

From: [Ballinger, James E \(KYTC\)](#)
To: [Mills, Rachel A \(KYTC\)](#); [Fogle, William H \(KYTC\)](#); [Moore, John W \(KYTC\)](#)
Cc: [Hancock, Michael W \(KYTC\)](#)
Subject: FW: Additional Project for KY - MAMCO v. US-DOT: Implementation of DBE Preliminary Injunction
Date: Tuesday, March 4, 2025 4:39:32 PM
Attachments: [Notice to Contractors KYTC 3.20.25 \(MAMCO\).pdf](#)

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Rachel,

Please see the information form FHWA related to projects impacted by “Implementation of DBE Preliminary Injunction”. Please react accordingly.

Thanks.

James Ballinger, PE, PLS
State Highway Engineer
Kentucky Transportation Cabinet
200 Mero Street
Frankfort, KY 40622
502-564-3730

From: Givan, Shundreka (FHWA) <Shundreka.Givan@dot.gov>
Sent: Tuesday, March 4, 2025 4:11 PM
To: Gray, Jim P (KYTC) <Jim.Gray@ky.gov>; Hancock, Michael W (KYTC) <Michael.Hancock@ky.gov>; Ballinger, James E (KYTC) <james.ballinger@ky.gov>; Fogle, William H (KYTC) <William.Fogle@ky.gov>
Cc: Pinckney, David (FHWA) <david.pinckney@dot.gov>; Harkins, Michael (FHWA) <Michael.Harkins@dot.gov>; Esselman, James (FHWA) <james.esselman@dot.gov>; Smith, Rachyl (FHWA) <rachyl.smith@dot.gov>; Davis, Donald (FHWA) <Donald.Davis@dot.gov>; Borres, Boday (FHWA) <boday.borres@dot.gov>; Jacobs, Steven (FHWA) <Steven.Jacobs@dot.gov>
Subject: FW: Additional Project for KY - MAMCO v. US-DOT: Implementation of DBE Preliminary Injunction

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Good afternoon –

Please see the attached, along with the details below regarding the **highlighted project MAMCO plaintiffs have identified for KYTC’s March 20th letting**. We request that the Kentucky Transportation Cabinet (KYTC) issue an appropriate amendment to the advertised projects to reduce the DBE contract goal to zero.

Should you have any questions, please give me a call at (502) 223-6721 or Boday Borres at (502) 223-6723.

Regards,
Shundreka

Shundreka R. Givan, AICP | Division Administrator
United States Department of Transportation
Federal Highway Administration | Kentucky Division
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From: Pinckney, David (FHWA) <david.pinckney@dot.gov>
Sent: Tuesday, March 4, 2025 3:22 PM
To: Givan, Shundreka (FHWA) <Shundreka.Givan@dot.gov>; Borres, Boday (FHWA) <Boday.Borres@dot.gov>
Cc: Mcwhorter, Nichole (FHWA) <nichole.mcwhorter@dot.gov>; Harkins, Michael (FHWA) <Michael.Harkins@dot.gov>; Esselman, James (FHWA) <james.esselman@dot.gov>; Smith, Rachyl (FHWA) <rachyl.smith@dot.gov>; Davis, Donald (FHWA) <Donald.Davis@dot.gov>
Subject: Additional Project for KY - MAMCO v. US-DOT: Implementation of DBE Preliminary Injunction

Hello Shundreka, Boday:

Per the [FHWA’s November 18, 2024, memorandum](#) (“Nov. 18 memo”) concerning the September 23, 2024, preliminary injunction involving the DBE Program in *Mid-America Milling Company v. U.S. Department of Transportation*, No. 3:2023cv00072 (E.D. Ky. 2024), I am transmitting to you one advertised project (see highlighted project in the attached) that has been identified by the plaintiffs in this case. As provided in the FHWA’s Nov. 18 memo, please transmit this project to your respective State DOT by forwarding this email and request that Kentucky DOT issue an appropriate amendment to this advertised project to reduce the DBE contract goal to zero. Please copy me as well as Michael Harkins, Jim Esselman, and Rachyl Smith in your transmittal to the State.

This request is made pursuant to the FHWA’s Nov. 18 memo referenced and linked above. If

your respective State DOT is unable to implement the guidance by amending the advertisement to reduce the DBE goal to zero for the identified projects, please notify us immediately.

We appreciate your prompt attention to this email, and appreciate the State's cooperation. Should you or your respective State DOT have any questions, please let me know.

Thank you,

David T. Pinckney

DBE/Contractor Compliance Team Leader

Headquarters Office of Civil Rights

Federal Highway Administration

1200 New Jersey Avenue SE, Washington, D.C. 20590