



# Disadvantaged Business Enterprise Program (DBE)

JANUARY 1, 2024



## Maurice Bridges

DBE Liaison Officer

Director of Business/Supplier Diversity  
Office of Diversity and Federal Compliance

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GRANTEE ID: 1937



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**Policy Statement:**


VIA Metropolitan Transit Authority (VIA) is a direct recipient of U.S. Department of Transportation (DOT) funds. Thus, VIA is required to have a Disadvantaged Business Enterprise (DBE) Program. This regulatory mandate meets the requirements of the Federal Transit Administration (FTA). As a condition of this assistance, VIA has signed an assurance that it will comply with 49 CFR Part 26, Subpart A.

VIA's DBE Program policy ensures that DBEs, as defined by 49 CFR Part 26, have the maximum opportunity to participate in the performance of projects financed in whole or in part with Federal funds on all VIA's solicitations. 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 located at 800 W. Myrtle Street, San Antonio, TX 78212; (210) 362-2071; [maurice.bridges@viainfo.net](mailto: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 including, providing nondiscrimination in the award and administration of DOT-assisted contracts; creating a level playing field on which DBEs can compete for DOT-assisted contracts; providing a DBE program that is narrowly tailored in accordance with applicable law; confirming that only firms that fully meet the requirements of 49 CFR Part 26 eligibility standards are permitted to participate as DBEs; helping to eliminate barriers for the participation of DBEs in DOT-assisted contracts; and assisting in furthering the development of firms that can compete successfully beyond the DBE program.

VIA's Office of Diversity & Federal Compliance will disseminate this policy document to the Board of Trustees, Executive Management Team, certified DBE firms and non-certified firms and firms interested in bidding on DOT-assisted contracts. The DBE Plan will be posted on VIA's web portal. The DBE Plan will be distributed electronically or in paper form upon request.

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 the Board of Trustees at VIA's Advanced Transportation District and the Executive Management Team share in the responsibility for making the DBE Program a success.

  
\_\_\_\_\_  
Jeffrey C. Arndt  
President/CEO

12/26/2023  
\_\_\_\_\_  
Date



## **SUBPART A – GENERAL REQUIREMENTS**

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### **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, nor deny any person the benefits of, or discriminate 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 provide quotes on DOT-assisted contracts. The purpose of this requirement is to allow use of a bidders list approach to calculating overall goals. The bidder's list must include the name, address, DBE or non-DBE status, and annual gross receipts. VIA will obtain the noted information by requiring all prime contractors bidding on DOT assisted contracts to submit Business Questionnaire, Contract Utilization Form, Intent to Perform and Documentation of Good Faith Efforts at the time of submittal of its bid/proposal. The forms must be completed by the prime contractor/consultant and all subcontractors submitting a bid to the prime for the solicitation.

### **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. Failure to carry out terms shall be treated as a violation of this agreement. Upon notification of VIA's failure to carry out its approved program, sanctions may be imposed 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 contracts: "The Contractor, sub-recipient, or Subcontractor shall not discriminate based on race, color, national origin, or sex in the performance of contracts. The Contractor must 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 a contract, or such other remedy as the deemed appropriate, to possibly include the termination of contract, withholding monthly progress payments, liquidating 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**

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**Section 26.21 DBE Program Updates**

Since VIA 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. 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 or are interested in DOT-assisted contracts. The policy statement is also available at [www.viainfo.net/odfc/#dbe](http://www.viainfo.net/odfc/#dbe). The Policy Statement is provided 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](mailto: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, ensuring nondiscrimination in the award and administration of DOT-assisted contracts; ensuring that DBEs can compete fairly for DOT-assisted contract opportunities; enforcing that the DBE program is narrowly tailored in accordance with applicable laws; confirming 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 beyond 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 the agency's Business/Supplier Diversity initiatives. Thus, helping to ensure compliance with federal regulations to meet federal funding requirements. Six (6) full-time employees are responsible for implementing all aspects of the DBE program.

**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. Develops and implements training programs for internal and external stakeholders to help promote and comply with all DBE federal regulations and SBE initiatives.

**Compliance & Reporting Analyst (1)** is responsible for evaluating bids and proposals to determine responsiveness to the goal and verifies all DBE and SBE certifications is documented and submitted correctly. Incumbent serves as the liaison with project managers to maintain that DBE's and SBE's perform in accordance with terms, conditions and specification of the contract or purchase order. This position is responsible for inputting all contract payments to contractors and subcontractors to ensure prompt payment related matters for DBE and SBE participation and commitments.

**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 have maximum opportunities to bid on all solicitations. Participates in pre-bid meetings.

**Compliance 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 Compliance Administrator and Compliance & Reporting Analyst producing US DOT reports for semi-annual Federal Transit Administration. Assists with entering payments on all operational spending contracts monthly. Identifies, investigates, and analyzes discrepancies related to DBE and SBE compliance and assists in developing corrective actions.

### **Section 26.27 DBE Financial Institutions**

It is the policy of 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 Specialist.

If the Prime Contractor fails or refuses to comply with the terms of this policy, as set forth in such Contractor's contract, VIA 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., copies of cashed 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 noncompliance with the DBE requirements. Such sanctions include, but are not limited to, sending cure notice of non-compliance, stop work order, and/or withholding of payment to the Contractor until corrective action is taken.

### **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 and North American Industry Classification System (NAIC) codes, the firm has been certified to perform. 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 is 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:

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, send a cure notice, stop work order, 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 and are performing a Commercial Useful Function (CUF). 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 if scheduled, to inform the contractor of the DBE Requirements and other matters, prior to or immediately after Notice to Proceed is issued. The DBE Plan is located on the VIA website [www.viainfo.net/odfc#dbe](http://www.viainfo.net/odfc#dbe). 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 is 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:

- 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.
- Only those businesses that are certified as a Small Business Enterprise (SBE) with any of the following six (6) Texas Unified Certification Program (TUCP) are eligible to participate in the SBE Program
  - Texas Department of Transportation (TxDOT)
  - South Central Texas Regional Certification Agency (SCTRCA)
  - North Central Texas Regional Certification Agency (NCTRCA)
  - City of Austin
  - City of Houston
  - Corpus Christi Regional Transportation Authority (CCRTA)
- Apply 49 CFR 26.67 to establish the economic threshold of a small business owner to be considered economically disadvantaged.
- Select contracts under \$50,000 will be identified to allow and encourage small businesses to bid as prime contractors. Contracts included in the SBE Program will be held to similar compliance standards as applied to VIA's DBE program and set forth in 49 CFR part 26.

## **SUBPART C – GOALS, GOOD FAITH EFFORTS AND COUNTING**

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### **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 greatest extent possible, the goal will be met using means that are race neutral. Where race neutral means are insufficient, contract-specific goals will be set by VIA to assist it in achieving its overall agency DBE goal.

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

VIA establishes an overall DBE goal every three (3) years and contract-specific DBE goals when appropriate. When needed, VIA will utilize the services of a consultant for supportive services to assist with establishing the triennial goal.

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

Step 1: The current bidders list compiled by VIA will be used to determine the number of "ready, willing, and able" DBE firms and the number of all equally qualified other than DBE

firms. Each firm will be required to provide NAICS code(s) to identify performance capabilities. VIA ODFC will then receive forecasted DOT-assisted contracts from all departments. This is for determining subcontracting opportunities by NAICS code by contract and assign estimated dollars based on the in-house provided information. 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 comparable to the previous three years of DOT-assisted spending. If 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 dissimilar, 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 as appropriate.

When establishing or revising a DBE goal, VIA will:

1. Consult with all appropriate small businesses, minority, women's and general contractor groups, community organizations, and other stakeholder groups.
2. Publish (in general circulation, minority-focused media, and trade publications) notices announcing the overall goal and a description of the methodology used on VIA's website. The public will be invited to submit comments to the VIA within thirty (30) days of the date of publication.
3. All information related to this matter will be provided on VIA's website. The Agency's overall goal submission to USDOT will include a summary of information and comments received during this public participation process plus responses. VIA will begin using the overall goal on October 1st of each year unless receipt of other instructions from Federal Transit Administration. If VIA establishes a contract specific goal usage begins at the time of the first solicitation.

Goal Setting Methodology (Submitted for 3-Year Goal FY 2023-2025) The process by which VIA established its DBE goal for FY 2023-2025 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 non-DBE businesses ready, willing, and able to participate in its DOT-assisted contracts within its identified region. The goal reflects VIA's determination of participation, absent the effects of discrimination. In setting the overall goal for FY 2023-2025, VIA referenced the relative availability of DBEs in its market. VIA's "marketplace" is Bexar County, Texas, and the surrounding area. VIA utilizes the U.S. Census Bureau's business information to determine the availability of firms capable meeting the projected goal.

To establish a base figure, VIA considers DOT-funded projects budgeted for award in FY 2023-2025 and corresponding NAICS Codes. In Column 3, VIA identified the percentage of dollars budgeted for each NAICS Code. Next, VIA analyzed the 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 South Central Texas Regional Certification Agency to calculate the number of certified DBEs for each 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 FY2023-FY2025 Goal Setting Methodology is available on the VIA website [www.viainfo.net/odfc#dbe](http://www.viainfo.net/odfc#dbe).

### **Section 26.47 Goal Setting and Accountability**

If the awards and commitments shown on VIA's Uniform Report of Awards, 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 milestones 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 (TVM) Goals**

VIA will require each TVM, as a condition of being authorized to bid, or propose on USDOT assisted transit vehicle procurements, to certify that it has complied with the requirements of 49 CFR Part 26.49. Thus, complying 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 TVMs. 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 providing 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 with goal calculations.

### **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 will 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 submitting a request to terminate, the prime contractor must give written notice to the DBE of their intent to terminate or substitute. 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 the noted DBE with another certified DBE to remain in compliance. VIA will require the prime contractor to notify the DBE Liaison Officer immediately of the DBE's inability or unwillingness to perform with 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.

**Administrative Reconsideration Notice and Procedure (26.53(d))**

When a bidder/offeror is deemed not responsive because it did not meet the goal or did not provide documentation of adequate good faith efforts, it will be provided a 'Notice of Not Responsive'. Within five (5) business days of being informed by VIA that it is not responsive, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: Leslie Blalock, Chief Audit Officer, 800 W. Myrtle, San Antonio, Texas 78212, (210) 362-2064, leslie.blalock@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 and/or argument concerning the issue of whether it met the goal or made adequate good faith efforts. The bidder/offeror will have the opportunity to meet in person with our reconsideration official to discuss pertinent issues. VIA will send the bidder/offeror a written decision regarding the reconsideration. 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 the agency's 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 at the time specified, the Contract Specialist will issue an order stopping all or part of payment/work until satisfactory action has been

taken. If the contractor fails to comply, the Contract Specialist 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**

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### **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 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 (TxDOT), 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  
Durango Bldg.  
W. Cesar E. Chavez Blvd.  
Ste. 3.324-K  
San Antonio, Texas 78207  
[support@sctrca.org](mailto:support@sctrca.org)

Online applications:  
<https://sctrca.org/>

### **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.

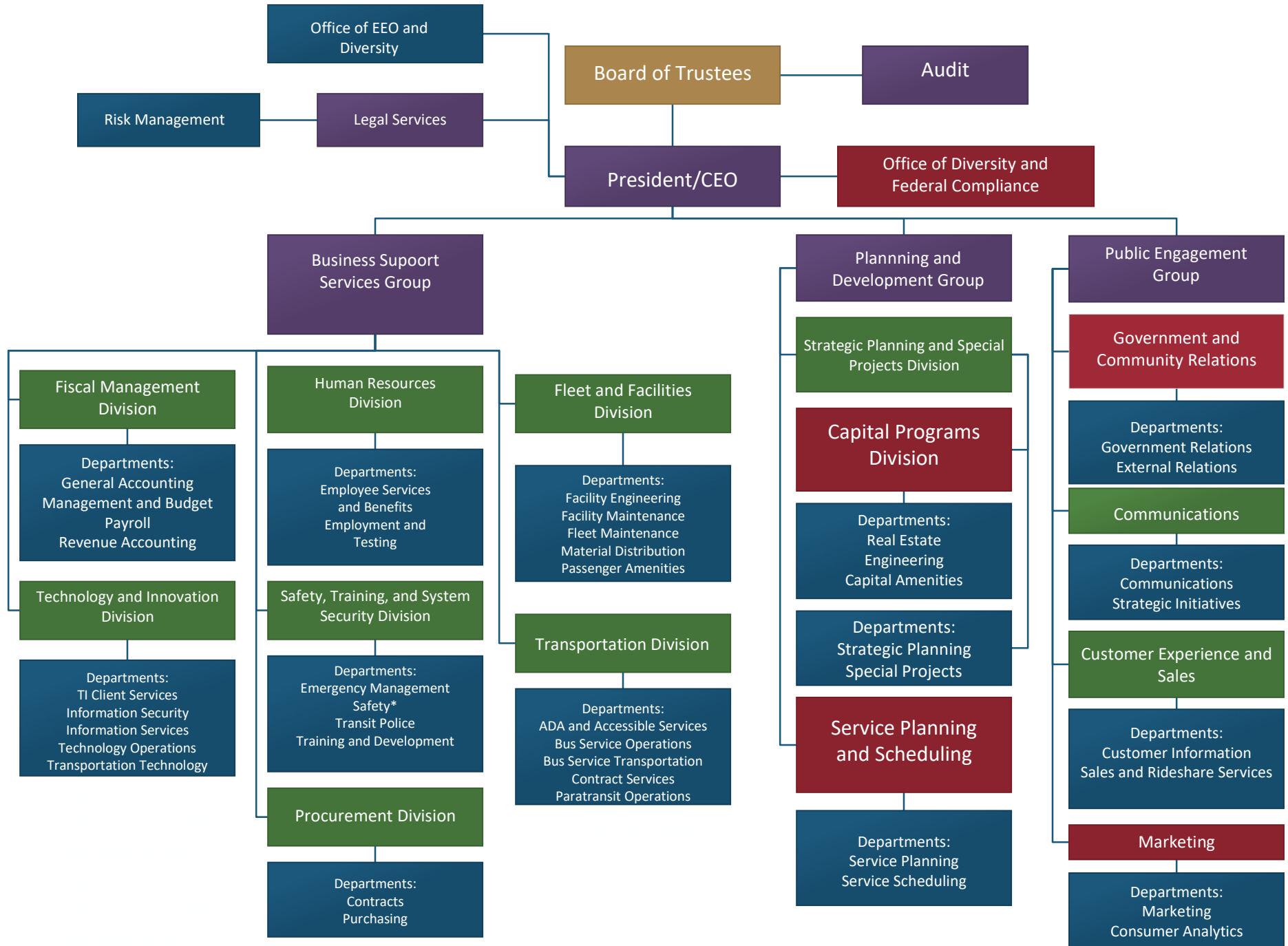
**Spouse** means a married person, including a person in a domestic partnership or a civil union recognized under State law.

**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

## VIA Metropolitan Transit Organizational Chart



\*Safety officer has direct, independent access to the CEO.



# 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 <b>TOTAL 100%</b> →						

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
<b>SUBCONTRACTORS</b> (continued)	(Please indicate below)					
Work to be completed by Prime Contractor and all subcontractors must <b>TOTAL 100%</b> →						

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		Result of Follow-Up Communication
					(P = Phone, F = Fax, E = Email)		
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		Result of Follow-Up Communication
					(P = Phone, F = Fax, E = Email)		
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
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.

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

**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.**

- |  |   |
|--|---|
| <input type="checkbox"/> <b>The listed DBE</b> is no longer in business.   | <input type="checkbox"/> <b>The listed DBE</b> requested removal. |
| <input type="checkbox"/> <b>The listed DBE</b> failed or refused to perform the contract or furnish the listed materials.                                      | <input type="checkbox"/> Other issues not listed:                 |
| <input type="checkbox"/> The work performed by <b>the listed DBE</b> was unsatisfactory and was not in accordance with the scheduled plans and specifications. |   |

<b>Provide copy(s) of: Letter to terminate, DBE termination agreement statement or if applicable, DBE letter of voluntary removal request.</b>	
<b>Contractor Signature:</b>	<b>Date:</b>
<input type="checkbox"/> Approved <input type="checkbox"/> Rejected <b>Reason:</b>	
<b>DBELO Signature:</b>	<b>Date:</b>

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