

Congress of the United States
Washington, DC 20515

December 22, 2021

The Honorable Phil Murphy
Governor of New Jersey
22 W State Street
Trenton, NJ 08625

Ms. Diane Gutierrez-Scaccetti
Commissioner
NJ Department of Transportation
1035 Parkway Ave
Ewing, NJ 08618

Mr. Kevin Corbett
President and CEO
New Jersey Transit
1 Penn Plaza East
Newark, NJ 07105

Dear Governor Murphy, Commissioner Gutierrez-Scaccetti, and Mr. Corbett,

The Infrastructure Investment and Jobs Act is a historic piece of legislation that will serve as the largest long-term investment in our country's infrastructure and competitiveness in nearly a century. New Jersey stands to receive nearly \$12 billion to repair roads and bridges, expand mass transit, build the Gateway project, replace water and sewer pipes, and increase broadband internet access. As one of the most diverse states in the nation we must leverage this moment to create long overdue and urgently needed opportunities for individuals and businesses who have historically been excluded from infrastructure investments. New Jersey leadership must ensure Small, Minority, Women, or Veteran-owned Business Enterprises (SMWVBE), Disability-owned business enterprises, and LGBTQ- owned business enterprises play a significant role in the impending infrastructure projects. Leadership must also continue to strengthen accountability measures to enforce equitable distribution of this monumental investment.

Diversity is one of New Jersey's biggest assets. Our infrastructure investments and workforce should reflect this. This critical investment will improve our state's infrastructure and position our economy for continued growth by creating more job opportunities. Ensuring underrepresented firms are beneficiaries of this federal investment will promote a more inclusive workforce and a thriving economy for all. Systemic discrimination against women and minority-owned businesses has created barriers to obtaining these contracts and prioritizing these underrepresented populations is an opportunity to help remedy this historic and ongoing discrimination. Specifically, New Jersey should use the Port Authority of New York and New Jersey as a model to reduce disparities. The Port Authority recently amended its policy to address longstanding inequities by increasing the threshold of direct solicitation of certified minority- and woman-owned businesses. This policy will promote competition, diversity, and inclusion. State leaders must adopt this innovative approach to create more opportunities for the state's most under-utilized businesses.

We must also enhance enforcement mechanisms to ensure policies and programs that aim to promote inclusion are adequately implemented. Strengthening the Department of Transportation's (DOT)

Disadvantaged Business Enterprise (DBE) program is one avenue to accomplish this. Specifically, the DBE should include more comprehensive accountability measures. Currently, the DBE program relies on ambiguous “good faith efforts” to ensure nondiscrimination and inclusive funding practices. However, the Port Authority’s Disparity Study found that good faith participation goals are ineffective at addressing disparities between the availability of underrepresented firms in the marketplace and the utilization of these firms. This program also lacks reinforcement protocols to address failures to meet DBE program goals. Additional and real-time mechanisms must be incorporated into the DBE’s program to maximize the state’s role in creating and enforcing equal contracting opportunities for socially and economically disadvantaged firms. We ask that you provide us with an update on what steps you take to ensure real-time accountability throughout the lifecycle of these infrastructure projects.

Governor Murphy has a proven track record building a stronger and fairer New Jersey. It is imperative and aligned with his commitment to equity that the state renews its commitment to centering equity so that this historic federal investment is used to address New Jersey’s most pressing infrastructure needs and workforce disparities. For too long, discrimination and disinvestment have created various inequities which have disproportionately disadvantaged marginalized populations. I look forward to hearing updates on how you plan to prioritize SMWVBE, Disability-owned business enterprises, and LGBTQ-owned business enterprises and increasing accountability measures to ensure resources and opportunities are equitably distributed.

Sincerely,



Bonnie Watson Coleman
Member of Congress



Andy Kim
Member of Congress



Albio Sires
Member of Congress