

**DEPARTMENT OF TRANSPORTATION
DBE (DISADVANTAGED BUSINESS ENTERPRISE) PROGRAM
49 CFR PART 26**

**BEAVER COUNTY TRANSIT AUTHORITY
200 W. WASHINGTON STREET
ROCHESTER, PA 15074**

FY 2018-2019

SUBPART A – GENERAL REQUIREMENTS

Objectives /Policy Statement (26.1, 26.23)

The Beaver County Transit Authority [BCTA] has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. BCTA has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the BCTA has signed an assurance that it will comply with 49 CFR Part 26.


It is the policy of the BCTA to ensure that DBEs, as defined in part 26, have an equal opportunity to receive 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 DBEs can compete fairly for DOT assisted contracts;
3. To ensure that the DBE Program is narrowly 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 DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts; and
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

Lisa Kosanovich, Accounting Supervisor, has been delegated as the DBE Liaison Officer. In that capacity, the DBE Liaison is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the BCTA in its financial assistance agreements with the Department of Transportation.

BCTA has disseminated this policy statement to the Board of Directors and all the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts included in all requests for proposals. BCTA's DBE Program is available for review on the authority's website. (www.bcta.com)


General Manager


Date

Definitions of Terms

The terms used in this program have the meanings defined in 49 CFR 26.5.

Nondiscrimination (26.7)

BCTA 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, the BCTA 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.

Record Keeping Requirements (26.11)(a)(b)

BCTA will report DBE participation to DOT as follows:

We will accurately report DBE participation on a semi-annual basis using the Uniform Report of DBE Awards or Commitments and Payments, Appendix B to 49 CFR Part 26, at the intervals stated on the form and submit on the TrAMS website semi-annually. Instructions and Appendix B are included in Attachment D.

Bidders List (26.11) (c)

The BCTA will create and maintain a bidders list, consisting of information about all 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 to calculating overall goals. The bidders list will include the name, address, DBE/Non-DBE status, age, NAICS code(s), and annual gross receipts of firms.

We will collect this information by having DBE and non-DBE firms complete a Bidders List Data Form by request on the authority's website under the DBE section "Bidders List Data Form" and also by requiring all bidders on contracts with BCTA complete and submit a Bidders List Data Form with their bids.

Federal Financial Assistance Agreement Assurance (26.13)

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

Assurance (26.13) (a)

BCTA 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 the BCTA 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.).

SUBPART B – ADMINISTRATIVE REQUIREMENTS

DBE Program Updates (26.21)

We will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program.

DBE Liaison Officer (DBELO) (26.25)

We have designated the following individual as our DBE Liaison Officer:

Lisa Kosanovich, Accounting Supervisor
Beaver County Transit Authority
200 West Washington Street
Rochester, PA 15074
(724) 728-4255
lisak@bcta.com

In that capacity, Lisa Kosanovich is responsible for implementing all aspects of the DBE program and ensuring that the BCTA complies with all provisions of 49 CFR Part 26. Lisa Kosanovich has direct, independent access to the BCTA General Manager concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment A to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. Duties and responsibilities include the following

1. Gathers and reports statistical data and other information as required by DOT set forth in 49 CFR part 26.
2. Ensures that bid notices, requests for proposals and solicitations are sent to DBEs giving them an opportunity to bid on contracts with BCTA.
3. Analyze BCTA progress toward goal attainment and identify ways to improve progress through DBE utilization.
4. Communicate regularly and advise General Manager on DBE matters and achievement.
5. Monitor and enforce BCTA and contractor compliance with the DBE program.
6. Plans and participates in DBE training seminars and webinars.
7. Creates and maintains a Bidders List of DBE and Non-DBE firms.
8. Provides outreach to DBEs and community organizations to advise them of opportunities
9. Export and maintain updated directory on certified DBEs from the PAUCP online directory.

DBE Financial Institutions (26.27)

It is the policy of the BCTA to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions. To date we have not identified any such institutions in our area based on the Federal Reserve List of Minority Owned Banks.
(<https://www.federalreserve.gov/releases/mob/current/default.htm>)

Prompt Payment 26.29 (a)

We 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 14 days from the receipt of each payment the prime contractor receives from BCTA. The prime contractor agrees further to return retainage payments to each subcontractor within 14 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 the BCTA. This clause applies to both DBE and non-DBE subcontract.

Retainage 26.29 (b)

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

The prime contractor agrees to return retainage payments to each subcontractor within 14 days after the subcontractors 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 the BCTA. This clause applies to both DBE and non-DBE subcontracts.

Directory (26.31)

The Pennsylvania Unified Certification Program (PAUCP) is required to maintain a unified DBE directory containing all firms certified by the PAUCP and list each firm by name, address, phone number and type of work the firm is certified to perform as a DBE by NAICS code(s). The searchable directory is available electronically on the website at www.paucp.com and can also be exported to pdf or excel format.

Overconcentration (26.33)

BCTA has not identified that overconcentration exists in the types of work that DBEs perform.

Business Development Programs (26.35)

BCTA has not established a business development program. We will re-evaluate the need for such a program annually.

Monitoring and Enforcement Mechanisms (26.37)

In order to monitor the program, BCTA will do the following:

- 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.
- We also will consider similar action under our own legal authorities, including responsibility determinations in future contracts.
- Develop a record keeping system to identify and assess DBE contract awards, prime contractors' progress, payments to subs, and other DBE affirmative action efforts.
- Specifically, BCTA shall maintain records showing: procedures which have been adopted to comply with the requirements of this part, the awards to DBE's and any specific efforts made to identify and award contracts to DBE firms and small businesses.
- We will also provide a mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by job site visits, questionnaire for prime and subcontractors on the project or documentation of payment to the DBE.

Small Business Participation (26.39)

BCTA has incorporated the following non-discriminatory, race-gender neutral element to its DBE program, in order to facilitate competition on DOT-assisted projects by small business concerns (both DBE and non-DBE small businesses.) This provision is designed to foster participation by small businesses on federally-funded projects and to overcome barriers or obstacles to their participation. Small Business Administration (SBA) eligibility is determined based on the Table of Small Business Size Standards by North American Industry Clarification System (NAICS) Codes.

1. Arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate small business participation. Identifying smaller contracts or subcontract opportunities that are more accessible to small businesses.
2. At the direction of the General Manager, hold pre-bid meetings or discussions identifying opportunities for small business and pairing prime bidders with potential subs on upcoming projects.
3. Structuring procurements and using the BCTA Bidders List to identify and to facilitate bids by small and disadvantaged businesses.
4. BCTA will utilize lists of certified SBEs established by the PA Department of Transportation (<https://www.dotsbe.pa.gov/SBEWeb/sbe>), the SBA Directory search of the Pittsburgh Metro Area (http://dsbs.sba.gov/dsbs/search/dsp_profilelist.cfm), as well as current certified DBE firms in the PA Unified Certification Program (PAUCP) to identify Small Businesses and encourage them to bid on federally funded projects.
5. BCTA will work with Small Business agencies in order to identify potential barriers to the participation of small and disadvantaged businesses in federally-funded projects and develop strategies to mitigate them. BCTA is a member of the Beaver County Chamber of Commerce and will use the chamber as a resource for outreach to small businesses. The Chamber also partners with the Small Business Development Center of Duquesne University (SBDC). The SBDC provides consulting, education, training, financial assistance, and planning to small businesses in our area.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Quotas (26.43)

We do not use quotas in any way in the administration of this DBE program.

Overall Goals (26.45)

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment B of this program.

In accordance with section 26.45(f) BCTA will submit its overall goal to DOT on August 1 triennially. Before establishing the overall goal, BCTA will consult with the chamber of commerce, businesses and minority groups in the community in order to obtain information on the availability of DBE and non-DBEs, discrimination, and efforts to establish a level playing field for DBE participation.

Following the consultation BCTA will publish a public notice of the proposed overall goals on the authority's website allowing inspection of the goal setting rationale and accepting public comments for 30 days from the date of the notice. This goal will be published on BCTA's website at www.bcta.com.

Goal Setting and Accountability (26.47)

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

1. Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments;
2. Establish specific steps and milestones to correct the problems identified in the analysis; and
3. Maintain information / records regarding the analysis and efforts made.

Transit Vehicle Manufacturers Goals (26.49)

BCTA 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, BCTA 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.

Breakout of Estimated Race-Neutral and Race-Conscious Participation (26.51) (a)-(c)

BCTA will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. BCTA uses the following race-neutral means to increase DBE participation:

- Awarding prime contracts to DBEs through customary competitive procurement procedures.
- Awarding a DBE subcontractor on a prime contract with no contract goal set. Attend pre-bid meetings and pair prime contractors with subcontractors or provide a listing of DBEs and small businesses from our own bidders list as potential subs on larger projects.
- Arrange solicitation times for the presentation of bids that facilitate DBE and other small business participation.
- Send solicitations and invitations to bid on contracting opportunities to firms by utilizing the BCTA Bidders List, the PAUCP, the PA SBE Directory, and/or the SBA listing of certified small businesses.

Contract Goals/Meeting Overall Goals (26.51) (d)-(g)

BCTA may use contract goals to meet any portion of the overall goal BCTA 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. Contract goals will only be established on FTA assisted contracts that have subcontracting opportunities.

Evaluation of Good Faith Efforts 26.53 (a) (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 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: Manager of Finance and Administration and Accounting Supervisor/DBELO.

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

Information to be submitted 26.53 (b)

BCTA treats bidder/offers' compliance with good faith efforts requirements as a matter of responsiveness. Each solicitation for which a contract goal has been established will require the bidders/offers to submit the following information as part of their bid. Failure to do so will deem the bid non-responsive.

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participation
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and
6. If the contract goal is not met, evidence of good faith efforts.

Administrative Reconsideration 26.53 (d)

Within 7 days of being informed by BCTA that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offers should make this request in writing to the following reconsideration official: BCTA General Manager, 200 W. Washington Street, Rochester, PA 15074, or e-mail bcta@bcta.com. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not make 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. We 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 Department of Transportation.

Good Faith Efforts when a DBE is replaced on a contract 26.53 (f)

We will require a 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. We 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, we will require the prime contractor to obtain our 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, the General Manager will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the General Manager may issue a termination for default proceeding.

Counting DBE Participation (26.55)

We will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. We will accurately report DBE participation on a semi-annual basis using the Uniform Report of DBE Awards or Commitments and Payments, Appendix B to 49 CFR Part 26, at the intervals stated on the form and submit on the TrAMS website semi-annually. See attachment D.

SUBPART D – CERTIFICATION STANDARDS

Certification Process (26.61 - 26.73)

BCTA will refer all firms who meet all the certification standards of Subpart D of Part 26 to participate in DOT-assisted contracts to the Pennsylvania Unified Certification Program (PAUCP) for DBE certification.

SUBPART E – CERTIFICATION PROCEDURES

Unified Certification Programs (26.81)

BCTA is a member of the PA Unified Certification Program (PAUCP) administered by the PA Department of Transportation. The PAUCP will meet all of the requirements of this section. BCTA will use and count for DBE credit only those DBE firms certified by the PAUCP. Information about the program such as how to become certified as well as forms available to download can be found at the PAUCP website:

<http://www.paucp.com/>

Procedures for Certification Decisions (26.83) (26.91)

BCTA will follow the certification processes of Subpart E or Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. A copy of PAUCP's certification procedures and/or UCP program is available to view at: <http://www.paucp.com/>. Any firm or complainant may appeal a PAUCP 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, DC 20590

We will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT-assisted contracting (e.g., certify a firm if DOT has determined that our denial of its application was erroneous).

SUBPART F – COMPLIANCE AND ENFORCEMENT

Information, Confidentiality, Cooperation (26.109)

We 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, we 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.

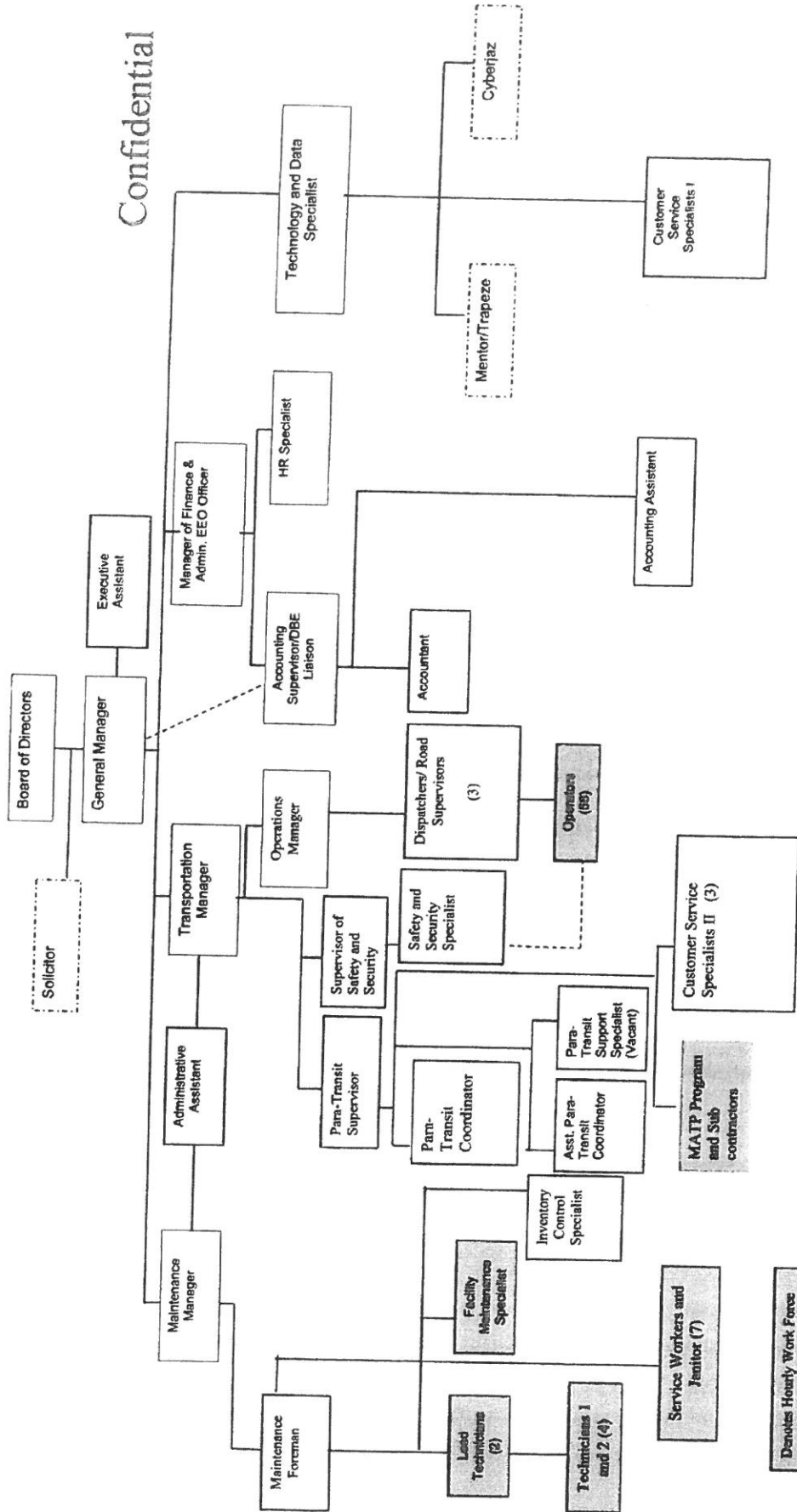
Attachments

- A. BCTA Organizational Chart
- B. Calculation of Annual DBE Goals
- C. Federal Registers 49 CFR Part 23 and 26
- D. APPENDIX B to PART 26 – Uniform Report of DBE Awards or Commitments and Payments Form
- E. Certificate 5-1
- F. Letter of Intent

BEAVER COUNTY TRANSIT AUTHORITY – ORGANIZATION CHART
7/1/2017

Previous revision 4/28/2016

Confidential



Denotes Hourly Work Force

ATTACHMENT B

BEAVER COUNTY TRANSIT AUTHORITY'S DBE GOAL FOR THE PERIOD OCTOBER 1 2016 THROUGH SEPTEMBER 30, 2019

Overall Goals (26.45)

Amount of goal

BCTA's overall DBE goal for FY 2016-2017 through FY2018-2019 is 1.40% of the Federal financial assistance we will expend in DOT-assisted contracts exclusive of funds to be used for the purchase of transit vehicles and for the payment of wages and fringe benefits.

- The amount of DOT-assisted contracts BCTA expects to let during the period October 1, 2016 through September 30, 2019 is \$2,776,990. This means that BCTA has set a goal of expending \$38,878 with DBE's during for the same period.

BCTA encourages public participation in goal setting through the advertisement of the goal in the local paper and a regional paper for DBE firms. BCTA relied mostly on the PA Unified Certification Program (PAUCP) directory to determine the availability of DBE's in the area. BCTA has communicated with agencies that support DBE firms such as the Western Pennsylvania Minority Supplier Development Council (WPMSDC) and Diversity Business Resource Center to assist in notifying DBE firms of contracting opportunities as they become available. These agencies are advocates for minority, women and other disadvantaged business owners who seek information and referrals to start, sustain and grow their businesses. They will provide assistance to companies in registering with the PAUCP as a WBE or MBE. The methodology below was published on the official BCTA website <http://bcta.com/disadvantaged-business-enterprise/>. A public meeting was advertised and held on August 24, 2016 welcoming comments and or suggestions from stakeholders regarding the DBE Goal Setting process. There were no attendees, however phone interviews were conducted with 2 different DBE companies who were emailed the presentation. None of the DBE's interviewed had any suggestions or comments relating to the methodology that would warrant an adjustment in the proposed triennial goal.

Method

The following is a summary of the method we used to calculate this goal:

STEP 1

- The base figure is a percentage figure calculated as follows: identified all contracting opportunities and the federal funds for each contracting opportunity for the period; calculated the weight or % of federal funds for each individual contracting opportunity compared to the total federal funds being used for all contracting opportunities; calculated the relative availability of DBE firms for each contracting opportunity by taking the number of ready, willing and able DBE firms available for the specific contracting opportunity and dividing by all firms available for the contracting opportunity; multiplied the relative available percentage for each contracting opportunity by the weight or % of federal funds for each

individual contracting opportunity. This calculation derives the weighted base figure for each contracting opportunity.

- Ready, willing and able firms must be ready and able to do business and willing to certify as a DBE and be registered with the PA Unified Certification Program.
- The relative availability percentage of registered DBE Firms to the total firms in the service area is determined by the number of DBE firms in Beaver, Butler, and Allegheny Counties divided by the total firms in same counties as listed in the PAUCP directory.
- Based on information available from the PA Unified Certification Program (PAUCP) directory, BCTA determined the number of DBE's available to compete for FTA assisted contract in the various categories that will have contracting opportunities available to be 60. These DBE's are located in Allegheny County, Beaver, and Butler County. We used Beaver County, PA and the surrounding counties of Butler, Lawrence, and Allegheny as the area from which we will attract bidders, as this is the most practical in terms of delivery, construction and the procurement of goods and services that will take place during the period. Total firms available for the proposed contracting activities in this three (3) county area are 4,496. Therefore, the overall relative availability of DBE firms in the area is 1.33%. The overall relative availability is further reduced when it is multiplied by the weight of DOT funds since some projects have zero relative availability. Making this calculation results in a 1.4% adjusted base goal.

STEP 2

BCTA has determined that it is not necessary to adjust the base figure for the following reasons:

- Contracting opportunities in the past are not the same or similar to the projects identified for this goal period.
- There has not been any disparity studies conducted within our jurisdiction that BCTA is aware of.
- BCTA can not measure the current capacity of DBE firms to perform work in our DOT assisted contracting program as measured by the volume of work DBE firms have performed in recent years since the projects for this period are very different than those in prior years. BCTA will not be contracting Engineering and Design Firms on DOT assisted contracts as in previous years. Those services will be paid for and provided by PADOT.
- BCTA's base figure is not the goal of another recipient.
- BCTA has no evidence available from related fields that affect the opportunities for DBE firms to form, grow and compete. BCTA has no data from employment, self-employment, education, training and union apprenticeship programs that relate to opportunities for DBE firms to perform in our program. No statistical disparities in the ability of DBE firms to get the financing, bonding and/or insurance required to participate in BCTA's DBE program have been identified.

Since the base figure will not be adjusted the goal will be the base figure of 1.4%.

Breakout of Estimated Race-Neutral and Race-Conscious Participation

BCTA's 1.4% DBE goal for the period October 1, 2016 through September 30, 2019, will be met 100% by using race-neutral means and 0% by using race conscious means. This is a reduction from the previous 3 year DBE Goal of 2.6%. This is a direct result of using PADOT on call Project Management Services for Engineering and Design services. There is a high concentration of DBE Engineering Firms in the Pittsburgh Metro area that we have utilized in the past. However, since PADOT is providing these services on future contracts, we do not have any plans to use funds from Federal DOT contracts to hire DBE or Non-DBE Engineering Firms on these future projects.

BCTA believes it can meet the goal using race-neutral means for the following reasons:

- BCTA will focus on DBE companies early in the bidding process by sending the solicitations to DBE firms. Also by partnering with the Western PA Minority Supplier Development Council so that they can pass on contracting opportunities to their suppliers and contractors.
- BCTA will make DBE firms aware of contracting opportunities through advertisements and solicitation of DBE firms.
- BCTA will provide a link to the PAUCP for general contractors early in the solicitation process so they can identify potential DBE subcontractors.
- Construction projects will be broken down or unbundled in to four (4) contracting areas; electrical, mechanical, general, and plumbing. This approach makes for smaller projects and projects DBE firms are more able to finance, bond and therefore bid.
- BCTA will simplify bonding requirements and reduce bonding requirements when appropriate to do so in order to attract qualified DBE firms.
- BCTA will encourage prime contractors to subcontract portions of work that they might otherwise perform with their own forces such as painting and dry wall finishing. This approach makes for smaller projects and projects DBE firms are more able to finance, bond and therefore bid.

ATTACHMENT C

Federal Registers 49 CFR Part 26

Title 49: Transportation

**PART 26—PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN
DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS**

WEBSITE LINK: <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=23fb076544bc4f90ef7c1528a801c6f5&rgn=div5&view=text&node=49:1.0.1.1.20&idno=49>

**BCTA Internal Procedures for Tracking DBE activity and completing
Uniform Report of DBE Awards or Commitments and Payments**

I - DBE Liaison Officer (DBELO)

The DBE Liaison Officer/DBELO, currently the Accounting Supervisor shall track and maintain all information related to DBE Awards, Commitments, and Payments and report to FTA. As a recipient of DOT funds, recipients are expected to keep accurate data regarding the contracting opportunities available to firms paid for with DOT funds. These contracting opportunities are tracked in the Fixed Assets folder Expenditures by Funding Source tracking workbook. All data is entered and maintained by the Accounting Supervisor and the Manager of Finance and Administration. The worksheet tracks all items charged to capital projects or charged to any of the 50 Division Income Statements. This worksheet shows the vendor, the total amount of the check, the federal grant being charged, the ALI being charged, General Ledger Account Number being charged, a description of the purchase, the State Project Number and source of state funds, the Federal Share, State Share and Local Share.

II - Awards/Commitments:

In the Expenditures by Funding Source tracking workbook, there is a tab for Awards/Contracting Opportunities (see attached). These are bid solicitations sent out then tracked on the form by dollar amount, the date of the award and if there is a sub or a DBE on the project and the amount of the sub. Contracts awarded are done so through a board action and recorded at the monthly board of directors meeting. The DBELO and Grants Manager, currently the Manager of Finance and Administration receive a copy of the minutes each month and record awards in the Expenditures by Funding Source Workbook. Micro-procurements do not require any board action and are reported by the project manager or purchaser and are also recorded in the workbook. DBE information is also tracked in the workbook. In addition to award amount, gender and ethnicity is also tracked on this form. This covers the awards and commitments section of the report.

III - Payments:

Once the expenditures are paid, the information is pulled from the accounts payable journal, invoices are scanned and then entered by the DBELO/Accounting Supervisor into the Master tab of the Expenditures by Funding Source workbook and broken down by Federal, State, and Local funds. If they are funded with Federal 5307 Urban funds, the payments are also entered on the Awards tab on the spreadsheet for the 2 semi-annual DBE periods. The report due June 1 and the report due December 1. DBE participation can then be counted based on payments made on projects completed and payments made on ongoing projects. Payment information is calculated based on Federal Urban Program dollars spent on projects and if there was any DBE participation counted as part of those Federal dollars. This information is gathered by the DBELO, currently the Accounting Supervisor.

IV - Semi-Annual Reporting

The Uniform Report of DBE Awards or Commitments is then completed based on the data recorded in the Expenditures by Funding Source Workbook and following the line by line instructions included in 49 CFR Subtitle A Part 26, Appendix B to Part 26 – DBE Uniform Report of DBE Awards or Commitments and Payments Form. See attached Appendix B.

V - TrAMS Reporting

Should receive an email notification from TrAMS 60 days prior to the Semi-Annual Report Due Date that includes a hyperlink to the new report. Log into TrAMS. If no hyperlink, go to Records, DBE Reports, click on the newest report in "new/draft" status. In the upper right corner there will be a box titled "Complete DBE Report". Click on the box, then continue to fill in the DBE Uniform Report of DBE Awards or Commitments and Payments Form. When finished, print and click submit by the required due date. The due dates for the DBE report are June 1 and December 1 per 49 CFR Subtitle A Part 26, Appendix B. There is also a reminder under the BCTA Annual Reporting Grants Management Calendar on June 1 and December 1 in order to ensure that reports are submitted on time.

**APPENDIX B TO PART 26—UNIFORM REPORT OF DBE AWARDS OR COMMITMENTS AND
PAYMENTS FORM**

INSTRUCTIONS FOR COMPLETING THE UNIFORM REPORT OF DBE AWARDS/COMMITMENTS AND PAYMENTS

Recipients of Department of Transportation (DOT) funds are expected to keep accurate data regarding the contracting opportunities available to firms paid for with DOT dollars. Failure to submit contracting data relative to the DBE program will result in noncompliance with Part 26. All dollar values listed on this form should represent the DOT share attributable to the Operating Administration (OA): Federal Highway Administration (FHWA), Federal Aviation Administration (FAA) or Federal Transit Administration (FTA) to which this report will be submitted.

1. Indicate the DOT (OA) that provides your Federal financial assistance. If assistance comes from more than one OA, use separate reporting forms for each OA. If you are an FTA recipient, indicate your Vendor Number in the space provided.

2. If you are an FAA recipient, indicate the relevant AIP Numbers covered by this report. If you are an FTA recipient, indicate the Grant/Project numbers covered by this report. If more than ten attach a separate sheet.

3. Specify the Federal fiscal year (*i.e.*, October 1-September 30) in which the covered reporting period falls.

4. State the date of submission of this report.

5. Check the appropriate box that indicates the reporting period that the data provided in this report covers. For FHWA and FTA recipients, if this report is due June 1, data should cover October 1-March 31. If this report is due December 1, data should cover April 1-September 30. If the report is due to the FAA, data should cover the entire year.

6. Provide the name and address of the recipient.

7. State your overall DBE goal(s) established for the Federal fiscal year of the report being submitted to and approved by the relevant OA. Your overall goal is to be reported as well as the breakdown for specific Race Conscious and Race Neutral projections (both of which include gender-conscious/neutral projections). The Race Conscious projection should be based on measures that focus on and provide benefits only for DBEs. The use of contract goals is a primary example of a race conscious measure. The Race Neutral projection should include measures that, while benefiting DBEs, are not solely focused on DBE firms. For example, a small business outreach program, technical assistance, and prompt payment clauses can assist a wide variety of businesses in addition to helping DBE firms.

Section A: Awards and Commitments Made During This Period

The amounts in items 8(A)-10(I) should include all types of prime contracts awarded and all types of subcontracts awarded or committed, including: professional or consultant services, construction, purchase of materials or supplies, lease or purchase of equipment and any other types of services. All dollar amounts are to reflect only the Federal share of such contracts and should be rounded to the nearest dollar.

ATTACHMENT D

9(D). From the total number of sub contracts awarded or committed in item 9(B), specify the number of sub contracts awarded or committed to DBEs.

9(E). From the total dollar amount of sub contracts awarded or committed to DBEs this period, provide the amount in dollars to DBEs using Race Conscious measures.

9(F). From the total number of sub contracts awarded or committed to DBEs this period, provide the number of sub contracts awarded or committed to DBEs using Race Conscious measures.

9(G). From the total dollar amount of sub contracts awarded/committed to DBEs this period, provide the amount in dollars to DBEs using Race Neutral measures.

9(H). From the total number of sub contracts awarded/committed to DBEs this period, provide the number of sub contracts awarded to DBEs using Race Neutral measures.

9(I). Of all subcontracts awarded this reporting period, calculate the *percentage* going to DBEs. Divide the dollar amount in item 9(C) by the dollar amount in item 9(A) to derive this percentage. Round percentage to the nearest tenth.

Line 10: Total contracts awarded or committed this period. These fields should be used to show the total dollar value and number of contracts awarded to DBEs and to calculate the overall percentage of dollars awarded to DBEs.

10(A)-10(B). These fields are unavailable for data entry.

10(C-H). Combine the total values listed on the prime contracts line (Line 8) with the corresponding values on the subcontracts line (Line 9).

10(I). Of all contracts awarded this reporting period, calculate the *percentage* going to DBEs. Divide the total dollars awarded to DBEs in item 10(C) by the dollar amount in item 8(A) to derive this percentage. Round percentage to the nearest tenth.

Section B: Breakdown by Ethnicity & Gender of Contracts Awarded to DBEs This Period

11-17. Further breakdown the contracting activity with DBE involvement. The Total Dollar Amount to DBEs in 17(C) should equal the Total Dollar Amount to DBEs in 10(C). Likewise the total number of contracts to DBEs in 17(F) should equal the Total Number of Contracts to DBEs in 10(D).

Line 16: The "Non-Minority" category is reserved for any firms whose owners are not members of the presumptively disadvantaged groups already listed, but who are either "women" OR eligible for the DBE program on an individual basis. All DBE firms must be certified by the Unified Certification Program to be counted in this report.

Section C: Payments on Ongoing Contracts

Line 18(A-E). Submit information on contracts that are currently in progress. All dollar amounts are to reflect only the Federal share of such contracts, and should be rounded to the nearest dollar.

18(A). Provide the total dollar amount paid to all firms performing work on contracts.

ATTACHMENT D

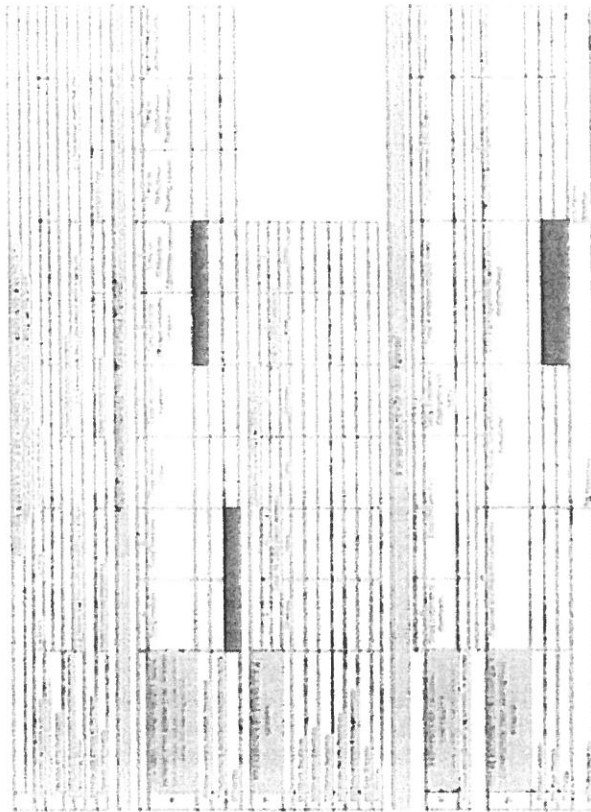
21(E). Calculate the overall percentage of dollars to DBEs on completed contracts. Divide the Total DBE participation dollar value in 21(D) by the Total Dollar Value of Contracts Completed in 21(B) to derive this percentage. Round to the nearest tenth.

23. Name of the Authorized Representative preparing this form.

24. Signature of the Authorized Representative.

25. Phone number of the Authorized Representative.

****Submit your completed report to your Regional or Division Office.**



CERTIFICATE 5 - 1

DISADVANTAGED BUSINESS ENTERPRISE CERTIFICATION

- (1) Policy. It is the policy of the Department of Transportation that disadvantaged business enterprises as defined in 49 CFR Part 26 shall have the opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this agreement. Consequently, the DBE requirements of 49 CFR Part 26 apply to this agreement.
- (2) DBE Obligation. The supplier or contractor agrees to ensure that disadvantaged business enterprises as defined in 49 CFR Part 26 have the opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this agreement. In this regard all contractors shall take necessary and reasonable steps in accordance with 49 CFR Part 26 to ensure that disadvantaged business enterprises have the opportunity to compete for and perform contracts. Contractors shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract.

Failure by the Contractor to carry out these requirements is a material breach of the contract which may result in the termination of this contract or such other remedy as BCTA deems appropriate.

_____ DATE
_____ SIGNATURE
_____ TITLE

NOTE: This form is to be submitted with the bid proposal. Please attach the names and addresses of any and all DBE eligible prime contractors or subcontractors who will perform work on this project, and the dollar value of each proposed DBE prime contract or subcontract. Please use the attached form (Attachment 5-3) for the DBE eligible contractor or subcontractor(s) to certify to its eligibility.

Additional information is provided in Paragraph #8 in Attachment A.

ATTACHMENT F (FORM 2)

FORM 2: LETTER OF INTENT

Name of bidder/offeror: _____

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.)