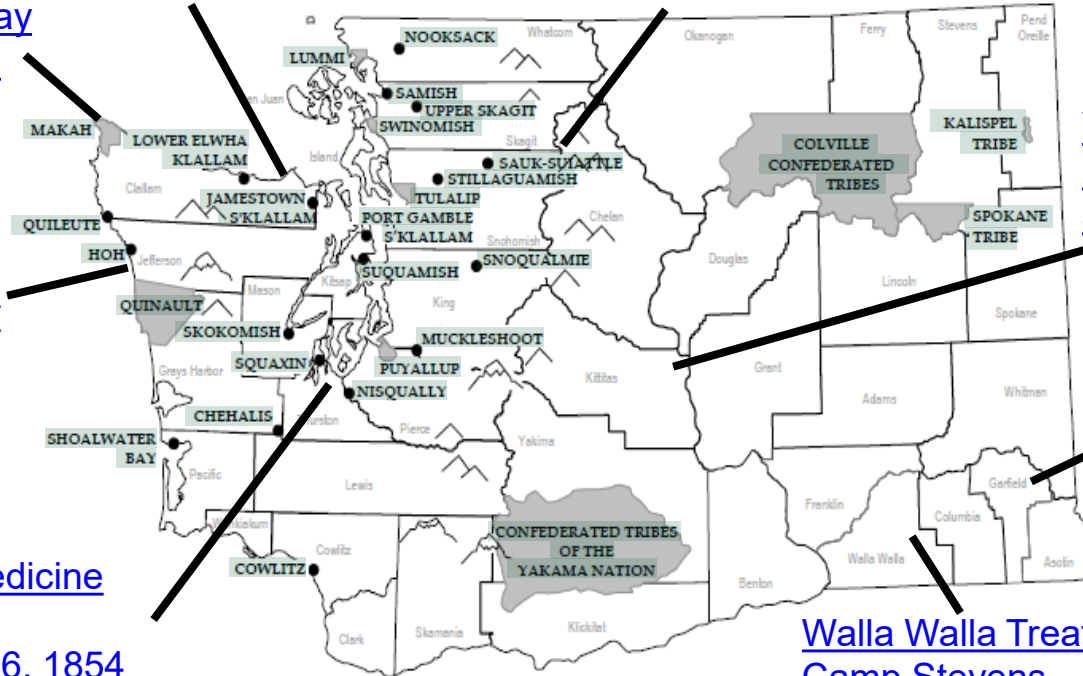
Treaty of
Quinault River
July 1, 1855

Treaty of Medicine
Creek
December 26, 1854

Yakima Treaty of
Camp Stevens
June 9, 1855

Nez Perce Treaty of
Camp Stevens
June 11, 1855

Walla Walla Treaty of
Camp Stevens
June 09, 1855



There are **29** federally recognized Tribes throughout Washington State

- Chehalis
- Colville
- Cowlitz
- Hoh
- Jamestown S’Klallam
- Kalispel
- Lower Elwha Klallam
- Lummi
- Makah
- Muckleshoot
- Nisqually
- Nooksack
- Port Gamble S’Klallam
- Puyallup
- Quileute
- Quinault
- Samish
- Sauk-Suiattle
- Shoalwater Bay
- Skokomish
- Snoqualmie
- Spokane
- Squaxin Island
- Stillaguamish
- Suquamish
- Swinomish
- Tulalip
- Upper Skagit
- Yakama



There are **574** federally recognized Tribes throughout the U.S.

Frequently Asked Questions

What is TERO?

TERO stands for Tribal Employment Rights Ordinance or Office. TERO Ordinances require that all employers who are engaged in operating a business on reservations give preference to qualified Indians in all aspects of employment, contracting, and other business activities. TERO Offices were established and empowered to monitor and enforce the requirements of the tribal employment rights ordinance.

Frequently Asked Questions

What is Indian Preference?

Indian Preference is a unique legal right that tribal members have that entitles them to first consideration to all employment, training, contracting and subcontracting, and business opportunities that exist on and in some cases near reservations.

Frequently Asked Questions

Is Indian Preference a violation of federal law?

No. There are no federal laws which prohibit Indian Preference. Tribes are exempt from Title VII of the Civil Rights Act and several other employment laws.

Frequently Asked Questions

What is the purpose of the TERO Program?

The primary purpose of the TERO program is to enforce tribally enacted Indian Preference law to ensure that Indian/Alaska Native people gain their rightful share to employment, training, contracting, subcontracting, and business opportunities on and near reservations and native villages.

Frequently Asked Questions

Why was the TERO Ordinance enacted?

- To address the deplorable rate of poverty, unemployment and underemployment that exists among native people living on reservations.
- To eliminate discriminatory and other historical barriers tribal members face while seeking employment and business opportunities on or near reservations.
- To ensure that tribal members receive their rightful entitlements as intended and required under the Tribal and federal Indian preference employment law.

Frequently Asked Questions

Are Indian Preference and TERO new concepts?

No. Indian preference first appeared in Federal regulations in **1834**. Since then, most new laws and regulations related to tribes include preference provisions. Tribal Employment Rights Ordinances (TEROs) were initially enacted by tribes in late 1976 and early 1977.

Frequently Asked Questions

What is the extent of TERO jurisdiction?

TERO has jurisdiction over **ALL** employers operating within the exterior boundaries of the reservation as legally defined by treaty or legislation including ceded lands, territories, and lands where jurisdiction has not been extinguished. TERO jurisdiction covering employers working on fee land projects has been greatly reduced by the Montana v. U.S. A. case.

Frequently Asked Questions

What are basic TERO requirements?

1. Submit acceptable compliance plan
2. Utilize TERO skills bank for all referrals and consider Indian/Native applicants before interviewing or hiring non-Indian/Natives
3. Agree to hire a specific number of Indians/Natives in each job classification and cooperate (where feasible) with tribal training programs to hire trainees
4. Eliminate job qualification criteria or personnel requirements which may act as barriers to Indian/Native employment. EEOC guidelines are used by TEROs
5. Agree to acknowledge and respect tribal religious beliefs and cultural differences and to cooperate with TERO to provide reasonable accommodations

Frequently Asked Questions

What is the enforcement approach to TERO?

Most of today's TERO programs utilize a pro-active approach to enforcement. TERO officers attempt to use education and synergistic partnering principles to prevent violations of tribal law and generally try to create mutually beneficial relationships with reservation employers.

Frequently Asked Questions

What are the sanctions for violation of TERO?

- **Violation of TERO requirements may result in severe sanctions. If it is determined that employers have willfully violated TERO requirements, tribes have the power to:**
 - Deny such party the right to commence business within the reservation/village
 - Impose a civil fine ranging from \$500 to \$5000 per violation
 - Terminate or suspend operation and denial from further business within the reservation
 - Order removal of unlawfully hired non-Natives - take action to ensure future compliance
 - Order back payment of lost wages to aggrieved Natives

Centennial Accord

Centennial Accord:

Executed **August 4, 1989** between the federally recognized Indian tribes of Washington and Washington State

- Each of the parties respects the sovereignty of each other party
- No party waives any rights, including treaty rights, immunities, or jurisdiction
- Strengthen their collective ability to successfully resolve issues of mutual concern
 - Right of each of the parties to elevate an issue of importance to any decision-making authority of another party

WSDOT Centennial Accord Plan

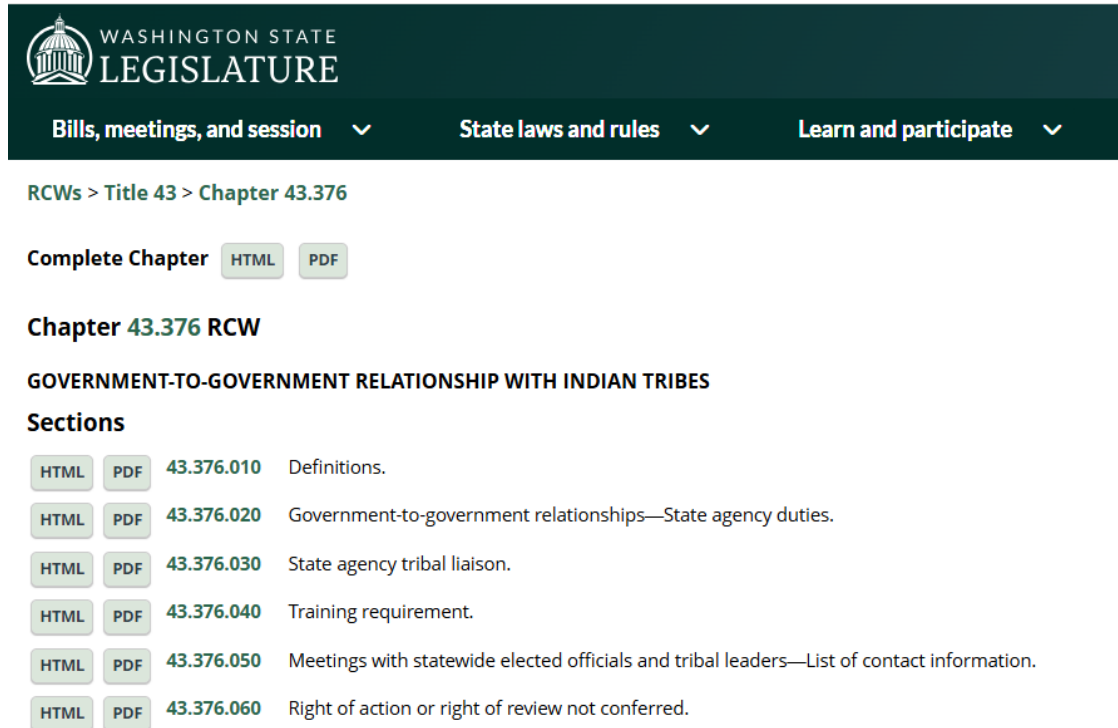
Government to Government Training

[RCW 43.376.040](#) Training requirement. Training required under [RCW 43.376.020](#) for state agency employees must include at minimum:

1. Effective communication and collaboration between state agencies and tribes;
2. Cultural competency in providing effective services to tribal governments and tribal members; and
3. Use of training services such as those provided through the [Governor's Office of Indian Affairs](#).

Government to Government Training

Department of Enterprise
Services (DES)
traininginfo@des.wa.gov
or
(360) 664-1921



The screenshot shows the Washington State Legislature website. At the top is a dark green header with the Washington State Legislature logo and the text "WASHINGTON STATE LEGISLATURE". Below the header are three navigation links: "Bills, meetings, and session", "State laws and rules", and "Learn and participate". The main content area shows the breadcrumb "RCWs > Title 43 > Chapter 43.376". Below this is a "Complete Chapter" section with "HTML" and "PDF" buttons. The title "Chapter 43.376 RCW" is displayed. Underneath is the heading "GOVERNMENT-TO-GOVERNMENT RELATIONSHIP WITH INDIAN TRIBES". A "Sections" heading is followed by a list of sections, each with "HTML" and "PDF" buttons: 43.376.010 Definitions, 43.376.020 Government-to-government relationships—State agency duties, 43.376.030 State agency tribal liaison, 43.376.040 Training requirement, 43.376.050 Meetings with statewide elected officials and tribal leaders—List of contact information, and 43.376.060 Right of action or right of review not conferred.

WASHINGTON STATE
LEGISLATURE

Bills, meetings, and session ▾ State laws and rules ▾ Learn and participate ▾

RCWs > Title 43 > Chapter 43.376

Complete Chapter [HTML](#) [PDF](#)

Chapter 43.376 RCW

GOVERNMENT-TO-GOVERNMENT RELATIONSHIP WITH INDIAN TRIBES

Sections

HTML	PDF	43.376.010	Definitions.
HTML	PDF	43.376.020	Government-to-government relationships—State agency duties.
HTML	PDF	43.376.030	State agency tribal liaison.
HTML	PDF	43.376.040	Training requirement.
HTML	PDF	43.376.050	Meetings with statewide elected officials and tribal leaders—List of contact information.
HTML	PDF	43.376.060	Right of action or right of review not conferred.

Compliance

Tribal Employment Rights Ordinance (TERO)

- 1. TERO offices work directly with the contractor on a compliance plan**
 - The plan submitted to the Tribal TERO office ensures protection for the TERO workforce
 - The compliance plan also covers penalties for violation of TERO laws that may include fines and sanctions
- 2. Agreements/plans require approval from the Tribal TERO staff before work can begin**
 - **General Specials**
1-07.12.OPT2
 - **Construction Manual**
1-07.12

State Agency Tribal Liaisons

The primary duties of this position include:

- Serve as a point of contact for tribes within WSDOT
- [Train WSDOT staff on best practices](#)
- Develop, update, and help implement WSDOT's Centennial Accord Plan
- Ensure coordination of constant and effective communication with Washington tribes
- Provide regular government relations reports to WSDOT executives

State Agency Tribal Liaisons

Tribal contacts

A specific staff person might be assigned to work with you on an individual project or program. If in the process of consultation, the tribe informs you that a contact has permanently changed, please contact [Lorraine Basch](#).

Headquarters:

1. Lorraine Basch
Tribal and Federal Relations
Director
(360) 706-3810
Lorraine.Basch@wsdot.wa.gov
2. Sarah Thirtyacre
Tribal and Federal Relations
Liaison
(360) 705-7533
Sarah.Thirtyacre@wsdot.wa.gov
3. Megan Nicodemus
WSDOT Tribal and Regional
Planning
(509) 324-6202
Megan.Nicodemus@wsdot.wa.gov

Tribal Coordinators:

1. Roger Kiers
Cultural Resources
(360) 485-7255
Roger.Kiers@wsdot.wa.gov
2. Diane Gard
TERO/Small Business Compliance
Manager
(360) 522-0851
Diane.Gard@wsdot.wa.gov

Regional Tribal Liaisons

Eastern Region

The Eastern Region serves the communities within Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens and Whitman counties.

Charlene Kay
Region Administrator
(509) 324-6010
Charlene.Kay@wsdot.wa.gov

Megan Nicodemus
Tribal Liaison
(509) 324-6202
Megan.Nicodemus@wsdot.wa.gov

Regional Tribal Liaisons

North Central Region

The North Central Region serves the communities within Chelan, Douglas, Grant and Okanogan counties.

Chris Keifenheim
Region Administrator
(509) 667-3001
Chris.Keifenheim@wsdot.wa.gov

Megan Nicodemus
Tribal Liaison
(509) 324-6202
Megan.Nicodemus@wsdot.wa.gov

Brooke Compton
Tribal Coordinator
North Central Region
(509) 667-3057
Brooke.Compton@wsdot.wa.gov

Regional Tribal Liaisons

Northwest Region

The Northwest Region serves the communities within King, Whatcom, Island, Skagit and Snohomish counties.

Brian Nielson
Region Administrator
(206) 440-4692
Brian.Nielson@wsdot.wa.gov

Alyson Rae
Restoration and Tribal Relations Technical Expert
(360) 483-9448
Alyson.Rae@wsdot.wa.gov

Zoe Irish
Tribal Liaison
(206) 440-4588
Zoe.Irish@wsdot.wa.gov

Mehrdad Moini
Local Programs Tribal Coordinator
(206) 440-4734
Mehrdad.Moini@wsdot.wa.gov

Regional Tribal Liaisons

Olympic Region

The Olympic Region serves the communities within Clallam, Grays Harbor, Jefferson, Kitsap, Mason, Pierce and Thurston counties.

Steve Roark
Region Administrator
(360) 357-2658
Steve.Roark@wsdot.wa.gov

Ashley Carle
Tribal Coordinator
(360) 357-2675
Ashley.Carle@wsdot.wa.gov

Wayne Wiltse
Olympic Region Fish Passage Tribal Liaison
(253) 433-4081
Wayne.Wiltse@wsdot.wa.gov

Aleceia Tilley
Olympic Region Fish Passage Tribal Liaison
(360) 977-8359
Aleceia.Tilley@wsdot.wa.gov

Regional Tribal Liaisons

South Central Region

The South Central Region serves the communities within Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Yakima and Walla Walla counties.

Brian White
Region Administrator
(509) 577-1620
Brian.White@wsdot.wa.gov

Megan Nicodemus
Tribal Liaison
(509) 324-6202
Megan.Nicodemus@wsdot.wa.gov

Regional Tribal Liaisons

Southwest Region

The Southwest Region serves the communities within Clark, Cowlitz, Klickitat, Lewis, Pacific, Skamania and Wahkiakum counties.

Carley Francis
Region Administrator
(360) 905-2001
Carley.Francis@wsdot.wa.gov

Paul Mason
Tribal Coordinator
(360) 905-2005
Paul.Mason@wsdot.wa.gov

Regional Tribal Liaisons

Washington State Ferries

Steve Nevey
Assistant Secretary
(206) 900-4622
Steve.Nevey@wsdot.wa.gov

Phillip Narte
Tribal Liaison
(206) 389-8563
Phillip.Narte@wsdot.wa.gov

Resources

REGIONAL MAP



Resources

DBE TEAM



Nina Jones
Assistant Director
Business Diversity & Inclusion
(360) 947-6788

Nina.Jones@wsdot.wa.gov



TBD

OECRoffice@wsdot.wa.gov

DBE Administration
(360) 705-7090



Michael Carpenter
Manager
Technical Services
(360) 705-6864

DBESS@wsdot.wa.gov



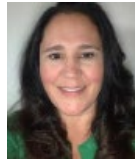
Diane Gard
Manager
Tribal Employment
Rights Office (TERO)
&
DBE Small Business
Compliance
(360) 522-0851

TERO@wsdot.wa.gov



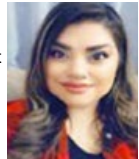
Fatema Aboutaleb
DBE Compliance Lead
Goal Setting & Bid Clearance
(360) 522-0843

GoalRequests@wsdot.wa.gov



Tonya Ahsoak-Stevens
External Civil Rights Specialist
Consultant Services Northwest
Region, Olympic Region and
Headquarters & TERO/EEO
(360) 741-1895

NWregionoeo@wsdot.wa.gov
TERO@wsdot.wa.gov



Rosa Covarrubias
DBE Compliance Lead
South Central Region &
State Ferries
(509) 424-1941

SCregionoeo@wsdot.wa.gov
Ferriesoeo@wsdot.wa.gov



Stephanie Enochs
DBE Compliance Lead
Eastern Region & North
Central Region
(360) 742-1896

ERregionoeo@wsdot.wa.gov
NCregionoeo@wsdot.wa.gov



Breanne Higginbotham
External Equal
Employment
Opportunity (EEO)
Officer
(360) 522-0850

Breanne.Higginbotham@wsdot.wa.gov SWregionoeo@wsdot.wa.gov

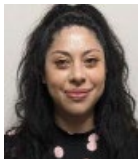


Tracey Johnson
DBE Compliance Lead
Southwest Region
(360) 701-9823



Brooke Leslie
External Civil Rights
Specialist
(360) 705-7085

DBESS@wsdot.wa.gov



Naomi Melendez
DBE Compliance Lead
Northwest Region
Construction
(564) 233-8605

NWregionoeo@wsdot.wa.gov



Andrew Olson
DBE Compliance Lead
Northwest Region Local
Programs
(360) 628-0651

NWregionoeo@wsdot.wa.gov



Laurie Rasmussen
DBE Compliance Lead
Olympic Region
Local Programs
(360) 742-7995

Oregionoeo@wsdot.wa.gov



Justin Satiacum
DBE Compliance
Lead Olympic Region
Construction
(360) 706-3323

Oregionoeo@wsdot.wa.gov

Resources

REGION EMAILS

REGION	EMAIL
Headquarters	HQoeo@wsdot.wa.gov
Eastern Region	ERRegionOEO@wsdot.wa.gov
North Central Region	NCRRegionOEO@wsdot.wa.gov
Northwest Region	NWRRegionOEO@wsdot.wa.gov
Olympic Region	ORegionOEO@wsdot.wa.gov
South Central Region	SCRegionOEO@wsdot.wa.gov
Southwest Region	SWRegionOEO@wsdot.wa.gov
Washington State Ferries	Ferriesoeo@wsdot.wa.gov
Tribal Employment Rights (TERO)	TERO@wsdot.wa.gov

Resources

LINKS

[THE OFFICE OF EQUITY AND CIVIL RIGHTS \(OECR\)](#)

[THE OFFICE OF WOMEN AND MINORITY BUSINESS ENTERPRISES \(OMWBE\)](#)

[DIVERSITY ROADMAP](#)

[LAG MANUAL](#)

[MWBE SUPPORTIVE SERVICES \(MWBESS\)](#)

[GENERAL SPECIAL PROVISIONS](#)

[DIVERSITY MANAGEMENT COMPLIANCE SERVICES \(DMCS\)](#)

[CODE OF FEDERAL REGULATIONS \(CFR 49.26\)](#)

[DBE PARTICIPATION PLAN](#)

[CAPACITY BUILDING MENTORSHIP PROGRAM](#)

[HIGHWAY CONSTRUCTION WORKFORCE PARTNERSHIP](#)

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