



**DISADVANTAGED BUSINESS ENTERPRISE
PROGRAM
May 2022**

Adopted in Accordance with 49 CFR Part 26

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TBARTA
Disadvantaged Business Enterprise (DBE) Program

OBJECTIVES / POLICY STATEMENT – 26.1, 26.23

The Tampa Bay Area Regional Transit Authority (TBARTA) receives federal financial assistance from the U.S. Department of Transportation (DOT), and, as such, is required to comply with 49 CFR Part 26. In fulfilling this requirement TBARTA has established a Disadvantaged Business Enterprise Program to foster and support DBE participation.

TBARTA aims to ensure that DBE's meeting the requirements of 49 CFR Part 26 have an equal opportunity to access and participate in DOT-assisted contracts. It is also our policy:

- 1) To ensure nondiscrimination in the award and administration of DOT- assisted contracts;
- 2) To create a level playing field on which DBE's and small businesses can compete fairly for DOT-assisted contracts;
- 3) To ensure the DBE Program is tailored in accordance with applicable law;
- 4) To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBE's and small businesses;
- 5) To help remove barriers to the participation of DBE's and small businesses in DOT-assisted contracts; and
- 6) To assist the development of firms that can compete successfully in the marketplace outside the DBE Program.

The Director of Procurement has been designated as the DBE Liaison Officer (DBELO). In this capacity, the Director of Procurement is responsible for establishing, implementing, and coordinating all aspects of the DBE Program. Compliance for the DBE Program will be administered with the same level of oversight and priority given to other regulatory and binding obligations accorded and mandated for financial assisted agreements under the auspice and purview of DOT.

TBARTA will disseminate this policy to the Governing Board and all components of the organization. Furthermore, we will distribute this policy to DBE and non-DBE business communities that perform work for TBARTA on DOT-assisted contracts. This policy statement will be included with the Board packet following the date of the Executive Director's signature and will then be posted on TBARTA's website.

David Green

David Green
Executive Director

5/27/2022

Date

SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

Objectives of this Program are found in the policy statement on the previous page.

Section 26.3 Applicability

TBARTA receives federal financial assistance from the U.S. Department of Transportation (USDOT) and, as a condition of receiving this financial assistance, has signed an assurance that it will comply with 49 CFR Part 26. The DBE Program shall apply to contracts awarded subject to USDOT DBE regulations 49 CFR Part 26.

Section 26.5 Definitions

TBARTA will adopt the definitions contained in Section 26.5 of 49 CFR Part 26 for this program.

Section 26.7 Nondiscrimination Requirements

TBARTA will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, TBARTA will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

Section 26.11 Record Keeping Requirements

Uniform Report of DBE Awards or Commitments and Payments: 26.11(a)

TBARTA will report DBE participation to the Federal Transit Administration (FTA) using the uniform report of DBE Awards or Commitments and Payments (Appendix B of the DBE regulation).

Bidders List: 26.11(c)

TBARTA will create a bidders list, consisting of information on DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidders list approach for calculating overall goals. The bidders list will include the name, address, DBE/non-DBE status, age, and annual gross receipts of firms.

We will collect this information in the following way:

TBARTA will require a clause in all solicitations and contracts that requires any firm willing to do business on DOT-assisted contracts to report the name, address, DBE/non-DBE status, age, and annual gross receipts of DBE/non-DBE firms to TBARTA.

Section 26.13 Assurances

Federal Financial Assistance Agreement Assurance: 26.13(a)

TBARTA has signed the following assurance, applicable to all DOT-assisted contracts and their administration:

“TBARTA shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient’s DBE Program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to TBARTA of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).”

This language will appear in financial assistance agreements with sub-recipients.

[Note: This language is to be used verbatim, as stated in 26.13(a)]

Contract Assurance: 26.13b

TBARTA will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

“The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.”

[Note: This language is to be used verbatim, as stated in 26.13(b)]

SUBPART B – ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

TBARTA receives grants of \$250,000 or more in FTA planning, capital, or operating assistance in a federal fiscal year, therefore we will continue to carry out this program until all funds from DOT financial assistance have been expended. As required, any significant program changes will be reported to DOT.

Section 26.25 DBE Liaison Officer (DBELO)

TBARTA has designated the following individual as the DBE Liaison Officer:

Al Burns, Director of Procurement
Tampa Bay Area Regional Transit Authority
4902 Eisenhower Boulevard, Suite 207
Tampa, FL 33634
Phone: 813-282-8200
Email: aburns@psta.net

In this capacity, the DBELO is responsible for implementing all aspects of the DBE Program and ensuring that TBARTA complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the Executive Director concerning DBE Program matters. An organizational chart displaying the DBELO's position in the organization is found in Attachment 1 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has sole responsibility for the administration of this plan. Duties and responsibilities include the following:

- a) Assure that 49 CFR Part 26 and other federal, state and local regulations are adhered to by TBARTA, as applicable.
- b) Coordinate with User Departments during the annual budget cycle to review planned non-inventory procurements and determine an appropriate DBE goal for individual procurements, if necessary. Determine and recommend annual contracting goals.
- c) Solicit and encourage the addition of certified DBE vendors to bidder lists. Offer technical assistance to DBEs as appropriate. Assist potential prime contractors to identify potential DBE contractors for contracting opportunities.
- d) Prepare all required internal and external DBE utilization reports. Audit procurements as necessary to assure DBE requirements are met.
- e) Gather and report statistical data and other information as required by DOT.
- f) Ensure that third party contracts and solicitations comply with this program.
- g) Ensure that bid notices and requests for proposals are available to DBEs in a timely

manner.

- h) Develop contracts and procurements so that DBE goals are included in solicitations and monitor results.
- i) Analyze TBARTA's progress toward goal attainment and identify ways to improve progress.
- j) Participate in pre-bid and pre-proposal meetings.
- k) Advise the Executive Director and Governing Board on DBE matters and achievement.
- l) Work with project managers to ensure contractor compliance with good faith efforts.
- m) Participate in DBE training seminars.
- n) Provide outreach to DBEs and community organizations to advise them of contracting opportunities.

Section 26.29 Prompt Payment Mechanisms

Prompt Payment: 26.29(a)

TBARTA will include the following clause in each DOT-assisted prime contract:

“The prime contractor agrees to pay each subcontractor under this prime contract, for satisfactory performance of its contract, no later than 10 days from the receipt of each payment the prime contractor receives from TBARTA. The prime contractor further agrees to return retainage payments to each subcontractor within 10 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above-referenced time frame may occur only for good cause, following written approval of TBARTA. This clause applies to both DBE and non-DBE subcontractors.”

Monitoring & Enforcement: 26.29(d)

Any delay or postponement of payment from the above referenced period may occur only for good cause following written approval from TBARTA. This language applies to both DBE and non-DBE subcontracts.

Sanctions for Non-Compliance

In the event of the contractor's non-compliance with this policy, or failure to meet the prescribed DBE goal or expectancy set forth in any contract, or to establish a good faith effort to do so, TBARTA will impose such contract sanctions as TBARTA, the DOT or both may determine to be appropriate including, but not limited to:

- a) Withholding of payments to the contractor under the contract until the contractor complies; and/or
- b) Cancellation, termination, or suspension of the contract in whole or in part; and/or

- c) Suspension of contractor from eligibility to contract with TBARTA in the future or to receive bid packages or request for proposal (RFP) packages.

Section 26.31 Directory

TBARTA does not maintain its own list of DBEs. TBARTA will accept firms listed in the DBE directory of Florida's Uniform Certification Program (UCP), as maintained by the Florida Department of Transportation (FDOT). The directory lists a firm's name, address, phone number, date of most recent certification, and the type of work the firm has been certified to perform as a DBE. A link to the directory may be found in Attachment 2 of this document.

Section 26.33 Overconcentration

TBARTA has not identified an overconcentration in any type of work that DBEs perform. However, TBARTA will re-evaluate concentration during the triennial update period to determine if overconcentration of DBEs has become a problem. If TBARTA determines that DBE firms are overconcentrated in a certain type of work as to unduly burden the opportunity of non-DBE firms to participate, TBARTA will devise appropriate measures to address this overconcentration and obtain the approval of USDOT administration.

Section 26.37 Monitoring and Enforcement Mechanisms

TBARTA will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

- a) We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
- b) We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. Attachment 3 lists the regulation, provisions, and contract remedies available to us in the event of non-compliance with the DBE regulation by a participant in our procurement activities.
- c) We will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by conducting site visits to review applicable contracts in which DBE firms are participating.
- d) We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Quotas

TBARTA does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

In accordance with Section 26.45, TBARTA will submit its triennial overall DBE goal to FTA on August 1 of the year specified by FTA.

TBARTA will also request the use of project-specific DBE goals as appropriate, and/or may establish project specific goals as directed by FTA.

The process generally used by TBARTA to establish overall DBE goals can be found in Attachment 4 to this program.

Before establishing the overall goal each year, TBARTA will consult with minority and general contractor groups, community organizations, and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and promote TBARTA's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, TBARTA will publish a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at TBARTA's office for 30 days following the date of the notice, and informing the public that TBARTA and DOT will accept comments on the goals for 45 days from the date of the notice. Notice of the proposed overall goal will be published on TBARTA's website and in a newspaper or other media of general circulation focused on minority readers. Normally, this notice will be issued by June 1 of a three-year period. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

Our overall goal submission to DOT will include: the goal (including the breakout of estimated race-neutral and race-conscious participation); a copy of the methodology, worksheets, etc., used to develop the goal; a summary of information and comments received during this public participation process and TBARTA's responses; and proof of publication of the goal in media outlets aforementioned.

TBARTA will begin using the overall goal on October 1 of the specified year, unless TBARTA has received other instructions from DOT. If TBARTA establishes a goal on a project basis, we will begin using the goal by the time of the first solicitation for a DOT-assisted contract for that project. The goal will remain effective for the duration of the three-year period established and approved by FTA.

Section 26.47 Goal Setting and Accountability

If the awards and commitments shown on TBARTA's Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall applicable goal to that fiscal year, TBARTA shall:

- a) Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments;
- b) Establish specific steps and milestones to correct any problems identified in the analysis; and
- c) Submit the plan to FTA within 90 days of the end of the affected fiscal year.

Section 26.49 Transit Vehicle Manufacturer (TVM) Goals

TBARTA will require each transit vehicle manufacturer as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements to certify that it has complied with the requirements of this section. Alternatively, TBARTA may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

Section 26.51 Meeting Overall Goals/Contract Goals

TBARTA will meet the maximum feasible portion of its overall goal using race-neutral means of facilitating DBE participation. To do so, TBARTA will calculate the number of able and available DBEs, based on the total number of respondents, in order to provide the breakout of estimated race-neutral and race-conscious participation (see Attachment 4). This section of the program will be updated when the goal calculation is updated.

TBARTA will use contract goals to meet any portion of the overall goal that TBARTA does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

TBARTA will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. TBARTA need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work).

TBARTA will express its contract goals as a percentage of the Federal share of DOT-assisted contracts.

Section 26.53 Good Faith Efforts

Award of Contracts with a DBE Contract Goal: 26.53(a)

In those instances where a contract-specific DBE goal is included in a procurement/solicitation, TBARTA will not award the contract to a bidder who does not either: (1) meet the

contract goal with verified, countable DBE participation; or (2) documents it has made adequate good faith efforts to meet the DBE contract goal, even though it was unable to do so. It is the obligation of the bidder to demonstrate it has made sufficient good faith efforts prior to submission of its bid.

Evaluation of Good Faith Efforts 26.53(c)

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in the Appendix A of 49 CFR Part 26.

The following personnel are responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive:

Al Burns, Director of Procurement
Tampa Bay Area Regional Transit Authority
4902 Eisenhower Boulevard, Suite 207
Tampa, FL 33634
Phone: 813-282-8200
Email: aburns@psta.net

TBARTA will ensure that all information is complete and accurate and adequately documents the bidder/offer's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

TBARTA considers bidder/offerors' compliance with the good faith efforts' requirements as a matter of responsiveness.

Each solicitation, for which a contract goal has been established will require the bidders/offerors to submit the following information:

- a) The names and addresses of DBE firms that will participate in the contract;
- b) A description of the work that each DBE will perform;
- c) The dollar amount of the participation of each DBE firm;
- d) Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
- e) Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment, and
- f) If the contract goal is not met, evidence of good faith efforts.

Administrative Reconsideration: 26.53(d)

Within five (5) business days of being informed by TBARTA that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official:

Executive Director
Tampa Bay Area Regional Transit Authority
4902 Eisenhower Boulevard, Suite 207
Tampa, FL 33634
Phone: 813-282-8200

The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. The reconsideration official will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the DOT.

Good Faith Efforts when a DBE is Terminated/Replaced on a contract with Contract Goals: 26.53(f)

TBARTA requires that prime contractors not terminate a DBE subcontractor listed on a bid/contract with a DBE contract goal without TBARTA's prior written consent. Prior written consent will only be provided where there is "good cause" for termination of the DBE firm, as established by Section 26.53(f)(3) of the DBE regulation.

Before transmitting to TBARTA its request to terminate, the prime contractor must give notice in writing to the DBE of its intent to do so. A copy of this notice must be provided to TBARTA prior to consideration of the request to terminate. The DBE will then have five (5) business days to respond and advise TBARTA of why it objects to the proposed termination.

In those instances where "good cause" exists to terminate a DBE's contract, TBARTA will require the prime contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. TBARTA will require the prime contractor to notify the DBE Liaison Officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, TBARTA will require the prime contractor to obtain prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

If the contractor fails or refuses to comply in the time specified, TBARTA will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, TBARTA may issue a termination for default proceeding.

Section 26.55 Counting DBE Participation

TBARTA will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

SUBPART D & E – CERTIFICATION

Section 26.61 – 26.73 Certification Process

To be certified as a DBE, a firm must meet all certification eligibility standards. For information about the certification process, firms should contact:

Al Burns, Director of Procurement
Tampa Bay Area Regional Transit Authority
4902 Eisenhower Boulevard, Suite 207
Tampa, FL 33634
Phone: 813-282-8200
Email: aburns@psta.net

For additional information or to apply for certification, please see the contact in Section 26.81 Unified Certification Program.

Section 26.81 Unified Certification Program

TBARTA is a non-certifying member of the Unified Certification Program (UCP) administered by the Florida Department of Transportation Equal Opportunity Office, 605 Suwannee Street, MS 65, Tallahassee, Florida 32399-0450. The EEO Office can be contacted via telephone: (850) 414-4747, fax: (850) 414-4879, and website at <https://www.fdot.gov/equalopportunity/default.shtm>. The Florida UCP will meet all of the requirements of this section. TBARTA will use and count for DBE credit only those DBE firms certified by the Florida UCP. See Attachment 6.

Section 26.83 - 26.91 Procedures for Certification Decisions

A link to the State's UCP certification procedures and/or UCP program is included in Attachment 6, and is available at: <https://www.fdot.gov/equalopportunity/dbecertification.shtm>.

Any firm or complainant may appeal a State UCP's decision in a certification matter to DOT. Such appeals may be sent to:

U.S. Department of Transportation
Office of Civil Rights Certification Appeals Branch
1200 New Jersey Ave. SE
West Building, 7th Floor
Washington, D.C. 20590

TBARTA will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT-assisted contracting.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

Confidentiality

TBARTA will safeguard from disclosure to third parties' information that may reasonably be regarded as confidential business information consistent with federal, state and local law.

Notwithstanding any contrary provisions of state or local law, TBARTA will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

Monitoring Payments to DBE's

TBARTA will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of TBARTA or DOT. This reporting requirement also extends to any certified DBE subcontractor.

TBARTA will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

TBARTA may perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

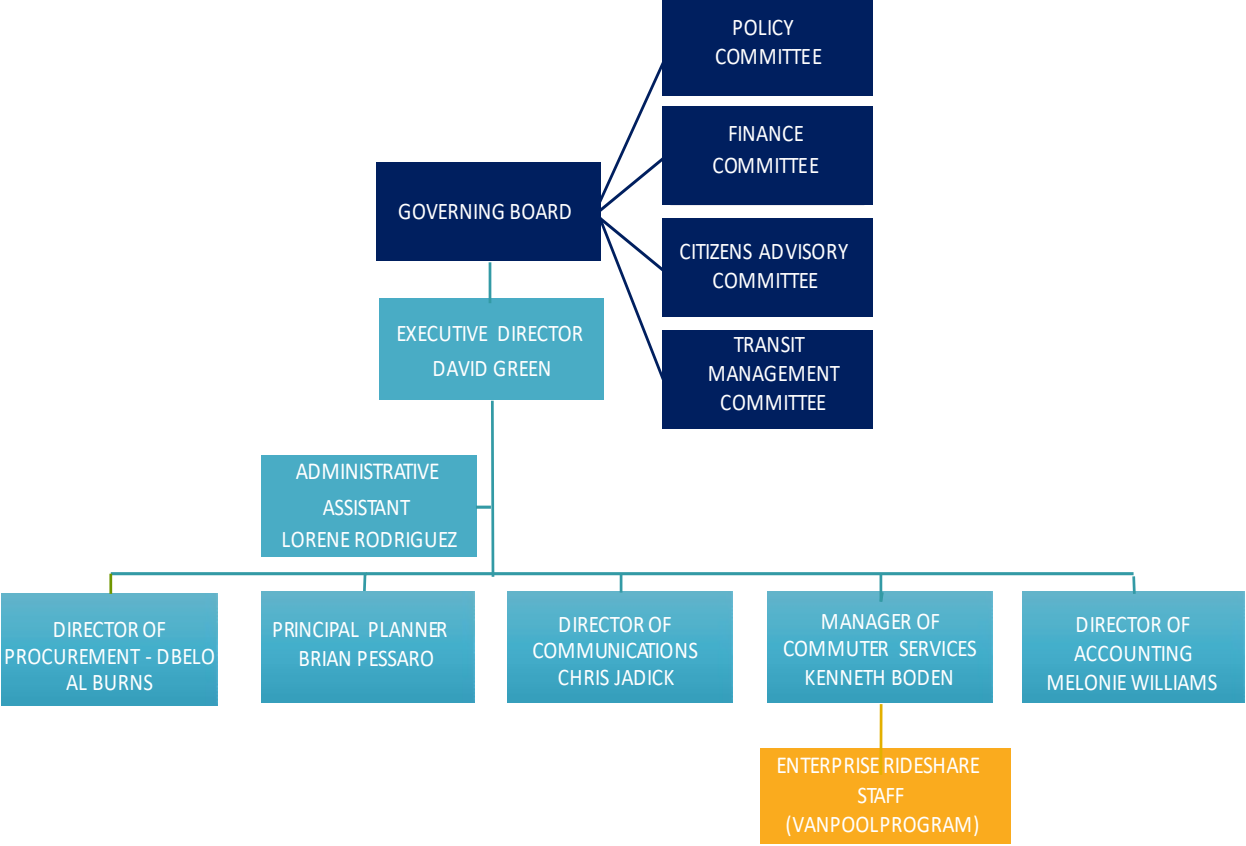
Reporting to DOT

Per DOT's DBE Program Final Rule (June 16, 2003) TBARTA will report DBE participation on a semi-annual basis, using the Uniform Report of DBE Awards or Commitments and Payments Form. These reports will reflect payments actually made to DBEs on DOT-assisted contracts.

ATTACHMENTS

Attachment 1	Organizational Chart
Attachment 2	DBE Directory
Attachment 3	Monitoring and Enforcement Mechanisms
Attachment 4	Goal Setting Methodology
Attachment 5	Good Faith Effort Forms
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Attachment 7	DBE Regulation: 49 CFR Part 26

ATTACHMENT 1
ORGANIZATIONAL CHART



ATTACHMENT 2

DBE DIRECTORY

TBARTA is required to participate in the Unified Certification Program (UCP). The combined statewide directory, listing the eligible participating firms qualifying as a certified DBE may be located at the Florida Department of Transportation Unified Certification Program (UCP) Disadvantaged Business Enterprise (DBE) Directory website: <https://fdotxwp02.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/>.

ATTACHMENT 3

MONITORING AND ENFORCEMENT MECHANISMS

TBARTA has several remedies available to ensure compliance with 49 CFR Part 26 in its contracts including, but not limited to, the following:

- a) Breach of contract action, pursuant to the terms of the contract; and
- b) Breach of contract action, pursuant to the State of Florida Statute 337 and 339 and Florida Administrative Code 14-78.

In addition, the federal government has several enforcement mechanisms available that it may apply to firms participating in the DBE Program including, but not limited to, the following:

- a) Suspension or debarment proceedings pursuant to 49 CFR Part 26;
- b) Enforcement action pursuant to 49 CFR Part 31; and
- c) Prosecution pursuant to 18 USC 1001 and/or 31 USC 3801, et seq.

In accordance with Florida Statute 26.109, TBARTA will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, allowing DOT to take necessary steps as provided under the actions of suspension and debarment or Program Fraud and Civil Penalties.

ATTACHMENT 4

GOAL SETTING METHODOLOGY – SECTION 26.45

Amount of Goal

TBARTA's overall goal for FYs 2022-2024 is the following: 2% of the Federal Financial assistance we will expend in DOT-assisted contracts. This goal is exclusive of FTA funds used for the purchase of transit vehicles.

Methodology to be Used to Calculate Overall Goal

Step 1: 26.45(c)

Determine the base figure for the relative availability of DBEs.

The base figure for the relative availability of DBE's is to be calculated as follows:

$$\text{Base figure} = \frac{\text{Ready, willing, and able DBE's}}{\text{All firms ready, willing, and able}}$$

The data source or demonstrable evidence used to derive the numerator is the Florida Unified Certification Program (UCP) Disadvantaged Business Enterprise (DBE) Directory.

The data source or demonstrable evidence used to derive the denominator as per United States Census Bureau.

Divide the numerator by the denominator to arrive at the base figure for our overall goal, and this will be the number used

Step 2: 26.45(d)

After calculating a base figure of the relative availability of DBEs, evidence will be examined to determine what adjustment is needed to the base figure in order to arrive at the overall goal.

Public Participation

The overall goal will be published on TBARTA's website at www.tbarta.com and will also be published in the Tampa Bay Times. All comments received will be incorporated and responses will be made available to the public.

Section 26.51 Methodology for Meeting Goals

TBARTA, as a grantee of both the Department of Transportation and the Federal Transit Administration, is in the triennial process of establishing the goals for its DBE program. The goals will be in effect for the triennial years (Fiscal years 2022-2023-2024). TBARTA will implement the following activities designed to increase DBE participation and ensure that DBEs and SBEs have an equal opportunity to participate in contracts.

- Participate in training sessions and webinars to gain insight about new developments and innovative ways to reach and inform contractors about our services.
- Engage in and/or conduct community outreach for collaboration with potential DBEs and/or SBEs.
- Encourage DBEs or SBEs to participate in Minority Business Conferences or Expos.

TBARTA will recommend Disadvantaged Business Enterprise (DBE) goals for applicable professional, consulting, engineering, and procurement contracts during Fiscal Years 2022/2023/2024, beginning October 1, 2021, and ending September 30, 2024. These goals will be determined by utilizing prior contractual agreements as well as projecting the future number and types of procurements to be completed.

In compliance with the Civil Rights Office of the DOT, race-neutral and race-conscious standards must be applied to the DBE Program. A *race-neutral* DBE Program is one where there is an overall goal that contractors and DOT must meet, however a contract is not reliant or restricted based on this goal. A *race-conscious* DBE Program is one where there is an overall goal reflective of DBE utilization across all projects, which DOT and its contractors must meet, and where DOT will use DBE contract goals on individual projects as a means to meet it. The overall total DBE goal being proposed is 2%. The Race/Gender-Neutral and Race/Gender-Conscious Split will consist of 100% of the goal being met utilizing the Race/Gender-Neutral methodology.

The proposed DBE Goal will be considered the final DBE Goal unless substantive public comments are received within the public comment period.

ATTACHMENT 5

GOOD FAITH EFFORT FORMS

Form 1: Disadvantaged Business Enterprise (DBE) Utilization

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner (please check the appropriate space):

____ The bidder/offeror is committed to a minimum of ____% DBE utilization on this contract.

____ The bidder/offeror (if unable to meet the DBE goal of ____%) is committed to a minimum of ____% DBE utilization on this contract and submits documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: _____

State Registration No. _____

By _____
Signature Title

Form 2: Letter of Intent

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE firm:

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is \$ _____.

Affirmation

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By _____
Signature Title

If the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.

(Submit this page for each DBE subcontractor.)

ATTACHMENT 6

CERTIFICATION APPLICATION FORMS

Please see the following link to obtain certification forms:

<https://www.fdot.gov/equalopportunity/dbecertification.shtm>.

ATTACHMENT 7

DBE REGULATION: 49 CFR PART 26

DBE Regulation 49 CFR Part 26 is accessible through the following website:

<https://www.ecfr.gov/current/title-49/subtitle-A/part-26?toc=1>.