

Disadvantaged Business Enterprise Program

Grantee ID: 1937

October 1, 2020

VIA Metropolitan Transit
Maurice Bridges, DBE Liaison Officer
Director of Business/Supplier Diversity
Office of Diversity and Federal Compliance
800 W. Myrtle
San Antonio, TX 78212
(210) 362-2071

Table of Contents

Policy Statement	1
Subpart A – General Requirements	2
Subpart B – Administrative Requirements	3
Subpart C – Goals, Good Faith Efforts and Counting	7
Subpart D – Certification Standards	11

Attachments

Attachment 1 Definitions
Attachment 2 Organizational Chart
Attachment 3 Contractor Utilization Plan
Attachment 4 Intent to Perform
Attachment 5 Documentation of Good Faith Effort
Attachment 6 Termination/Substitution Request Form

Policy Statement:

VIA Metropolitan Transit is a direct recipient of U.S. Department of Transportation (DOT) funds and has a Disadvantaged Business Enterprise (DBE) Program that meets the requirements of the Federal Transit Administration (FTA) for federally funded projects under 49 Code of Federal Regulations (CFR) Part 26.

VIA Metropolitan Transit (VIA) established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. VIA receives Federal financial assistance from the Department of Transportation, and as a condition of this assistance, VIA has signed an assurance that it will comply with 49 CFR Part 26, Subpart A.

VIA's Disadvantaged Business Enterprise (DBE) Program policy ensures that DBEs, as defined in 49 CFR Part 26 have the opportunity to participate in the performance of contracts financed in whole or in part with Federal funds on all VIA's contracts. This formal policy signed by VIA President/Chief Executive Officer (CEO), Mr. Jeffrey Arndt and submitted to the Federal Transit Administration (FTA) designates VIA's Director of Business/Supplier Diversity, Mr. Maurice Bridges as the DBE Liaison Officer (DBELO). His office is currently located at 800 W. Myrtle Street, San Antonio, TX 78212; (210) 362-2071; maurice.bridges@viainfo.net. Mr. Bridges reports directly to Mr. Jeffrey Arndt, President/Chief Executive Officer.

The DBELO is responsible for implementing all aspects of the DBE program which include, but are not limited to, ensuring nondiscrimination in the award and administration of DOT-assisted contracts; creating a level playing field on which DBEs can compete fairly for DOT-assisted contracts; ensuring that the DBE program is narrowly tailored in accordance with applicable law; ensuring that only firms that fully meet the requirements of 49 CFR Part 26 eligibility standards are permitted to participate as DBEs; helping remove barriers to the participation of DBEs in DOT-assisted contracts; and assisting in the development of firms that can compete successfully in the market place outside the DBE program.

VIA will disseminate this policy document to the VIA Board of Trustees, the Executive Management Team, all DBE, and non-DBE business communities that perform work for VIA on DOT-assisted contracts. Distribution will occur electronically or in paper format upon request

In my role as President/CEO, I shall take all reasonable steps to ensure the achievement of VIA's DBE program plan. The Board of Trustees at VIA Metropolitan Transit and VIA's Advanced Transportation District and Executive Management Team share in the responsibility for making the DBE Program a success.



Jeffrey C. Arndt
President/CEO

September 28, 2020

Date

SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

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

Section 26.3 Applicability

VIA 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

VIA will adopt the terms contained in Section 26.5 for this program.

Section 26.7 Non-discrimination Requirements

VIA 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, VIA 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)

VIA will report DBE participation on a semi-annual basis, using DOT Form 4630 Uniform Report of DBE Awards/Commitments and Payments. These reports will reflect payments made to DBEs on DOT-assisted contracts and will be uploaded on the Transit Award Management System.

Bidders List: 26.11(c)

VIA 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 bidders list approach to calculating overall goals. The bidder's list will include the name, address, DBE non-DBE status, age, and annual gross receipts of firms. VIA will obtain the above information by requiring all prime contractors bidding on DOT assisted contracts to submit Contract Utilization Form, Intent to Perform and a Business Questionnaire at the time of submittal of its bid/proposal. The forms must be completed by the prime contractor and all subcontractors who submitted a bid to the prime for the contract.

Section 26.13 Federal Financial Assistance Agreement

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

Assurance: 26.13(a)

VIA 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. VIA shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. VIA'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 VIA of its

failure to carry out its approved program, the Agency 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.).

Contract Assurance: 26.13(b)

VIA will include the following assurances in all DOT assisted contract:

“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 Agency deems appropriate, which may include, but is not limited to termination of contract, withholding monthly progress payments, liquidated damages, and/or disqualifying the contractor from future bidding as non-responsible. The Contractor agrees to include this assurance in all subcontracts and require its Subcontractors to include these assurances in their subcontracts.”

SUBPART B – ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

Since VIA receives planning, capital and/or operating assistance and will award prime contracts exceeding \$250,000 from FTA funds in a federal fiscal year, the agency will continue to carry out this program until all funds from DOT financial assistance have been expended. VIA will submit any significant changes to its DBE Program to DOT for approval.

Section 26.23 Policy Statement

VIA has issued the policy statement attached as Attachment 2. The policy statement has been circulated throughout the agency as well as to DBE and non-DBE business communities that perform work on DOT-assisted contracts. The policy statement is also available on the VIA web portal. The Policy Statement is elaborated on the first page of this program.

Section 26.25 DBE Liaison Officer (DBELO)

VIA's Disadvantaged Business Enterprise (DBE) Program policy ensures that DBEs, as defined in 49 CFR Part 26 have the maximum opportunity to compete on all VIA's contracts. This formal policy signed by VIA President/CEO, Mr. Jeffrey Arndt and submitted to the Federal Transit Administration (FTA) designates VIA'S Director of Business/Supplier Diversity, Mr. Maurice Bridges as the DBE Liaison Officer (DBELO). His office is currently located at 800 W. Myrtle Street, San Antonio, TX 78212; (210) 362-2071; maurice.bridges@viainfo.net. Mr. Bridges reports directly to Mr. Jeffrey Arndt, President/Chief Executive Officer.

The DBELO is responsible for implementing all aspects of the DBE program which include, but are not limited to, ensuring nondiscrimination in the award and administration of DOT-assisted contracts; creating a level playing field on which DBEs can compete fairly for DOT-assisted contracts; ensuring that the DBE program is narrowly tailored in accordance with applicable law; ensuring that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs; helping remove barriers to the participation of DBEs in DOT-assisted contracts; and assisting in the development of firms that can compete successfully in the market place outside the DBE program.

VIA's Office of Diversity & Federal Compliance (ODFC) staff includes six professionals' positions. Their roles and responsibilities are as follows:

Director of Business/Supplier Diversity/DBE Liaison Officer (DBELO) (1) administers and provides guidance and consulting to the Executive Management Team and the Board of Trustees on all of the agency's Business/Supplier Diversity initiatives to help ensure compliance with federal regulations to ensure federal funding requirements are met. Five (5) fulltime employees are responsible for implementing all aspects of the DBE program.

Diversity & Compliance Administrator (1) is responsible for monitoring and assessing contract compliance, ensuring that the Disadvantaged Business Enterprise (DBE) and Small Business Enterprise (SBE) program complies with all the federal regulations as outlined in 49 CFR Part 26. This position plays a critical role in establishing VIA's triennial goal and is charged with establishing contract specific DBE and SBE subcontracting goals throughout the year on federal and local projects.

Diversity & Compliance System Administrator (1) is responsible for B2Gnow program management, site enhancements, supplier diversity program training activities. This position supports data integrity to enhance diversity opportunities for Disadvantaged and Small Business Enterprises. Responsible for supporting the B2Gnow architecture, availability, reliability, performance monitoring and security of the portal.

Business Development/Outreach Specialist (2) is responsible for developing and implementing a comprehensive outreach plan necessary to increase VIA's annual total spend among ready, willing, and able, Disadvantaged Business Enterprises (DBEs) and Small Business Enterprises (SBE). Maintains a current list of upcoming projects including engineering, design, construction, professional services, informal contracts, and purchase order contracts to help ensure Disadvantaged Business Enterprises and Small Business Enterprises are awarded contracts in all facets of VIA business. Provides technical assistance and share knowledge of service provider resources who are available for DBE and SBEs in bidding and estimating, contract management, bonding and insurance and marketing to better assist them to complete successful bids.

Diversity Compliance & Outreach Specialist (1) performs a variety of professional support necessary to facilitate the day-to-day and long-range implementation of the Disadvantaged Business Enterprise (DBE) and Small Business Enterprise (SBE) program, contract compliance administration, and business development/outreach initiatives. This position is responsible for working closely with internal stakeholders Diversity & Compliance System Administrator, the Procurement Document Management Administrator produce US DOT reports for semi-annual Federal Transit Administration.

Section 26.27 DBE Financial Institutions

It is the policy of the VIA to investigate the full extent of services offered by Minority Financial Institutions (MFI) owned and controlled by socially and economically disadvantaged individuals in the community. VIA will make reasonable efforts to use these institutions and encourage prime contractors on DOT-assisted contracts to make use of these institutions when possible.

Section 26.29 Prompt Payment Mechanisms

The Prime Contractor is required to pay all Subcontractors for all work that the Subcontractor has satisfactorily completed, no later than ten (10) business days after the Contractor has received payment from VIA. In addition, all retainage amounts must be paid by the Contractor to the Subcontractor within thirty (30) calendar days after the Subcontractor has satisfactorily completed its portion of the work. A delay in or postponement of payment to the Subcontractor requires good cause and prior written approval of the Contract Administrator.

If the Prime Contractor fails or refuses to comply with the terms of this policy, as set forth in such Contractor's contract, VIA will issue an order stopping all or part of payment and/or work until satisfactory action has been taken. If the contractor still fails to comply, VIA may issue a termination for default proceeding.

Reporting Requirements:

1. All contracts between the Bidder and its Subcontractors must contain the following clauses as set forth in the contract herein: prompt payment clause, retainage clause, and non-discrimination clause.
2. The Contractor must utilize VIA's Diversity Compliance Reporting System ("B2GNow") platform, <https://via.diversitycompliance.com/>, which provides the Contractor an easy-to-use, web-based service for reporting payments rendered to all Subcontractors.

The Contractor will receive an electronic alert for every payment received from VIA and must report all Subcontractor payments in B2GNow no later than seven (7) calendar days after paying the Subcontractor(s). Failure to follow these directions may delay payment.

The Contractor is expected to respond to desk audits performed by the Office of Diversity & Federal Compliance. Requests for information will include, but are not limited to, subcontractor invoices and proof of payments (i.e. cancelled check or electronic fund transfer ("EFT") statement).

Enforcements

Failure to comply with the DBE requirements of the contract or with the DBE substitution procedures or failure to use DBEs as stated in the Bid constitutes a material breach of contract. The DBELO shall have the discretion to recommend to Project Manager and the Vice President of Procurement that VIA apply suitable sanctions to the Contractor if the Contractor is found to be in non-compliance with the DBE requirements. Such sanctions include, but are not limited to, withholding payment to the Contractor until corrective action is taken; suspension and/or termination of the contract, in whole or in part; declaring the Contractor nonresponsive; and debarring or suspending the Contractor from entering into future contracts with the Agency.

Section 26.31 Directory

VIA maintains a directory identifying 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 has been certified to perform as a DBE. The Directory may be found at <https://via.diversitycompliance.com>.

Section 26.33 Overconcentration

VIA has not identified any areas of work that constitutes an overconcentration of DBE firms.

Section 26.35 Business Development Programs

VIA has not established a formal business development program; however, the Office of Diversity & Federal Compliance has implemented steps to further the development of DBEs. This includes, but not limited to assisting them with moving into non-traditional areas of work.

Section 26.37 Monitoring and Enforcement Mechanisms

VIA will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26. CTA will engage in the following monitoring and enforcement mechanism to ensure compliance with 49 CFR Part 26:

1. VIA will bring to the attention of the Department of Transportation (DOT) any false, fraudulent, or dishonest conduct in connection with the Program, so that the 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 Section 26.109.
2. VIA will monitor and enforce mechanisms to ensure compliance with 49 CFR Part 26. Failure to comply with the DBE requirements of the contract or failure to use DBEs as stated in the bid/proposal constitutes a material breach of contract. The DBELO shall have the discretion to recommend to VIA's Project manager, Vice President, Finance, Vice President, Procurement, or the Legal department to apply suitable sanctions to the Contractor if the Contractor is found to be in non-compliance with the DBE requirements. Such sanctions include, but are not limited to, withholding payment to the Contractor until corrective action is taken; suspension and/or termination of the contract, in whole or in part; and debaring or suspending the Contractor from entering into future contracts with VIA. Individual citizens aware of these violations by any company may report to the Office of Diversity & Federal Compliance at 210.362-2071.
3. VIA will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award or subsequently is performed by the DBEs to which the work was committed. This will be accomplished by the following:

Executed Subcontract Agreements:

When a contract award is made by VIA, the prime contractor is sent a copy of the fully executed contract. Once a contract is executed, the prime contractor will inform their subcontractors. The prime contractor is required to execute subcontractor agreements or purchase orders with DBEs listed on their utilization plan prior to start of work with the DBE subcontractors identified in its bid/proposal. These subcontractor agreements will be reviewed by the Office of Diversity & Federal Compliance to ensure that proper non-discrimination, prompt payment, and retainage clauses are outlined in these agreements.

Kick-off Meeting Diversity:

The Office of Diversity & Federal Compliance Staff shall attend kickoff meetings to inform the contractor of the DBE Requirements and other matters, prior to or immediately after Notice to Proceed is issued. If a kickoff meeting is not scheduled, the prime contractor will be notified in writing of DBE requirements. The Contractor shall be responsible for informing the Subcontractors of all DBE Requirements as specified by VIA herein.

Commercially Useful Function Monitoring:

During the contract, VIA will conduct onsite monitoring to ensure that the scope of work committed to the DBEs are being performed by the DBEs. This monitoring effort is fully incorporated by VIA's compliance site visit process. The observed work will be reconciled with the DBE subcontractor agreements and the certified payroll submitted if applicable.

Section 26.39 Small Business Enterprise Program

VIA has established a race-neutral small business program (SBE Program). The program will:

1. Apply the Small Business Administration's (SBA) size standards for small businesses. Only those businesses that conform to the SBA size standards are eligible to participate in the SBE Program.
2. Apply 49 CFR 26.67 to establish the economic threshold of a small business owner to be considered economically disadvantaged.
3. Two types of contracts may be included in the SBE Program: (1) Select contracts under \$50,000 will be identified to allow and encourage small businesses to bid as prime contractors. (2) Certain larger construction contracts will require that prime contractors identify portions of the work to subcontract to only small businesses.
4. Contracts will be reviewed jointly by the Vice President Procurement and the DBELO before bid opportunities are advertised to determine if the contract will be included in the SBE Program.

SUBPART C – GOALS, GOOD FAITH EFFORTS AND COUNTING

Section 26.43 Set-Asides or Quotas

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

Section 26.45 Overall Goals

VIA follows the requirements of 49 CFR Part 26 when setting its overall agency DBE goal for its DOT-assisted contracts. To the extent possible, the goal will be met using means that are race neutral such as outreach, technical assistance, and procurement modification. Where race neutral means are insufficient, contract-specific goals will be set by VIA to assist it in achieving its overall agency DBE goal. The means used to achieve the goal will avoid imposing undue burden on DBEs.

Contract-specific goals will be reviewed regularly. The information gathered from such review will be used, along with other data, to adjust the use of contract-specific goals accordingly. The overall agency DBE goal will be reviewed on a triennial basis and revised, as necessary.

VIA establishes its overall DBE goal every three (3) years and establish contract-specific DBE goals when appropriate. From time to time, VIA will utilize the services of a consultant to analyze available data, including census data, survey data and data on past VIA contracts with federal dollars to assist the staff with establishing the triennial goal.

In accordance with the methodology set forth in the regulations (49CFR Part 26.45), VIA will then establish its overall and project-specific DBE goal as follows:

Step 1: The current bidders list that VIA compiles will be used to determine the number of ready, willing, and able DBE firms and the number of all ready, willing, and able firms. Each firm will be required to provide NAICS code(s) in which it would like to compete for VIA contracts in. VIA will then receive forecasted DOT-assisted contracts from all departments and identify subcontracting opportunities by NAICS code for each contract and assign estimated dollars based on the departments' estimates. Finally, VIA will divide the number of DBE firms by the number of all firms in each NAICS code to derive the base figure.

Step 2: In addition to measuring the relative availability of DBEs, the VIA will gather historical data on the forecasted contracts to analyze whether the forecasted dollars are like the previous three years of DOT-assisted spending. If they are similar, VIA will use the median attainment from the past three years to adjust the base figure. To adjust the base figure, VIA will average the base figure and the median attainment from the past three years. If they are not similar, VIA will review previous contracts similar in size and scope to analyze whether the base figure is consistent with previous attainments.

VIA will also confer with local stakeholders, engage in public outreach, meet with technical assistance agencies, and seek public comment.

When establishing or revising its agency DBE goal, VIA will:

1. Consult with minority, women's and general contractor groups, community organization, and other officials and organizations.
2. Publish (in general circulation and minority-focused media and trade publications) a notice announcing the overall goal and the fact that the goal and a description of the methodology used to establish it is available for inspection on VIA's website. The public will be advised that it can submit comments on goals to VIA within thirty (30) days of the date of publication.
3. This information will be made available on the VIA's website. The Agency's overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses. VIA will begin using our overall goal on October 1 of each year unless VIA has received other instructions from Federal Transit Administration. If VIA establishes a contract specific goal VIA will begin using our goal at the time of the first solicitation.

26.47 Attachment 4: Goal Setting Methodology (Submitted for 3-Year Goal FY 2020-2022)

The process by which VIA established its DBE goal for FY 2020-2022 is summarized below. In accordance with 49 CFR Part 26, Section 26.45, VIA assessed the availability of ready, willing, and able DBEs relative to all businesses ready, willing, and able to participate in its DOT-assisted contracts within its marketplace. The goal reflects VIA's determination of participation expected absent the effects of discrimination. In setting the overall goal for FY 2020-2022, VIA referenced the relative availability of DBEs in its market. VIA's "market" is Bexar County, Texas, and the surrounding region. VIA utilizes U.S. Census business information to determine the availability of firms able to meet its projected goal.

To establish a base figure, VIA first looked at the DOT-funded projects budgeted for award in FY 2020-2022 and their corresponding NAICS Codes.

In Column 3, VIA identified the percentage of dollars budgeted for each NAICS Code. Next, VIA analyzed its internal vendor database to determine where most of its contractors are based and concluded that slightly more than 69% of its contractors have offices in Bexar County. Therefore, VIA selected Bexar County as its market area and pulled pertinent Census Data. Column 5 lists the total number of firms in each NAICS Code. VIA then analyzed the DBE Directory of the SCTRCA to calculate the number of certified DBEs for each of those NAICS Codes. These totals are listed in Column 6. VIA then divided the number of DBEs by the total firms and multiplied that by the % of budget to acquire the relative availability of DBEs for each NAICS Code. See Column 7. VIA then applied that relative availability (Column 7) to the dollars budgeted in each NAICS Code area (Column 3) to derive relative availability dollar amounts for prospective DBE achievement for each NAICS Code (Column 8). A full copy of the FY2020-FY2022 Goal Setting Methodology is available in the Office of Diversity & Federal Compliance upon request.

Section 26.47 Goal Setting and Accountability

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

1. Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments.
2. Establish specific steps and milestone to correct the problems identified in the analysis; and
3. Submit the short fall analysis to the FTA within 90 days of the end of the affected fiscal year.

Section 26.49 Transit Vehicle Manufacturers Goals

VIA will require each TVM, as a condition of being authorized to bid or propose on DOT assisted transit vehicle procurements, to certify that it has complied with the requirements of 49 CFR Part 26.49. In conformity with 49 CFR Part 26.49 (d), VIA may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles. VIA will verify each bidder/proposer's TVM certification on Federal Transit's Administration's website prior to the award of a contract or option on a contract. Additionally, VIA will notify DOT within 30 days of making an award including the name of the successful bidder and the total dollar value of the contract.

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 the Goal Setting Methodology Attachment to this program. This section of the program will be updated annually when the goal calculation is updated.

Section 26.53 Good Faith Efforts Procedures

Good Faith Efforts when a DBE is Terminated/Substituted on a Contract 26.53 (f)

VIA requires that prime contractors not terminate a DBE subcontractor listed on a bid/contract with a DBE contract goal without the Agency's prior written consent. Prior written consent will be provided when there is "good cause" for termination of the DBE firm, as established by Section 26.53(f)(3) of the DBE regulation. Before transmitting to VIA its request to terminate, the prime contractor must give notice in writing to the DBE of its intent to do so. A copy of this notice must be provided to the Office of Diversity & Federal Compliance prior to consideration of the request to terminate. The DBE will then have five (5) days to respond and advise VIA of why it objects or agrees with the proposed termination. A copy of the DBE's response must also be provided to VIA. [Note: the five-day period may be reduced if the matter is one of public necessity. e.g., safety or pandemic.]

In those instances where "good cause" exists to terminate a DBE's contract, VIA will require the prime contractor to make good faith efforts to replace a DBE with another certified DBE that is terminated or has otherwise failed to complete its work. VIA 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, VIA will require the prime contractor to obtain prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

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 attached in Appendix A to Part 26.

The staff of the Office of Diversity and Federal Compliance staff 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. VIA will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before VIA commits to the performance of the contract by the bidder/offeror.

Information to be submitted (26.53(b))

VIA 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/offerors to submit the following information:

1. Contractor Utilization Plan
2. Intent to Perform
3. Documentation of Good Faith

Administrative reconsideration (26.53(d))

Within five days of being informed by VIA that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: Maurice Bridges, DBELO, 800 W. Myrtle San Antonio, Texas 78209 maurice.bridges@viainfo.net. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. VIA 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 being replaced on a contract (26.53(f))

VIA 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. VIA 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, VIA 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 Contract Administrator 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 Contract Administrator may issue a termination for default proceeding.

Section 26.55 Counting DBE Participation

VIA counts DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

SUBPART D – CERTIFICATION STANDARDS

Section 26.81 Unified Certification Programs

The State of Texas, through a Memorandum of Agreement (MOA) has established a Disadvantaged Business Enterprise (DBE/Airport Concessionaire DBE (ACDBE) Texas Unified Certification Program (TUCP) in the State of Texas in accordance with Title 49 Parts 23 and 26 of the Code of Federal Regulations (49 CFR Parts 23 and 26). The TUCP Certifying Partners are the Texas Department of Transportation, City of Houston, City of Austin, Corpus Christi Regional Transportation Authority, North Central Texas Regional Certification Agency and South-Central Texas Regional Certification Agency (SCTRCA). Each TUCP Certifying Partner commits sufficient resources and expertise to carry out the requirements of 49 CFR Part 26 and Part 23. VIA is a member entity of the SCTRCA by Memorandum of Understanding (MOU). SCTRCA administers all certification requirements on behalf of VIA.

For information regarding the certification process, firms are directed to contact:

South Central Texas Regional Certifying Agency
3201 Cherry Ridges Street
Building B, Suite 210
San Antonio, Texas 78230
Office: 210.227.4722.

Online applications:

https://sctrcadotorg.files.wordpress.com/2016/10/dbe_certification_application.pdf

Monitoring Payments to DBEs

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

VIA 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 amount(s) states in the schedule of DBE participation.

ATTACHMENT 1

Definitions

Affiliation has the same meaning the term has in the Small Business Administration (SBA) regulations, 13 CFR part 121.

Except as otherwise provided in 13 CFR part 121, concerns are affiliates of each other when, either directly or indirectly:

- One concern controls or has the power to control the other.
- A third party or parties controls or has the power to control both.
- An identity of interest between or among parties exists such that affiliation may be found.

In determining whether affiliation exists, it is necessary to consider all appropriate factors, including common ownership, common management, and contractual relationships. Affiliates must be considered together in determining whether a concern meets small business size criteria and the statutory cap on the participation of firms in the DBE program.

Alaska Native means a citizen of the United States who is a person of one-fourth degree or more Alaskan Indian (including Tsimshian Indians not enrolled in the Metlaktla Indian Community), Eskimo, or Aleut blood, or a combination of those bloodlines. The term includes, in the absence of proof of a minimum blood quantum, any citizen whom a Native village or Native group regards as an Alaska Native if their father or mother is regarded as an Alaska Native.

Alaska Native Corporation (ANC) means any Regional Corporation, Village Corporation, Urban Corporation, or Group Corporation organized under the laws of the State of Alaska in accordance with the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, et seq.).

Assets mean all the property of a person available for paying debts or for distribution, including one's respective share of jointly held assets. This includes, but is not limited to, cash on hand and in banks, savings accounts, IRA or other retirement accounts, accounts receivable, life insurance, stocks and bonds, real estate, and personal property.

Business, Business Concern or Business Enterprise means an entity organized for profit with a place of business located in the United States, and which operates primarily within the United States or which makes a significant contribution to the United States economy through payment of taxes or use of American products, materials, or labor.

Compliance means that a recipient has correctly implemented the requirements of this part.

Contingent Liability means a liability that depends on the occurrence of a future and uncertain event. This includes, but is not limited to, guaranty for debts owed by the applicant concern, legal claims and judgments, and provisions for federal income tax.

Contract means a legally binding relationship obligating a seller to furnish supplies or services (including, but not limited to, construction and professional services) and the buyer to pay for them. For purposes of this part, a lease is a contract.

Contractor means one who participates, through a contract or subcontract (at any tier), in a DOT-assisted highway, aviation or transit.

Days mean calendar days. In computing any period of time described in this part, the day from which the period begins to run is not counted, and when the last day of the period is a Saturday, Sunday, or Federal holiday, the period extends to the next day that is not a Saturday, Sunday, or Federal holiday. Similarly, in circumstances where the recipient's offices are closed for all or part of the last day, the period extends to the next day on which the agency is open.

Department or DOT means the U.S. Department of Transportation, including the Office of the Secretary, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the Federal Aviation Administration (FAA).

Disadvantaged Business Enterprise or DBE means a for-profit small business concern - that is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

DOT-assisted contract means any contract between a recipient and a contractor (at any tier) funded in whole or in part with DOT financial assistance, including letters of credit or loan guarantees, except a contract solely for the purchase of land.

Good Faith Efforts means efforts to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement.

Home State means the state in which a DBE firm or applicant for DBE certification maintains its principal place of business.

Immediate family member means father, mother, husband, wife, son, daughter, brother, sister, grandfather, grandmother, father-in-law, mother-in-law, sister-in-law, brother-in-law, and domestic partner and civil unions recognized under State law.

Native American Tribe means any Native American tribe, band, nation, or other organized group or community of Indians, including any ANC, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or is recognized as such by the State in which the tribe, band, nation, group, or community resides. See definition of "tribally-owned concern" in this section.

Joint Venture means an association of a DBE firm and one or more other firms to carry out a single, for-profit business enterprise, for which the parties combine their property, capital, efforts, skills and knowledge, and in which the DBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.

Liabilities mean financial or pecuniary obligations. This includes, but is not limited to, accounts payable, notes payable to bank or others, installment accounts, mortgages on real estate, and unpaid taxes.

Native Hawaiian means any individual whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

Native Hawaiian Organization means any community service organization serving Native Hawaiians in the State of Hawaii which is a not-for-profit organization chartered by the State of Hawaii, is controlled by Native Hawaiians, and whose business activities will principally benefit such Native Hawaiians.

Noncompliance means that a recipient has not correctly implemented the requirements of this part.

Operating Administration or OA means any of the following parts of DOT: The Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA). The "Administrator" of an operating administration includes his or her designees.

Personal net worth means the net value of the assets of an individual remaining after total liabilities are deducted. An individual's personal net worth does not include: The individual's ownership interest in an applicant or participating DBE firm; or the individual's equity in his or her primary place of residence. An individual's personal net worth includes only his or her own share of assets held jointly or as community property with the individual's spouse.

Primary Industry Classification means the most current North American Industry Classification System (NAICS) designation which best describes the primary business of a firm. The NAICS is described in the North American Industry Classification Manual—United States, which is available on the Internet at the U.S. Census Bureau Web site: <http://www.census.gov/eos/www/naics/>.

Primary recipient means a recipient which receives DOT financial assistance and passes some or all of it on to another recipient.

Principal place of business means the business location where the individuals who manage the firm's day-to-day operations spend most working hours. If the offices from which management is directed and where the business records are kept are in different locations, the recipient will determine the principal place of business.

Program means any undertaking on a recipient's part to use DOT financial assistance, authorized by the laws to which this part applies.

Race-Conscious measure or program is one that is focused specifically on assisting only DBEs, including women-owned DBEs.

Race-Neutral measure or program is one that is, or can be, used to assist all small businesses. For the purposes of this part, race-neutral includes gender-neutrality.

Recipient is any entity, public or private, to which DOT financial assistance is extended, whether directly or through another recipient, through the programs of the FAA, FHWA, or FTA, or who has applied for such assistance.

Secretary means the Secretary of Transportation or his/her designee.

Set-Aside means a contracting practice restricting eligibility for the competitive award of a contract solely to DBE firms.

Small Business Administration or SBA means the United States Small Business Administration.

SBA certified firm refers to firms that have a current, valid certification from or recognized by the SBA under the 8(a) BD or SDB programs.

Small Business Concern means, with respect to firms seeking to participate as DBEs in DOT-assisted contracts, a small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in §26.65(b).

Socially and Economically Disadvantaged individual means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who has been subjected to racial or ethnic prejudice or cultural bias within American society because of his or her identity as a members of groups and without regard to his or her individual qualities. The social disadvantage must stem from circumstances beyond the individual's control.

(1) Any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis. An individual must demonstrate that he or she has held himself or herself out, as a member of a designated group if you require it.

(2) Any individual in the following groups, members of which are reputably presumed to be socially and economically disadvantaged:

(i) **“Black Americans,”** which includes persons having origins in any of the Black racial groups of Africa.

(ii) **“Hispanic Americans,”** which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race.

(iii) **“Native Americans,”** which includes persons who are enrolled members of a federally or State recognized Indian tribe, Alaska Natives, or Native Hawaiians.

(iv) **“Asian-Pacific Americans,”** which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), Republic of the Northern Marianas Islands, Samoa, Macao, Fiji, Tonga, Kiribati, Tuvalu, Nauru, Federated States of Micronesia, or Hong Kong;

(v) **“Subcontinent Asian Americans,”** which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal, or Sri Lanka.

(vi) Women.

(vii) Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

(3) Being born in a particular country does not, standing alone, mean that a person is necessarily a member of one of the groups listed in this definition.

Spouse means a married person, including a person in a domestic partnership or a civil union recognized under State law.

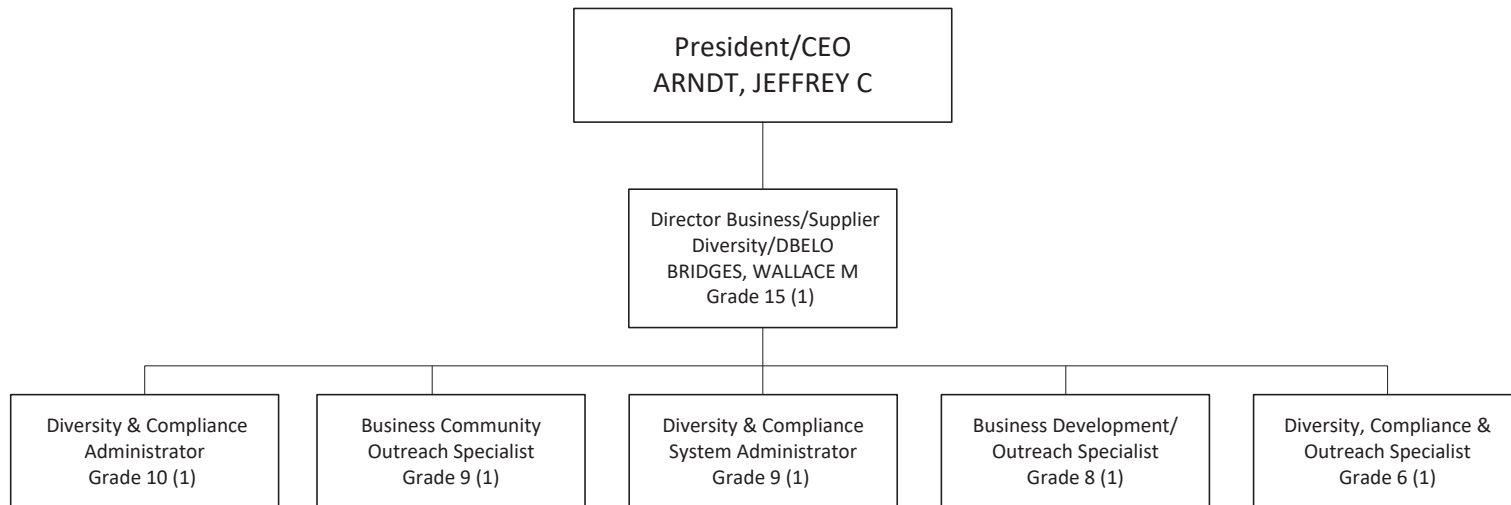
Transit Vehicle Manufacturer means any manufacturer whose primary business purpose is to manufacture vehicles specifically built for public mass transportation. Such vehicles include, but are not limited to: Buses, rail cars, trolleys, ferries, and vehicles manufactured specifically for paratransit purposes. Producers of vehicles that receive post-production alterations or retrofitting to be used for public transportation purposes (e.g., so-called cutaway vehicles, vans customized for service to people with disabilities) are also considered transit vehicle manufacturers. Businesses that manufacture, mass-produce, or distribute vehicles solely for personal use and for sale "off the lot" are not considered transit vehicle manufacturers.

Tribally Owned concern means any concern at least 51 percent owned by an Indian tribe as defined in this section.

ATTACHMENT 2

FY 2020 - May

ADMINISTRATION GROUP OFFICE OF DIVERSITY AND FEDERAL COMPLIANCE



ATTACHMENT 3

9.1.8 CONTRACTOR UTILIZATION PLAN - DISADVANTAGED BUSINESS ENTERPRISE (DBE)

**CONFIDENTIAL INFORMATION
REQUIRED SUBMITTAL**

VIA METROPOLITAN TRANSIT
Contractor Utilization Plan



Instructions: Prime Contractors/Consultants must complete this form by listing: 1) Name of the prime and **all proposed subcontractors**; 2) Contact Information; 3) Description of work to be performed/product to be provided; 4) Status as a DBE or non-certified firm; 5) Age of the firm; 6) Dollar value of commitment; and 7) Percentage (%) of work to be performed. Subcontractors that are listed on this form as DBEs must be certified with a participating Texas Unified Certification Program (TUCP) certifying agency at the time of the bid/proposal submission. The DBE certification must be complete and current at time of bid/proposal submittal. Each subcontractor that is listed on this form as a DBE must complete Form 9.1.9 Intent to Perform as a DBE Subcontractor agreeing to the information listed here. A **certified DBE prime contractor/consultant** is required to perform a minimum of 30% of the contract to demonstrate a **Commercially Useful Function**.

1) Name of PRIME CONTRACTOR	2) Contact Person, Address, and Phone # of firm(s)	3) Description of Work: services provided. Where applicable, specify "supply" or "install" or both	4) DBE or Non-certified	5) Age of Firm	6) Dollar value of commitment	7) % of Work to be Performed
<i>Example:</i> ABC Prime Contractor	John Doe 123 Blvd San Antonio, TX 78213	Installation of shelters	Non	25 years	\$90,000	90%
1) Name of SUBCONTRACTORS	(Please indicate below)					
<i>Example:</i> XYZ Subcontractor	Jim Davis 4567 Main St. San Antonio, TX 78210	Concrete padding	DBE	5 years	\$10,000	10%
Work to be completed by Prime Contractor and all subcontractors must TOTAL 100% →						

This Contractor Utilization Plan (CUP) must be completed as instructed above and include the prime contractor and all subcontractors proposed on this project, including dollars and % of work committed. **If column 7 does not total 100%, the bid submittal will be considered non-responsive.** The undersigned will enter into a formal agreement with the proposed DBE firms for work listed in the CUP upon execution of a contract with VIA. The Contractor agrees to the terms of this CUP by signing below and submitting the Intent to Perform as completed by the DBE subcontractors.

Signature of Authorized Representative of Prime

Date Signed

1) Name of SUBCONTRACTORS	2) Contact Person, Address, and Phone # of firm(s)	3) Description of Work, services provided. Where applicable, specify "supply" or "install" or both	4) DBE or Non-certified	5) Age of Firm	6) Dollar value of commitment	7) % of work to be performed
SUBCONTRACTORS (continued)	(Please indicate below)					
Work to be completed by Prime Contractor and all subcontractors must TOTAL 100% →						

This Contractor Utilization Plan (CUP) must be completed as instructed above and include the prime contractor and all subcontractors proposed on this project, including dollars and % of work committed. **If column 7 does not total 100%, the bid submittal will be considered non-responsive.** The undersigned will enter into a formal agreement with the proposed DBE firms for work listed in the CUP upon execution of a contract with VIA. The Contractor agrees to the terms of this CUP by signing below and submitting the Intent to Perform as completed by the DBE subcontractors.

Signature of Authorized Representative of Prime

Date Signed

ATTACHMENT 4

9.1.9 INTENT TO PERFORM for DBE Goal Requirements



Intent to Perform as DBE Subcontractor

IFB/RFP # _____

Please **STOP HERE** only if the following statement is true: "The Prime Contractor is a certified DBE firm and will self-perform 100% of the contract. No subcontractors will be utilized in performing the requirements of this contract."

All other Prime Contractors must submit a completed Form 9.1.9 – Intent to Perform for DBE Goal Requirements for each DBE Subcontractor listed on Form 9.1.8 – Contractor Utilization Plan – Disadvantaged Business Enterprise.

1. Name of First Tier Certified DBE Subcontractor _____

2. The undersigned is either certified under the Texas Unified Certification Program (TUCP) as DBE or will be at the time this solicitation is due.

(NOTE: In accordance with 49 CFR (Code of Federal Regulations) Part 26, VIA and ATD Board policy, DBE firms participating in VIA's DBE Program must have their certification status with a TUCP Certifying Agency by the due date established for this IFB/RFP.)

3. DBE Goal: The undersigned is prepared to perform the following described work and/or supply the material(s) listed in connection with the above project (where applicable specify "supply" or "install" or both)

and the following price \$ _____ .

(Name of First Tier DBE Subcontractor)

(Signature of Authorized Representative)

(Phone Number)

(Date Signed)

(Name of Prime Company)

(Signature of Authorized Representative)

(Phone Number)

(Date Signed)

ATTACHMENT 5

9.1.10 DOCUMENTATION OF GOOD FAITH EFFORTS – DBE Goal Requirement



DATE: _____

Please read the statements below and check the box that is applicable to you.

- ☐ The Bidder/Proposer is able to meet the DBE contract goal and has completed and submitted 9.1.8 – Contractor Utilization Plan and 9.1.9 – Intent to Perform for DBE Goal Requirements.

If the above statement is true, please STOP HERE.

- ☐ The Bidder/Proposer is unable to meet the DBE contract goal. Please continue to page 2 of this section.

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

PRINTED NAME: _____ SIGNATURE: _____ TITLE: _____

REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK.

9.1.10 DOCUMENTATION OF GOOD FAITH EFFORTS – DBE Goal Requirement



DATE: _____

If you have not demonstrated attainment of the required DBE participation needed to meet the contract goal, you MUST complete and submit this form along with 9.1.8 – Contractor Utilization Plan – Disadvantaged Business Enterprise (DBE) and 9.1.9 – Intent to Perform for DBE Goal Requirements.

BIDDER/PROPOSERS: If the Bidder/Proposer is unable to meet the DBE Goal, ALL SECTIONS of this completed form MUST BE furnished along with all required supporting documentation at the time of bid submittal. Should the Bidder/Proposer fail to comply with this request, the bid shall be considered NON-RESPONSIVE.

Bid/Proposal # _____

Bid/Proposal Amount: \$ _____

Project Title: _____

_____ has not fully satisfied the requirements of the bid/proposal specifications for the above bid by VIA in the following manner. *Please check the appropriate box.*

Name of Bidding Firm

- ☐ The Bidder/Proposer is unable to meet the DBE contract goal, however the Bidder/Proposer is committed to a minimum of _____ % DBE utilization on this contract and has completed 9.1.9 – Intent to Perform for DBE Goal Requirements, along with all Good Faith Efforts documentation.
- ☐ The Bidder/Proposer is unable to meet the DBE contract goal and has completed and submitted 9.1.8 – Contractor Utilization Plan along with all required supporting Good Faith Efforts documentation.

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

PRINTED NAME: _____ SIGNATURE: _____ TITLE: _____

INSTRUCTIONS: Please, complete Sections A through C, and include all specific supporting documentation, as outlined below. If you feel that any section of this form is Not Applicable, DO NOT write Not Applicable or N/A. You must provide a written statement as to why the section is Not Applicable to your response.

- ☐ SPECIFIC PORTIONS OF WORK IDENTIFIED FOR DBE SUBCONTRACTOR(S): Complete Section A.
- ☐ NOTIFYING CERTIFIED DBEs OF CONTRACTING OPPORTUNITIES: Please, attach a copy of the announcement and written notices distributed to DBEs. *Example: Newspaper announcement, mail or email correspondence, community outreach notices, etc.* Complete Section B.
- ☐ INITIAL SOLICITATION & FOLLOW-UP: Bidder/Proposers may solicit from any state Unified Certification Program (UCP). Complete Section C.

9.1.10 DOCUMENTATION OF GOOD FAITH EFFORTS – DBE Goal Requirement

- A. **SPECIFIC PORTIONS OF WORK IDENTIFIED FOR DBE SUBCONTRACTOR(S):** You MUST list all selected scopes or portions of work to be performed by DBE firms in order to increase the likelihood of meeting the contract goal for this project and the estimated value of each scope or portions of work identified. Use additional pages, if warranted.

Scope or Portions of Work Identified for DBE Participation		Estimated Value	% of Contract Value
1		\$	
2		\$	
3		\$	
4		\$	
5		\$	
6		\$	
7		\$	
8		\$	
9		\$	
10		\$	
11		\$	
12		\$	
13		\$	
14		\$	
15		\$	
16		\$	
17		\$	
18		\$	
19		\$	
20		\$	
TOTALS			

9.1.10 DOCUMENTATION OF GOOD FAITH EFFORTS – DBE Goal Requirement



B. NOTIFYING CERTIFIED DBEs OF CONTRACTING OPPORTUNITIES: Please complete all fields below, list all sources of advertisement and outreach to DBE firms.

I. Did you attend all pre-bid and/or outreach meeting(s) scheduled by VIA to inform DBEs of subcontracting opportunities?

YES	NO	Date of Meeting

II. You MUST identify publications in which announcements or notifications were placed and published. Include a copy of each notification. *Shaded area to be completed by ODFC office staff only.*

Source of Advertising/Outreach	What subcontracting areas of work were advertised?	Date of Ad	Deadline for Submittal		ODFC VERIFICATION
			Date	Time	
1.					
2.					
3.					
4.					

C. INITIAL SOLICITATION & FOLLOW-UP: You MUST complete all fields below, list all certified DBE firms that received written notification of work items to be subcontracted. If no response was received to the initial solicitation, you must indicate when firms received subsequent telephone or email solicitation (list delivery or read receipts date and certified firm's response). **You must include copies of the physical and/or electronic notice(s) sent to certified firms.**

DBE Firm & Contact	Phone	Scope of Work Solicited	Date of Written Notification	Result of Initial Communication	Date of Follow-Up and Method of Contact (P = Phone, F = Fax, E = Email)		Result of Follow-Up Communication
Ex: ABC Company/Jane Smith	(337) 321-4567	Legal Services	01/01/19	Will submit quote	01/10/19	E	Quote received on 01/12/19
1.							
2.							

9.1.10 DOCUMENTATION OF GOOD FAITH EFFORTS – DBE Goal Requirement



DBE Firm & Contact	Phone	Scope of Work Solicited	Date of Written Notification	Result of Initial Communication	Date of Follow-Up and Method of Contact (P = Phone, F = Fax, E = Email)		Result of Follow-Up Communication
Ex: <i>ABC Company/Jane Smith</i>	(337) 321-4567	Legal Services	01/01/19	Will submit quote	01/10/19	E	Quote received on 01/12/19
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							



Disadvantaged Business Enterprise (DBE) Program Termination/Substitution Request Form

Form 1001

Page 1 of 1

Prior to submitting this form to VIA you must notify the DBE in writing of your intent and allow the DBE five(5) days to respond.

Project #:				Project Name:		Contracts Specialist:	
Request Date:							
Prime Contractor:							
Date Prime determined DBE unwilling, unable or ineligible:							
List Previous Approved Subcontractor:				Proposed Subcontractor:			
Bid Item	Work Description	Committed Dollar Amount	Remaining Dollar Amount	Bid Item	Work Description	Dollar Amount	
Total \$				Total \$			

Will termination/substitution result in a goal shortfall? ☐ Yes ☐ No If so, how much? _____

Projected date Proposed Subcontractor will commence work? _____

Reason(s) for termination/substitution. Check Appropriate Block.

- ☐ **The listed DBE** is no longer in business.

☐ **The listed DBE** failed or refused to perform the contract or furnish the listed materials.

☐ The work performed by **the listed DBE** was unsatisfactory and was not in accordance with the scheduled plans and specifications.

☐ **The listed DBE** requested removal.

☐ Other issues not listed:

Provide copy(s) of: Letter to terminate, DBE termination agreement statement or if applicable, DBE letter of voluntary removal request.

Contractor Signature:		Date:
<input type="checkbox"/> Approved <input type="checkbox"/> Rejected	Reason:	
DBELO Signature:		Date:

Use VIA's Documentation of Good Faith Efforts Form if a good faith effort is applicable.