

Western Contra Costa Transit Authority Disadvantaged Business Enterprise Program

POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

The Western Contra Costa Transit Authority, herein after referred to as "WestCAT", has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. WestCAT has received Federal financial assistance from the DOT, and as a condition of receiving this assistance, WestCAT has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of WestCAT to ensure that DBEs are 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;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

WestCAT's policies prohibit discrimination against any person because of race, color, sex or national origin, in the award or performance of any contract subject to the requirements of 49 CFR Part 26.

WestCAT requires its employees, agents and contractors to adhere to the provisions of this Program.

WestCAT delegated Laura Calica as the DBE Liaison Officer (DBELO). In that capacity, the DBELO is responsible for implementing all aspects of the DBE program. WestCAT in its financial assistance agreements with the Department of Transportation accorded the implementation of the DBE program the same priority as compliance with all other legal obligations incurred.

WestCAT disseminated this policy statement to the WestCAT Board of Directors, WestCAT's staff and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work or are interested in performing work for us on DOT-assisted contracts. The complete DBE Program and overall annual DBE goal analysis are available for review at the WestCAT office 601 Walter Avenue, Pinole, CA 94564. Contact the DBE Liaison Officer, Laura Calica, at (510) 724-3331, by fax at (510) 724-5551, or by e-mail at Laura@westcat.org.

Charley Anderson, WestCAT General Manager

Date

SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

The policy statement on the first page of this program contains the objectives.

Section 26.3 Applicability

The Western Contra Costa Transit Authority is the recipient of federal transit funds authorized by Titles I, III, V, and VI of ISTEA, Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, II, and V of the Teas-21, Pub. L. 105-178.

Section 26.5 Definitions

The Western Contra Costa Transit Authority also referred to as “Recipient” and/or “WestCAT”, will adopt the definitions contained in Section 26.5 for this program.

Section 26.7 Non-discrimination Requirements

The Western Contra Costa Transit Authority 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 based on race, color, sex or national origin.

In administering its DBE program, the Western Contra Costa Transit Authority 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)

We will report DBE participation to DOT as follows:

Western Contra Costa Transit Authority will report DBE participation on a quarterly basis, using DOT Form 4630. These reports will reflect payments actually made to DBEs on DOT-assisted contracts.

Bidders List: 26.11(c)

The Western Contra Costa Transit Authority will create 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 to calculating overall goals. The bidder 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 ways:

1. A contract clause requiring prime bidders to report the names, addresses and other pertinent information of all firms who quote to them on subcontracts, and/or;
2. A notice in solicitations, and otherwise commonly circulated, requesting firms which quote on subcontracts to report information directly to Western Contra Costa Transit Authority.

Section 26.13 Federal Financial Assistance Agreement

Western Contra Costa Transit Authority has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13(a)

Western Contra Costa Transit Authority shall not discriminate based on 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 Western Contra Costa Transit Authority 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 Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.). [Note: This language will appear in financial assistance agreements with sub-recipients.]

Contract Assurance: 26.13b

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

The contractor, sub-recipient or subcontractor shall not discriminate based on 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.

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

Since the Western Contra Costa Transit Authority has received a grant of \$250,000 or more in FTA planning capital, and or operating assistance in a federal fiscal year, 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.

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

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

Laura Calica, 601 Walter Avenue, Pinole, CA 94564, (510) 724-3331, laura@westcat.org.

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the Western Contra Costa Transit Authority complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Western Contra Costa Transit Authority General Manager concerning DBE program matters. An organization chart displaying the DBELO's position in the organization, 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 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 departments to set overall annual 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 (both race-neutral methods and contract specific goals attainment and identifies ways to improve progress.
6. Analyzes Western Contra Costa Transit Authority's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the General Manager/Board of Directors on DBE matters and achievement.
9. Chairs the DBE Advisory Committee.
10. Participates in pre-bid meetings.

Section 26.27 DBE Financial Institutions

It is the policy of the Western Contra Costa Transit Authority 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 these institutions. Information on the availability of such institutions is obtainable from the DBELO or the following website: <http://www.federalreserve.gov/releases/mob/current/default.htm>

Section 26.29 Prompt Payment Mechanisms

The Western Contra Costa Transit Authority 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 contract receives from Western Contra Costa Transit Authority, in accordance with the provision in Section 7108.5 of the California Business and Professions Code pertaining to prompt payment to subcontractors. The prime contractor agrees further to return retainage payments to each subcontractor within 10 days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced timeframe may occur only for good cause following written approval of the Western Contra Costa Transit Authority. This clause applies to both DBE and non-DBE subcontracts.

Section 26.31 Directory

The Western Contra Costa Transit Authority utilizes the California Unified Certification Process (**CUCP**) to identify all firms eligible to participate as DBEs. The directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm certified to perform as a DBE. The Directory found in Attachment 2 to this program document, is the CUCP Directory, updated at least on an annual basis and available via the following link: <http://www.dot.ca.gov/ucpquery/index2.jsp>.

Section 26.33 Over-concentration

Western Contra Costa Transit Authority has not identified that over-concentration exists in any type of work that DBEs perform.

Section 26.35 Business Development Programs

Western Contra Costa Transit Authority has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

The Western Contra Costa Transit Authority will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. 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.
2. 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 events of non-compliance with the DBE regulation by a participant in our procurement activities.
3. We will also provide a monitoring and enforcement mechanism to verify that the DBE's actually perform the work committed to DBEs at contract award. This will be accomplished by reviewing the invoices submitted from contractors that stipulate the DBE portion of the contract actually paid out during the invoice cycle. If the prime contractor uses DBE sub-contractors, a specific citation on the invoice detailing the date of payment and amount paid to the sub-contractor is required from the prime contractor.
4. 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 Set-asides or Quotas

The Western Contra Costa Transit Authority does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

Attachment 4 to this program contains a description of the methodology to calculate the overall goal and the goal calculations. This section of the program updates as required.

In accordance with Section 26.45(f), the Western Contra Costa Transit Authority will submit its overall goal to DOT on August 1 of each year. Before establishing the overall goal each year, Western Contra Costa Transit Authority will consult with the appropriate constituent groups. The consult is to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses; the effects of discrimination on opportunities for DBEs; and the Authority's efforts to establish a level playing field for the participation of DBEs. The consultation includes, but not limited to the following: minority, women and general contractors; community organizations; and other officials or organizations.

Following this consultation, we 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 your principal office for 30 days following the date of the notice. In addition, informing the public that Western Contra Costa Transit Authority and DOT will accept comments on the goals for 45 days from the date of the notice. The notice will be issued in the newspapers and the following website: www.westcat.org. Normally, we will issue this notice by June 1 of each year. The notice must 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 a summary of information and comments received during this public participation process and our responses.

We will begin using our overall goal on October 1 of each year, unless we have received other instructions from DOT. If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

Section 26.49 Transit Vehicle Manufacturers Goals

Western Contra Costa Transit Authority 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, Western Contra Costa Transit Authority 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(a-c) Breakout of Estimated Race-Neutral & Race-Conscious Participation

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 5 to this program. This section of the program will be updated annually when the goal calculation is updated.

Section 26.51(d-g) Contract Goals

The Western Contra Costa Transit Authority will use contract goals to meet any portion of the overall goal Western Contra Costa Transit Authority 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 the overall goal that is not protectively met through race-neutral means.

We will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We 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.)

We will express our contract goals as a percentage of total amount of a DOT-assisted contract or the Federal share of a DOT-assisted contract.

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. 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 to 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 regard as responsive or responsible: Charley Anderson, General Manager.

We 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.

Information to be submitted (26.53(b))

Western Contra Costa Transit Authority treats bidder/offers' compliance with good faith efforts' requirements as a matter of responsiveness or responsibility.

Each solicitation for which a contract goal has been established will require the bidders/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 work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
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 contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts.

Administrative reconsideration (26.53(d))

Within 10 days of being informed by Western Contra Costa Transit Authority that it is not responsive or responsible 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: Robert Thompson, 601 Walter Avenue, Pinole, CA 94564, rob@westcat.org. 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. 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 replace on a contract (26.53(f))

Western Contra Costa Transit Authority 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, our contracting office 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 Western Contra Costa Transit Authority 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 is conditional 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 ____ % is established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 1), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror is required to submit the following information:

1. 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. Evidence of good faith efforts, if the contract goal is not met.

Section 26.55 Counting DBE Participation

Western Contra Costa Transit Authority will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

Western Contra Costa Transit Authority 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. Western Contra Costa Transit Authority depends on the CUCP DBE certification program and does not recertify or make certification decisions.

For information regarding the certification process, or to apply for certification firms should contact:

<http://www.californiaucp.com/5.html> and/or http://www.caltrans.ca.gov/hq/bep/business_forms.htm

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

Western Contra Costa Transit Authority is considered a **non-certifying** of the California Unified Certification Program (CUCP); and adheres to all aspects of the USDOT DBE program, except it does not perform DBE certification activities. Western Contra Costa Transit Authority accepts all firms certified as a DBE by a certifying member. Interested parties are encouraged to use the following link to obtain current contact information on certifying agencies:

<http://www.caltrans.ca.gov/hq/bep/ucp.htm>

Section 26.83 Procedures for Certification Decisions

Western Contra Costa Transit Authority depends on the CUCP DBE certification program and does not recertify or make certification decisions.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

We will safeguard from disclose 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.

Monitoring Payments to DBEs

We will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. Any authorized representative of the Western Contra Costa Transit Authority or DOT will make these records available for inspection upon request. This reporting requirement also extends to any certified DBE subcontractor.

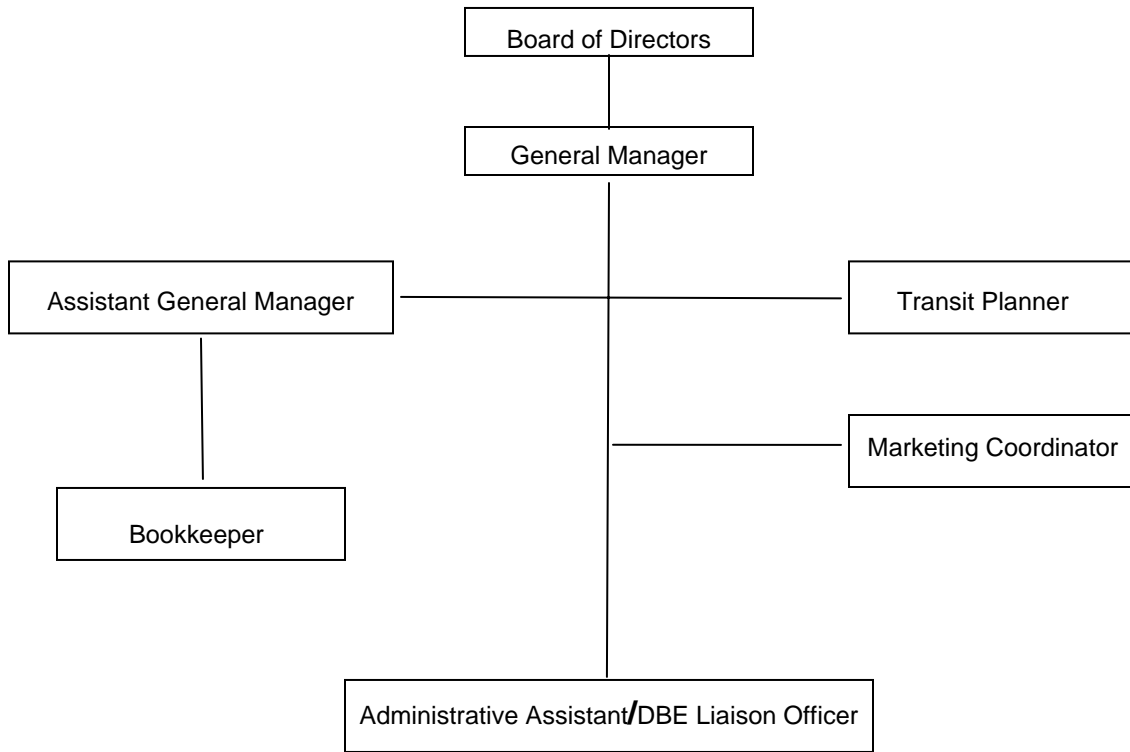
We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

ATTACHMENTS

Attachment 1	Organizational Chart
Attachment 2	DBE Directory
Attachment 3	Monitoring and Enforcement Mechanisms
Attachment 4	Overall Goal Calculations
Attachment 5	Breakout of Estimated Race-Neutral & Race-Conscious Participation
Attachment 6	Form 1 & 2 for Demonstration of Good Faith Efforts
Attachment 7	Regulations: 49 CFR part 26

Attachment 1

Organizational Chart



Attachment 2

DBE Directory

The most current DBE Directory can be accessed via the World Wide Web at the following address:

<http://www.dot.ca.gov/ucpquery/index2.jsp>.

Attachment 3

Monitoring and Enforcement Mechanisms

The Western Contra Costa Transit Authority has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

1. Breach of contract action, pursuant to the terms of the contract;
2. Breach of contract action, pursuant to all germane Federal, State and local laws & codes;
3. Liquidate damage;
4. Suspend payment to the contractor of any monies held by Western Contra Costa Transit Authority as retained on the contract;
5. Deny the contractor of right to participate in future Western Contra Costa Transit Authority contracts for a specific time period;
6. Terminate contract.

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

1. Suspension or debarment proceedings pursuant to 49 CFR part 26
2. Enforcement action pursuant to 49 CFR part 31
3. Prosecution pursuant to 18 USC 1001.

Attachment 4

Section 26.45: Overall Goal Calculation

Amount of Goal

Westcat has not had any projects that required DBE participation since 2000 when our facility expanded using 5307 funds. It is highly unlikely that Western Contra Costa Transit Authority will undertake a similar project in the near future. Therefore, pursuant to 49 CFR 26.45, Western Contra Costa Transit Authority will establish a project specific goal for DBE participation in DOT-assisted contract.

Methodology used to Calculate Overall Goal

The following is a summary of the method we will use to calculate these goals:

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 calculated as follows:

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

The data source or demonstrable evidence used to derive the numerator and denominator: DBE Directories, Census Bureau Data, Bidders List, use of a goal of another DOT recipient, or alternative methods rationally related to the availability of DBEs in our market.

When we divided the numerator by the denominator, we arrive at the base figure for our overall goal.

Step 2: 26.45(d)

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

In order to reflect as accurately as possible the DBE participation we would expect in the absence of discrimination we will adjust our base figure accordingly.

The data used to determine the adjustment to the base figure is:

1. Demonstrated evidence of DBE capacity to perform work on Western Contra Costa Transit Authority's project;
2. Real market conditions;
3. Disparity studies conducted within the jurisdiction; and
4. Other relevant factors.

Attachment 5

Section 26.51: Breakout of Estimated Race-Neutral & Race Conscious Participation

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

1. Making RFPs or bids *attractive* to DBEs;
2. Making DBEs aware of opportunities;
3. Distributing DBE directories to potential prime contractors; and
4. Simplifying or reducing bonding requirements.

We estimate that, in meeting our overall goal, we will obtain 100% from race-neutral participation.

In order to ensure that our DBE program will be narrowly tailored to overcome the effects of discrimination, if we use contract goals we will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)) and we 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 6

Forms 1 & 2 for Demonstration of Good Faith Efforts

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 a 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 7

Regulations: 49 CFR Part 26

Accessible via the World Wide Web at the following address:

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr;sid=61a820bbb46834bbba094449e7679020;rgn=div5;view=text;node=49:1.0.1.1.19;idno=49;cc=ecfr>