

DEPARTMENT OF TRANSPORTATION
DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

PASCO COUNTY BOARD OF COUNTY COMMISSIONERS

PASCO COUNTY PUBLIC TRANSPORTATION (PCPT)

In Accordance with 49 CFR Part 26

November 2018

POLICY STATEMENT

Section 26.1/26.23 Objectives/Policy Statement

The Pasco County Board of County Commissioners (herein after called the COUNTY) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 Code of Federal Regulations (CFR) Part 26. The COUNTY has received federal financial assistance from DOT, and as a condition of receiving this assistance, has signed an assurance that it will comply with 49 CFR Part 26.

It is a policy of the COUNTY to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also the COUNTY's 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;
6. To assist the development of firms that can compete successfully in the marketplace outside the DBE program.

Martin Edwards-Clark, Administrative Services Manager, has been delegated as the DBE Liaison Officer. In that capacity, Mr. Edwards-Clark 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 COUNTY in its financial assistance agreements with the DOT.

Pasco County Public Transportation (PCPT) serves as the Board's transit representative and will ensure that the policy statement is circulated through PCPT, County public offices, to minority, female and non-minority community and business organizations such as the local Chambers of Commerce, and to DBE and non-DBE business communities that perform work for PCPT on DOT-assisted contracts. This will be posted on bulletin boards and the PCPT website. It will also be provided to the Pasco County Purchasing Director for dissemination to businesses wishing to bid on DOT-assisted contracts.

Martin Edwards-Clark
Administrative Services Manager

Date

Kurt M. Scheible
Public Transportation Director

Date

SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

The objectives are found in the policy statement on the preceding page of this program.

Section 26.3 Applicability

Pasco County Public Transportation (PCPT) (hereinafter “PCPT”) is the recipient of Federal transit funds authorized by Titles I, III, V, and VI of MAP-21, Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Title I, II, and V of the Teas-21, Pub. L. 105-178.

Section 26.5 Definitions

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

Section 26.7 Non-discrimination Requirements

PCPT 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 PCPT 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

Reporting to DOT 26.11(b)

PCPT will report DBE participation to FTA on a semi-annual basis using the Uniform Report of DBE Commitments/Awards and Payments. This report will reflect payments made to DBEs on DOT-assisted contracts. The deadline for submitting these reports is **June 1** for the period October 1 through March 31, and **December 1** for the period April 1 through September 30. Prior to these deadlines, the reports must be submitted within Transit Award Management System (TrAMS) and marked “Ready for Regional Review.”

PCPT Procedures:

The Administrative Services Manager is responsible for accurate completion and timely submission of these semi-annual reports and is the DBE Liaison Officer (DBELO). The Administrative Services Manager may receive information to assist in completing the reports from PCPT, the Public Services Grants and Fiscal Services Department, Pasco County Purchasing Department, and local minority groups and organizations that work closely with the DBE community and can identify potential DBEs and alert them of potential contracting opportunities, and pending procurements.

In the absence of the Administrative Services Manager the responsibility of accurate completion and timely submission of the semi-annual DBE reports goes to the Public Transportation Director

Once the reports are uploaded into TrAMS, the Administrative Services Manager or Public Transportation Director will notify the FTA Region IV Civil Rights staff via e-mail that the reports are in TrAMS and are ready for regional review.

PCPT Procurement Records reconciliation with DBE reports for DOT/FTA funded procurements:

To ensure the accuracy of DBE reports, Public Services Grants and Fiscal Services Department staff obtains purchase order lists and other accounting reports for each DBE reporting period from the procurement information in the Pasco County accounting software system. The reconciliation process involves comparison of multiple reports including:

- Project-to-Date Revenue and Project-to-Date Expense – For each project
- Encumbrance Detail report – Newly committed purchase order numbers and their amounts
- Transaction Details report – Paid amounts during reporting period with vendor information
- Purchase Order list – Awarded contracts during the reporting period.

The procurement information will include the number of purchase orders issued and the awarded amounts during the corresponding DBE reporting period. The DBELO reconciles the DBE reports to the purchase orders detail list and the accounting software system transaction list. The transaction list from the Pasco County's accounting system shows payments made during the reporting period and the encumbrance report shows committed amounts for all issued purchase orders.

Any discrepancies found are addressed accordingly with the appropriate entities: Purchasing, Finance/Accounting, Public Services Grants and Fiscal Services Department and others. Each submitted DBE uniform report submittal includes all proper backup documentation and is reconciled to multiple purchasing and accounting records before each submission.

Bidder List 26.11(c)

Pasco County Purchasing Department consistently creates 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 bidder's list approach in calculating overall goals. The bidder list will include the name, address, DBE/non-DBE status, age, and annual gross receipts of firms.

The information will be collected in the following way:

To assist in this effort, PCPT will require prime contractors to maintain records and documents of payments to DBEs for three (3) years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of Pasco County, PCPT or DOT.

Section 26.13 Federal Financial Assistance Agreement

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

Assurance 26.13(a)

PCPT 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 (i.e. PCPT) 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 PCPT of its failure to carry out its approved program, the Department may impose sanction 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 Fund Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

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

Contract Assurance 26.13(b)

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

The contractor, subrecipient 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 C.F.R. 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, which may include, but is not limited to:

- (1) Withholding monthly progress payments;
- (2) Assessing sanctions;
- (3) Liquidated damages; and/or
- (4) Disqualifying the contractor from future bidding as non-responsible. 49 C.F.R. § 26.13(b).

SUBPART B – ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

Since PCPT consistently receives grants of \$250,000 or more in Federal Transit Administration (FTA) planning, capital, and or operating assistance in a federal fiscal year, PCPT will continue to carry out this program until all funds from DOT financial assistance have been expended; and provide to DOT updates representing significant changes in the program.

Section 26.23 Policy Statement

The Policy Statement is elaborated on the first page of this program.

Section 26.25 DBE Liaison Officer (DBELO)

PCPT designated the following individual as the DBE Liaison Officer (DBELO):

Martin Edwards-Clark
Administrative Services Manager
Pasco County Public Transportation
8620 Galen Wilson Blvd.
Port Richey, FL 34668
Phone: (727) 834-3322
Medwards-clark@ridepcpt.com

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that PCPT complies with all provisions of 49 CFR Part 26. **The DBELO has direct, independent access to the PCPT Director, and Public Services Grants and Fiscal Services Department concerning DBE program matters.** An organization 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 PCPT Transit Director may assign additional staff to assist the DBELO in the administration of the program, if necessary. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all relevant parties to set overall DBE participation goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations.
6. Analyzes PCPT's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises PCPT Director on DBE matters and achievement.
9. Plans and participates in DBE informational seminars.

10. Participates in the Unified Certification Program (UCP) activities and outreach functions.
11. Provides outreach to DBE's and community organizations to advise them of potential contracting opportunities including:
 - A. Periodic purchasing vendor fair and DBE public information events.
 - B. Periodic DBE outreach email outlining upcoming procurement opportunities and upcoming projects.
 - C. Periodic publications in general media circulation and/or PCPT website, with pertinent information about upcoming DBE outreach public information events and/or purchasing vendor fair dates.
12. Maintains the PCPT's updated directory of certified DBEs.

Section 26.27 DBE Financial Institutions

It is the policy of PCPT 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 contract to make use of the institutions. The following efforts are utilized to identify and use such institutions: PCPT will tap into community resources, such as the Chamber of Commerce, local Small Business Development Center and organizations representing minority, women and the disadvantaged to assist in identifying potential financial institutions that may qualify as disadvantaged business enterprises.

Section 26.29 Prompt Payment Mechanisms

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

The CONTRACTOR is required to pay its subCONTRACTORS performing work related to this contract for satisfactory performance of that work no later than 30 days after the CONTRACTOR's receipt of payment for that work from the recipient. In addition, the CONTRACTOR may not hold retainage from its subCONTRACTORS or must return any retainage payments to those subCONTRACTORS within 30 days after the subCONTRACTOR's work related to this contract is satisfactorily completed or must return any retainage payments to those subCONTRACTORS within 30 days after incremental acceptance of the subCONTRACTOR's work by the recipient and CONTRACTOR's receipt of the partial retainage payment related to the subCONTRACTOR's work.

The CONTRACTOR must promptly notify the recipient whenever a DBE subCONTRACTOR performing work related to this contract is terminated or fails to complete its work, and must make good faith efforts to engage another DBE subCONTRACTOR to perform at least the same amount of work. The CONTRACTOR may not terminate any DBE subCONTRACTOR and perform that work through its own forces or those of an affiliate without prior written consent of the recipient.

This clause applies to both DBE and non-DBE subcontracts. The PCPT may hold retainage from prime contractors, while still providing prompt and regular incremental acceptances of portions of the prime contract; and may pay retainage to prime contractors based upon

incremental acceptances and progress payments; and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 30-days after payment to the prime contractor.

Section 26.31 Directory

PCPT maintains a directory identifying all firms eligible to participate as DBEs. The directory lists the firm's name, address, phone number, and the type of work the firm has been certified to perform as a DBE. Periodically, this directory is updated. The Directory may be found in Attachment 2 to this program document.

Section 26.33 Overconcentration

At this time, PCPT's resources do not appear to indicate an overconcentration of DBEs in any particular type of work. However, if overconcentration is identified in the future, the below list are examples of corrective actions and procedures.

1. If PCPT determines that DBE firms are over concentrated in a certain type of work as to unduly burden the opportunity of non-DBE firms to participate in this type of work, appropriate measures are necessary to address this overconcentration.
2. These measures may include the use of incentives, technical assistance, business development programs, mentor-protégé programs, and other appropriate measures designed to assist DBEs in performing work outside of the specific field in which PCPT determined that non-DBEs are unduly burdened. PCPT may also consider varying the use of contract goals, to the extent consistent with §26.51, to ensure that non-DBEs are not unfairly prevented from competing for subcontracts.
3. **PCPT must obtain the approval of the concerned DOT operating administration for the determination of overconcentration and the measures devised to address it.** Once approved, the measures become part of the PCPT's DBE program.

Section 26.35 Business Development Programs

The PCPT has no business development program at this time.

Section 26.37 Monitoring and Enforcement Mechanisms

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

1. PCPT 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.
2. PCPT will consider similar action under the PCPT's own legal authorities, including responsibility determinations in future contracts.
3. PCPT will provide monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs.

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

Section 26.39 Fostering Small Business Participation

1. PCPT has incorporated the following non-discriminatory elements into its DBE program, in order to facilitate competition on DOT-assisted public works projects by small business concerns (both DBEs and non-DBE small businesses): When possible, removing unnecessary and unjustified bundling of contract requirements that may preclude Small Business Enterprise (SBE) participation in procurement as prime contractors or subcontractors; and
2. When feasible, letting prime contracts of a size that small businesses can reasonably be expected to compete for and perform, certain types of work.
3. Consider the reduction of bonding requirements for select projects, based upon feedback from prospective vendors.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-Asides or Quotas

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

Section 26.45 Overall Goals

The PCPT reasonably anticipates awarding (excluding transit vehicle purchases) \$250,000 or more in FTA funds each fiscal year, and therefore will set DBE program goals. If anticipated not to award contracts in a fiscal year in excess of \$250,000, PCPT is not required to set goals for that respective fiscal year. However, since PCPT already has an existing DBE program in place, it must remain in effect and staff continues to fulfill the objectives outlined in §26.1.

The overall DBE goal will be based on demonstrable evidence of the availability of ready, willing and able DBEs relative to all businesses ready, willing and able to participate on DOT-assisted contracts (hereafter, the “relative availability of DBEs”). The goal must reflect the determination of the level of DBE participation PCPT would expect absent the effects of discrimination.

In accordance with Section 26.45(f) the PCPT will submit its overall goal to DOT by **August 1st** at **three-year intervals**. Before submitting the overall goal, PCPT will obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, availability of DOT-assisted work, the effects of discrimination on opportunities for DBEs, and the PCPT’s efforts to establish a level playing field for the participation of DBE’s.

Outreach procedures for setting a DBE Goal include the following:

1. Utilize the Federal Register to determine the overall amount of FTA funding programmed for PCPT; utilize that funding amount as the annual base funding level over the three-year goal/reporting period.
2. Develop a base figure for the relative availability of DBEs who are ready, willing and able to work on the types of DOT/FTA-funded contracts PCPT is anticipating to award.
3. Define specific, potential procurements where DBEs could either propose individually or as part of a “Team.” Review the recent prior years of procurement experience to help define “DBE success” in DOT/FTA-funded procurements.
4. Identify those “potential DBE contracting opportunities” in broad scoping terms, but with enough detail that prospective firms have a basic understanding of the FTA-funded projects.
5. Reach out to non-DBE minority businesses including women owned, socially and economically disadvantaged, ethnicity-based minorities and other general groups to provide information on becoming a future DBE participant and potential benefits of the DBE program.
6. Start DBE Goal setting outreach process by distributing information on upcoming DBE contracting opportunities, to all DBEs who may have the capacity to perform potential work.
7. Publish a projected 3-year DBE goal on the PCPT’s website <http://www.ridepcpt.com/> and set up time and date for public meetings, conference calls, and/or on-site visits.
8. Advise DBE and non-DBE businesses on the advantages of active participation in the 3-year goal-setting process.

9. Meet and discuss realistic DBE contracting goals and remind all participants that each procurement is competitive and there are no set asides.
10. Based on public outreach meeting notes, DBELO will prepare a concise summary of DBE input from all DBE firms; share this meeting summary with all participating DBE firms, and ask for any revisions or additional input to be provided to the DBELO via email as needed.
11. Utilize the meeting summary and all subsequent DBE input to prepare a three-year DBE Program goal. Consider past DBE participation rates by procurement type, along with the approved methodology in the most recent FTA-approved DBE Program Update.
12. Make adjustments to the projected goal based on discussed projected contracting activity, available census data, bidders' list or disparity study if available in the Pasco County area. Ensure that percentages reflect actual contracting opportunities and use the most refined data available in the area.
13. Develop a goal that is based on demonstrable evidence of availability of ready, willing and able DBEs relative to all businesses, willing to participate on PCPT's DOT-assisted contracts

Following the information received, the PCPT will publish a notice announcing proposed overall goal before submission to the operating administration on August 1st. The notice will be posted on the official PCPT website www.ridepcpt.com and may be posted in any other media circulations. If the proposed goal changes following the review, the revised goal must be posted on the PCPT Official website. PCPT's overall goal submission to DOT will include a summary of information and comments received during this public participation process and PCPT responses.

PCPT will begin using the overall goal on October 1st of each year, unless there are other instructions from DOT/FTA. The October 1st date is the beginning of the PCPT's new fiscal year.

PCPT is a non-certifying member of the Unified Certification Program (UCP), so the DBELO will refer potential socially or economically disadvantaged businesses to DBE certifiers who collect data and make determination based on licensing reviews, bonding capacity facts, stock ownership information, existing work and contracts completed data, financial capacity, and owner's equity. PCPT's DBE consultation procedures will include only outreach with respect to upcoming bidding opportunities and upcoming projects, referrals to the certifying member for completing DBE certification applications, publishing public event information in local media circulations and the, PCPT's website, and other DBE help as needed.

PCPT will require each transit vehicle manufacturer (TVM), 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, PCPT 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 26.45 (g) Public Participation

26.45 (g)(1)(i) requires "a" (one) scheduled, direct, interactive exchange (e.g., face-to-face meetings/conferences, video conference, teleconference), as well as evidence of who was invited, comments received and how they were incorporated into the methodology. This may include sign-up sheets, e-mails, social media-posts, etc. PCPT will reach out to the various Chambers of Commerce in Pasco County, as example the Pasco Hernando Hispanic Chamber of Commerce, to elicit their feedback on the DBE goal. The DBELO will maintain records of this interaction. PCPT will continue to use newspaper announcements as a secondary means of notification to the public.

Section 26.51(a-c) Projection of Race-Neutral & Race-Conscious Participation

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 4 to this program. This section of the program will be updated every three years when the goal calculation is updated.

Section 26.51(d-g) Contract Goals

PCPT may use contract specific DBE goals to meet any portion of the overall three-year DBE goal. Contract goals are established so that, over the period to which the overall three-year goal applies, contract specific goals will cumulatively result in meeting a portion of the PCPT's three-year DBE goal. Contract goals may prove beneficial when overall goal achievement is problematic and may not be achieved through the use of race-neutral means.

PCPT will establish contract specific goals only on those DOT/FTA-assisted contracts where the project is of sufficient project scope that it affords a significantly higher level of subcontracting possibilities; and at the same time, other PCPT contracts may not include will a contract specific/DBE goal. The size of contract goals will be adapted to the circumstances for each such contract (e.g. type and location of work, availability of DBEs to perform the particular type of work, etc.)

PCPT will express contract specific goals as a percentage of the overall/total DOT/FTA-assisted contract amount.

Section 26.53 Good Faith Efforts Procedures

Demonstration of good faith efforts 26.53(a) & (c)

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

PCPT's DBE Liaison Officer is responsible for determining whether a bidder/offeror who had not met the contract goal has documented sufficient "good faith" efforts to be regarded as responsible.

Information to be submitted 26.53(b)

PCPT treats bidder/offeror's compliance with "good faith" efforts' requirement as a matter of responsibility.

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

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the specific work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating in the overall contract;
4. Written and signed documentation of commitment (from the prime contractor) to use a DBE subcontractor whose participation it submits to meet a contract specific goal;

5. Written and sign confirmation from the DBE that it is participating in the prime contract as provided in the prime contractors' commitment documentation; and
6. If the contract specific goal is not met, evidence of "good faith" efforts to achieve the DBE goal.

Administrative reconsideration 26.53(d)

Within 15 days of being informed by PCPT that it is not responsible because it has not documented sufficient "good faith" efforts, a bidder/offeror may request administrative reconsideration. The Bidder/offeror should make this request in writing to the following reconsideration official: PCPT Director, 8620 Galen Wilson Blvd., Port Richey, FL 34668, 727-834-3200. 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 PCPT reconsideration official to discuss the issue of whether it met the goal or made adequate "good faith" efforts to do. PCPT will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder either 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)

PCPT 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. PCPT 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, PCPT will require the prime contractor to obtain the PCPT's prior written approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of "good faith" efforts; a written change order is also required.

If the contractor fails or refuses to comply in the time specified, PCPT 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 contracting officer may issue a termination for default proceeding.

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the PCPT to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of _ percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 5), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information:

1. The names and addresses of DBE firms that will participate in the contract;
2. a description of the work that each DBE firm will perform;
3. the dollar amount of the participation of each DBE firm participating;
4. written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal;
5. written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and
6. if the contract goal is not met, evidence of "good faith" efforts. (A bid specification is required only when a contract goal is established).

Section 26.55 Counting DBE Participation

PCPT will count the value of work actually performed by the DBE toward actual DBE goals as provided in 49 CFR 26.55.

SUBPART D –CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

PCPT will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. Companies must complete the State of Florida, Department of Transportation, DBE Unified Certification Program (UCP) Application. For information about the certification process or to apply for certification, firms should contact local certifying agency:

Hillsborough County Aviation Authority (HCAA)
Tampa International Airport
P.O. Box 22287
Tampa, FL 33622

4100 George J. Bean Parkway
Tampa, FL 33607
(813) 870-8738
Cheryl L. Hawkins, DBE Program Manager
chawkins@tampaairport.com

or

Florida Department of Transportation (FDOT)
Equal Opportunity Office
605 Suwannee St. MS 65
Tallahassee, FL 32399-0450
(850) 414-4747
Arthur Wright, Manager, Equal Opportunity Office
Arthur.wright@dot.state.fl.us

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

PCPT is a non-certifying member of the Unified Certification Program (UCP) administered by Florida Department of Transportation Equal Opportunity Office.

Section 26.89 Certification Appeals

Any firm or complainant may appeal the decision in a certification matter to DOT. Such appeals may be sent to:

U.S. Department of Transportation
Departmental Office of Civil Rights
1200 New Jersey Avenue SE
Washington, DC 20590-0001

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

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

PCPT will safeguard from disclosure to third party 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, PCPT 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 Payment to DBE's

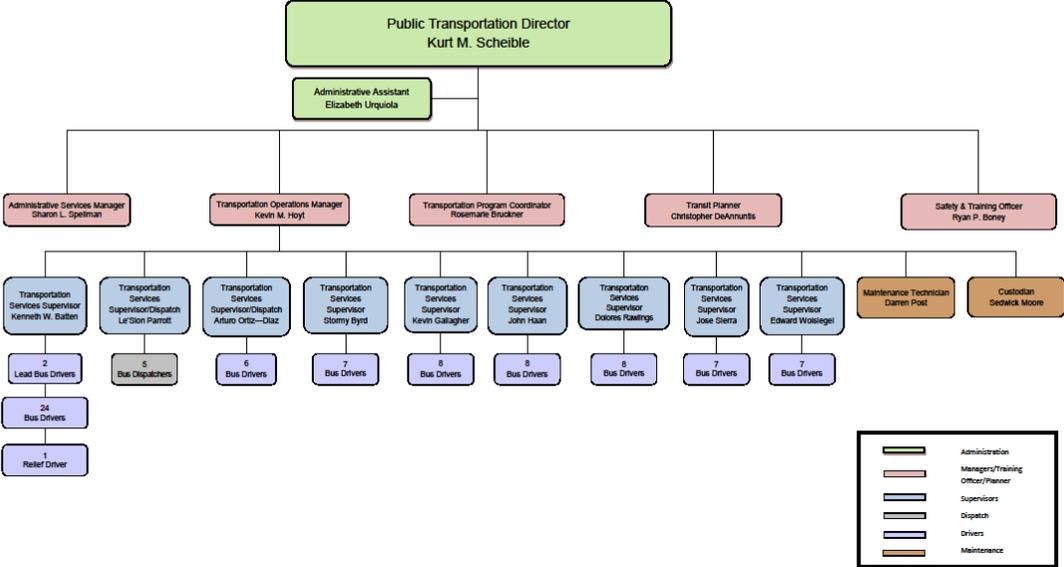
PCPT will require prime contractors to maintain records and documents of payments to DBEs for three (3) years following the performance of the contract. These records will be available for inspection upon request by any authorized representative of PCPT or DOT. This reporting requirement also extends to any certified DBE subcontractor.

ATTACHMENTS

Attachment 1	Organizational Chart
Attachment 2	DBE Directory
Attachment 3	Overall Goal Calculation
Attachment 4	Projection of Race-Neutral & Race Conscious Participation
Attachment 5	Form 1 & 2 for Demonstration of Good Faith Efforts

Attachment 1 Organization Chart

Pasco County Public Transportation Organizational Chart
 8620 Galen Wilson Blvd. Port Richey, FL 34668
 (727) 834-3200 / Fax (727) 859-0589



*Direct report of DBELO to PCPT Administrator on DBE issues.

Attachment 2

PCPT DBE Directory is available on Pasco County Public Transportation Web Site

Attachment 3

Section 26.45: Overall Goal Calculation

Amount of Goal

1. PCPT’s overall goal for FY 2019 – FY 2021 is: 4.3% of the Federal Financial assistance we will expend in DOT-assisted contracts exclusive of FTA funds to be used for the purchase of transit vehicles.
2. In FY 2019 \$2,027,971.00 is the dollar amount of DOT-assisted contracts that the PCPT expects to award during FY 2019. This means that the PCPT has set a goal of expending \$87,203.00 with DBE’s during this fiscal year.

Methodology used to Calculate Overall Goal

Step 1: 26.45

Determine the base figure for the relative availability of DBE’s.

PCPT determined the quantity of DBE and Non-DBE firms through utilization of the DBE database and the U.S. Census Bureau database. It was previously identified that there were sixteen (16) ready, willing and able DBEs and 369 local Non-DBEs offering the same type of service/product available for our market (Pasco, Hernando, Hillsborough and Pinellas Counties). Therefore, we previously determined goal of 4.3% by dividing the number of DBEs by number of Non-DBEs (16/369= 4.3%). Since the initial distribution of this document, PCPT has redeveloped the DBE goal utilizing the FTA DBE weighted base figure calculation worksheet. The current number of DBEs identified locally is 89 and Non-DBEs are 1612, once weighted the current base figure is identified at 3.70%. PCPT will maintain the higher goal of 4.3% fully knowing that this goal is attainable through current and future projects and will benefit the local community. See the following chart of available DBEs and businesses.

	NAICS Code	Project	Amount of DOT funds on project:	% of total DOT funds (weight)
1)	236220	EAST PASCO FLEET/TRANSIT FACILITY	\$1,765,487.00	0.8706
2)	236220	TRANSIT SHELTERS	\$33,535.00	0.0165
3)	541330	TRANSIT SHELTERS	\$2,677.00	0.0013
4)	325998	G0463	\$5,502.00	0.0027
5)	541511 / 424120	G0463	\$4,170.00	0.0021
6)	236220	G0435	\$52,269.00	0.0258
7)	485113	G0463 & G0435	\$1,674.00	0.0008
8)	541512	G0463	\$3,195.00	0.0016
9)	236220	EAST PASCO FLEET/TRANSIT FACILITY	\$23,585.00	0.0116
10)	485113	G0H83	\$135,877.00	0.0670
Total FTA-Assisted Contract Funds			\$2,027,971.00	1

	NAICS Code	Project	Number of DBEs available to perform this work	Number of all firms available (including DBEs)	Relative Availability
1)	236220	EAST PASCO TRANSIT FACILITY	11	307	0.0358
2)	236220	TRANSIT SHELTERS	11	307	0.0358
3)	541330	TRANSIT SHELTERS	34	307	0.1107
4)	325998	G0463	3	3	1.0000
5)	541511 /424120	G0463	3	8	0.3750
6)	236220	G0435	11	307	0.0358
7)	485113	G0463 & G0435	0	14	0.0000
8)	541512	G0463	5	38	0.1316
9)	236220	EAST PASCO TRANSIT FACILITY	11	307	0.0358
10)	485113	G0H83	0	14	0.0000
	Combined Totals		89	1612	0.0552

	NAICS Code	Project	Weight	Availability	Weighted Base Figure
1)	236220	EAST PASCO FLEET/TRANSIT FACILITY	0.87057	0.03583	0.0312
2)	236220	TRANSIT SHELTERS	0.01654	0.03583	0.0006
3)	541330	TRANSIT SHELTERS	0.00132	0.11075	0.0001
4)	325998	G0463	0.00271	1.00000	0.0027
5)	541511 / 424120	G0463	0.00206	0.37500	0.0008
6)	236220	G0435	0.02577	0.03583	0.0009
7)	485113	G0463 & G0435	0.00083		
8)	541512	G0463	0.00158	0.13158	0.0002
9)	236220	EAST PASCO FLEET/TRANSIT FACILITY	0.01163	0.03583	0.0004
10)	485113	G0H83	0.06700	0	0
				Total	0.0370
				Expressed as a % (*100)	3.70%
				Rounded, Weighted Base Figure:	4%

Public Participation

PCPT published our goal information on the PCPT website and no comments have been received at this time.

PCPT received comments from these individuals or organizations: No comments were received.

Summaries of these comments are as follows: No comments were received.

PCPT responses to these comments are as follows: No comments were received.

Attachment 4

Section 26.51: Projection of Race-Neutral & Race Conscious Participation

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

1. Arranges solicitations, times for the presentations of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE, and other small businesses participation.
2. Provides assistance in overcoming limitations such as inability to obtain bonding or financing (e.g. simplifying bonding process, reducing bonding requirements).
3. Provide technical assistance and other services.

PCPT estimates that, in meeting the overall goal of 4.3%, it will obtain 4.3% from race-neutral participation and 0% through race-conscious measures.

In order to ensure that the DBE program will be narrowly tailored to overcome the effects of discrimination, if PCPT uses contract goals, they will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation and will track and report race-neutral and race conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures: DBE participation through a subcontract on a prime contract that does not carry DBE goal: DBE participation on a prime contract exceeding a contract goal: and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

We will maintain data separately on DBE achievements in those contracts with and without contract goals, respectively.

Attachment 5

Forms 1 & 2 for Demonstration of Good Faith Efforts

Both forms should be provided as part of the solicitation documents.

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 the 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 the Letter of Intent and Affirmation shall be null and void.

(Submit this page for each DBE subcontractor.)