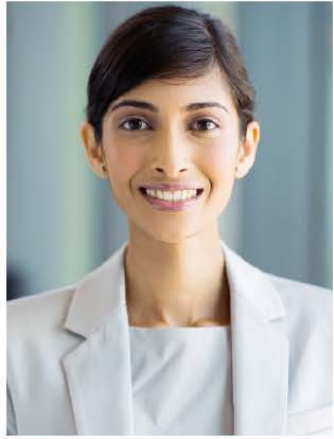


# DBE | DISADVANTAGED BUSINESS ENTERPRISE



2023-2025

# DBE PROGRAM PLAN



JACKSONVILLE  
TRANSPORTATION  
AUTHORITY

*Diversity, Equity, Inclusion & Belonging*



TEAMWORKS



COMMUNITYWORKS



**DISADVANTAGED BUSINESS ENTERPRISE**

**PROGRAM PLAN**

**2023 - 2025**

**JACKSONVILLE TRANSPORTATION AUTHORITY**

**100 LA VILLA CENTER DRIVE**

**JACKSONVILLE, FLORIDA 32204**

**DIVERSITY, EQUITY,**

**INCLUSION & BELONGING**

**DEPARTMENT**

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## **Subpart A – General Requirements**

### **Section 26.1 Objectives**

The Jacksonville Transportation Authority (JTA) Disadvantaged Business Enterprise (DBE) program is a comprehensive program, developed by the U.S. Department of Transportation (DOT), which establishes guidelines for the participation of firms owned and operated by socially and economically disadvantaged persons in DOT-assisted contracting.

As a major provider of public transportation and whose employees have extensive daily contact with the public, the Jacksonville Transportation Authority recognizes its responsibility to the community which it serves and is committed to a policy of non-discrimination.

Listed below are the Authority Objectives/Policy Statement (26.1, 26.3) for the public.

- (a) To ensure non-discrimination in the award and administration of DOT-assisted contracts in the Department's highway, transit, and airport financial assistance programs.
- (b) To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts.
- (c) To ensure that the Department's DBE program is narrowly tailored in accordance with applicable law.
- (d) To ensure that only firms that fully meet this part's eligibility standard are permitted to participate as DBEs.
- (e) To help remove barriers to the participation of DBEs in DOT-assisted contracts.
- (f) To promote the use of DBEs in all types of federally assisted contracts and procurement activities conducted by recipients.
- (g) To assist the development of firms that can compete successfully in the marketplace outside the DBE program; and
- (h) To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

### **Section 26.3    Applicability**

The JTA receives Federal financial assistance from the U.S. Department of Transportation (USDOT) and, as a condition of receiving this financial assistance, the JTA has signed an assurance that it will comply with 49CFR Part 26. In accordance with these regulations, the JTA has established a Disadvantaged Business Enterprise (DBE) program.

### **Section 26.5    Definitions**

The JTA has adopted the definition of terms set forth in 49 Code of Federal Regulation, Part 26 of its DBE program.

### **Section 26.7    Non-discrimination**

The JTA will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 based on race, color, sex, or national origin.

In administering its DBE program, the JTA will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or 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 (b) Recordkeeping**

The JTA will report DBE participation to the FTA using the electronic semi-annual Uniform Report of DBE Awards or Commitments and Payments, through TrAMS-Web. These reports will capture the awards made to Primes and Subcontractors on DOT-assisted contracts; as required 49 CFR Part 26, Appendix B. The June 1 report includes information from October 1 through March 31. The December 1 report includes information from April 1 through September 30.

### **Bidder's List Section 26.11 (c)**

The JTA will create and maintain a bidder's list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidder's list approach to

calculate overall goals. The bidder's list will include the name, address, DBE non-DBE status, age, and annual gross receipts of firms.

### **Section 26.13 Recipients' and Contractors' Assurances**

Each contract signed with a contractor/consultant (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

- (a) The recipient 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 49 CFR Part 26.
- (b) The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure non-discrimination in the award and administration of DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement.
- (c) Implementation of this program is a legal obligation and failure to conduct its terms shall be treated as a violation of this agreement.
- (d) Upon notification to the recipient of its failure to conduct its approved program, the DOT may impose sanctions as provided for under 49 CFR 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).

Each contract signed with a contractor/consultant, which is funded with Federal Funding, will include the following assurances:

#### **1. Contract Assurance (49-CFR Part 26.13)**

- (a) The contractor, sub recipient or subcontractor shall not discriminate based on race, color, national origin, sex, and religion in the performance of this contract. The contractor shall conduct applicable requirements of 49-CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to conduct these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

#### **2. Prompt Payment (49-CFR Part 26.29)**

- (b) JTA's DBE program requires prime contractors to include as a part of every subcontract (including non-DBE subcontracts) for work and material a Prompt Payment Clause. The Prompt Payment Clause requires payment to all subcontractors, for all consulting, labor and materials for work completed within seven business days of the Prime's receipt of progress/final payment



from the JTA for said work. The failure by the prime contractor to conduct the requirements of the Prompt Payment Clause, without just cause, is a material breach of any JTA contract. Accordingly, said breach may result in JTA withholding future payments from the prime contractor until all delinquent payments have been made, termination of the contract or other such remedy as the Diversity, Equity, Inclusion & Belonging Office JTA deems appropriate.

### **3. Return of Retainage (49-CFR Part 26.29)**

(c) Prime contractors are required to ensure prompt and full payment of retainage to all subcontractors within 30 days after the subcontractor's work is satisfactorily completed. Prime contractors are prohibited from holding retainage from subcontractors until the project is completed. A subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the JTA. When JTA has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

### **4. Monitoring the Performance of Other Program Participants (49-CFR Part 26.37)**

- (d) The JTA will monitor each DOT-funded contract with DBE participation to ensure that all work committed to DBEs at contract award or subsequently (because of contract modification) is performed by the DBEs to which the work was committed. Staff will periodically conduct site visit. Contractor's Request for Payment forms will be monitored to ensure that DBEs are being paid in accordance with their signed agreement.
- (e) All prime contractors/consultants will be required to self-report all payments received from the JTA into the B2GNow (contract compliance tracking system). This system tracks payments made to the prime contractor and all payments made by the prime to any subcontractors, to include DBEs, and the timeliness of those payments in accordance with JTA's Prompt Payment Clause.

### **5. Termination for Convenience (49-CFR Part 26.53)**

- (f) No prime contractor/consultant will terminate for convenience a DBE subcontractor that was listed and agreed to perform a project task (or an approved substitute DBE firm) and then perform the work of the terminated subcontract with its own forces or those of an affiliate, without prior written consent from JTA's Diversity, Equity, Inclusion & Belonging Office.
- (g) The prime contractor shall utilize the specific DBEs listed to perform the work and supply the materials for which each is listed unless the prime

contractor obtains written consent from JTA's Diversity, Equity, Inclusion & Belonging Office; and unless the consent is provided the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

- (h) Appropriate administrative remedies will be invoked to any prime contractor that terminates and/or removes a DBE firm/s for convenience. Those remedies may include requirement to pay terminated DBE firm/s; withholding of future payments and/or retainage; and/or disbarment from future consideration of project awards with the JTA.

Each contract signed with a contractor/consultant, which is funded with federal funding, will include a clause that requires that the contractor/consultant "flow down" these assurances to each applicable subcontract.

## **Subpart B – Administrative Requirements**

### **Section 26.21 DBE Program Updates**

Transportation agencies such as the JTA, that are awarded \$250,000 or more in federally funded contracts in a federal fiscal year, are required to participate in the DBE program. JTA will continue to conduct this program until all funds from DOT financial assistance have been expended. We will provide the FTA updates representing significant changes in the program.

### **Section 26.23 Policy Statement**

The policy statement is listed on the first page of the JTA DBE Program Plan. The JTA has issued a signed and updated policy statement that expresses its commitment to the DBE program, which states the objectives, and outlines responsibilities for its implementation. The statement will be circulated throughout the organization and to the DBE and non-DBE business communities that perform work on the JTA DOT-assisted contracts. The policy statement is found in **Attachment 1** of the DBE Program Plan.

### **Section 26.25 Liaison Officer (DBELO)**

The Chief Executive Officer has designated the Assistant Vice President - Diversity, Equity, Inclusion & Belonging Office, as the DBE Liaison Officer

(DBELO).

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the JTA complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the Chief Executive Officer concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in **Attachment 2** to this program. The DBELO is responsible for developing, implementing, and monitoring the DBE program, in coordination with other appropriate officials. The duties and responsibilities include the following:

- (a) Gathers and reports statistical data and other information as required by DOT.
- (b) Reviews third party contracts and purchase requisitions for compliance with this program.
- (c) Works with all departments to set overall annual goals.
- (d) Ensures that solicitation notices are available to DBEs in a timely manner.
- (e) Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment) and identifies ways to improve progress.
- (f) Analyzes the JTA's progress toward attainment and identifies ways to improve progress.
- (g) Participates in pre-solicitation conferences.
- (h) Advises the CEO/governing body on DBE matters and achievement.
- (i) Provides DBEs with information and assistance in preparing offers, obtaining bonding and insurance.
- (j) Plans and participates in DBE training seminars.
- (k) Acts as liaison to the Uniform Certification Program in the State of Florida.
- (l) Provides outreach to DBEs and community organizations to advise them of opportunities.
- (m) Monitors payments to DBEs for work committed to them at the time of contract award.

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

It is the policy of the JTA to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors/consultant on DOT-assisted contracts to make use of these institutions. Notification of solicitations for financial services will be sent to the institutions identified in the United States Department of Treasury, Financial Management Services Division, Minority Bank Deposit Program (MBDP) listings of financial institutions in the State of Florida.

The availability of such institutions can be obtained at the U.S. Department of Treasury website: <https://www.fiscal.treasury.gov/index.html>

### **Section 26.29 Prompt Payment**

Language will be included in each DOT-assisted contract stating the prime contractor/consultant agrees to pay each subcontractor under the prime contract for satisfactory performance of its contract no later than seven business days from the receipt of each payment the prime contractor receives from the JTA. The prime contractor must agree further to return retainage payments to each subcontractor within thirty business days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced period may occur only for worthy cause following prior written approval from the JTA's Diversity and Equity Program Office. This language applies to both DBE and non-DBE subcontracts. Failure to satisfy prompt payment to subcontractors no later than seven business days from the receipt of payment from the JTA may constitute a breach of contract for work, and the JTA may withhold payments to the contractor or exercise its other remedies under such contract including, but not limited to, termination of the contractor, or commencing suspension or debarment proceedings.

The JTA agrees to pay its contractors/consultant (both DBE and non-DBE primes), under direct contract with the JTA, within thirty calendar days providing receipt of all proper invoices and support documentation was submitted to the JTA project manager. The project manager will be responsible for reviewing, approving, and submitting payment invoices via the finance department.

### **Section 26.31 DBE Directory**

The JTA is required to participate in the Uniform Certification Program (UCP). The combined statewide directory, identifying all firms eligible to participate as a certified DBE, may be located at the Florida Department of Transportation (FDOT) website:

<https://fdotxwp02.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/>

### **Section 26.33 Overconcentration**

The JTA has not identified that overconcentration exists in the types of work that DBEs perform. If the JTA determines that DBE firms are overconcentrated in a certain type of work as to unduly burden the opportunity of non-DBE firms to participate in this type of work, the JTA must devise appropriate measures to address this overconcentration.

The JTA completed an overconcentration analysis in May 2022. The analysis conducted identified that DBEs were not overconcentrated related to NAICS codes. The JTA will conduct an overconcentration analysis every three years in accordance with the JTA triennial overall DBE goal schedule. **See Attachment 4.**

### **Section 26.35 Business Development Programs**

The Jacksonville Transportation Authority (JTA) was awarded a \$200,000 Workforce Development Grant back in August 2015, from the U.S. Department of Transportation's Federal Transit Administration (FTA). The grant was a 50/50 match by JTA totaling \$400,000. The grant was provided through the FTA's Innovative Public Transportation Workforce Development program.

The grant was used to fund JTA's new Back-2-Work JTA Mobility Works Workforce Development Program that helped recruit, train, retain and educate a high-quality transportation workforce to meet current and future industry needs.

The program was designed to implement a new and innovative, fresh approach towards matching skills to jobs and business opportunities in Jacksonville. Strategic partnerships were formed as a component of the Back-2-Work program. JTA worked with partner agencies in a collaborative effort that helped develop a sustainable construction workforce in Jacksonville and surrounding counties through job creation, contract opportunities and training classes for small disadvantaged business owners.

Program goals included: Pairing needs with resources; Developing and providing replicable training opportunities; Creating and expanding opportunities for small and disadvantaged businesses; and reducing health, safety and wealth disparities. Seminars included but were not limited to: Bonding / Insurance / Financing / Project management / Internal business operations / Negotiate contracts / DBE participation / Team Building and workforce preparation.

Although the program was only funded for three years and ended in September 2018, JTA continues to offer trainings, seminars, and workshops for the small and disadvantaged business community to assist them in developing and growing their firms.

Workforce Development & Training Program - Due to capacity and supply-chain issues, the local economy faces major challenges resulting from strong demand rebound and rigidity in supply. Labor shortage and rising wages reflect a tight labor market, which has presented challenges in recruiting workers. Since the labor force has not fully returned to the pre-pandemic level, the labor market can still loosen up if the economic incentives outweigh the health concerns. This plans a comprehensive assessment of existing labor force conditions and anticipated workforce needs to successfully deliver projects identified in the Local Option Gas Tax – Jobs for Jax Program. The Jobs for Jax Program will generate approximately \$930 million in transportation and road projects for the City of Jacksonville and Jacksonville Transportation Authority over the next 30-years.

JTA has a rich and proud history in ensuring that DBE firms and other small businesses are given a fair and equal opportunity to compete for contract opportunities. JTA has surpassed its agency DBE goal each of the last two years. It is with that same vision that JTA seeks to further enrich opportunity within the community in the areas of job development and training.

Mentor Protégé Program –As part of the JTA’s Infrastructure Program to Economically Strengthening Businesses and Our Communities as We Construct Projects, the JTA developed its Mentor/Protégé Program. The goal of the Mentor Protégé Program (the “Program”) is to enhance the capability of disadvantaged and small business owners to compete on the Authority’s procurement opportunities. The Program encourages private-sector relationships and expands the Authority’s efforts to identify and respond to the developmental needs of small and disadvantaged businesses.

The Program will be initiated by the designated contractor and overseen by the JTA Diversity, Equity, Inclusion & Belonging Department in conjunction with the System Development Division. Contractors should include a meaningful Mentor/Protégé initiative as part of its submission.

Program Goals:

The Program has the following goals:

1. Motivate and encourage mentors to provide developmental assistance to protégés;
2. Maximize small business access to JTA’s procurement programs;
3. Foster long-term business relationships;
4. Enhance small businesses core capabilities; and
5. Increase subcontracting opportunities.

#### Program Benefits:

The Authority believes that the Program has the following benefits to the Mentor:

1. Goodwill and corporate responsibility;
2. Long-term relationship with a potential subcontractor(s);
3. Development of innovative approaches to successfully complete projects;
4. Potential joint venture opportunities with small businesses.

The Authority believes that the Program has the following benefits for the Protégé:

1. Business and/or financial management;
2. Business planning and projections;
3. Business Development;
4. Long-term relationship with a potential prime contractor,
5. Develop innovative approaches and technology;
6. Potential Joint Venture with large business; and
7. Develop strong business capabilities to compete and perform in government contracts.

#### Program Procurement Implementation Plan

##### Invitation to Bid (“ITB”) Process:

For ITB’s, bidders shall include in their bid the following information:

1. A description of the Mentor Protégé relationship;
2. The commitment to the Mentor-Protégé relationship demonstrated by the opportunities developed from the relationship;
3. A formal curriculum describing the training and technical assistance offered to the Protégé;
4. The description shall include developmental milestones that accurately demonstrate progress from the relationship;
5. The anticipated duration of the Mentor Protégé relationship; and
6. A copy of the memorandum of understanding between the Mentor and Protégé

Bidders are free to partner with any company that they believe could benefit from a business relationship with their firm. Mentors are encouraged to consider Local Small Businesses with skills that can be enhanced to diversify their companies to compete for

JTA contracts. The Mentor/Protégé agreement must enhance the protégé's technical and administrative business capacity.

### **Section 26.37 Monitoring and Enforcement**

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

The JTA will bring to the attention of the Department of Transportation 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 26.109.

The JTA will consider similar action under its own legal authorities, including responsibility determinations in future contracts.

The JTA will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is performed by the DBEs. The JTA will periodically attend monthly scheduled project meetings and conduct unannounced site visits. The JTA also requires each contractor/consultant to submit a "Contractor's Request for Payment Form" with each invoice for payment. This form gives a breakdown of all subcontractors working on the project for that invoice period, description of work performed, and the amount invoiced.

Failure of the contractor to provide the "Contractor's Request for Payment Form" may result in the invoice not being paid until the contractor has provided the form.

- (a) The JTA will require prime contractors/consultant 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 the JTA or the DOT. This reporting requirement also extends to any certified DBE subcontractor.
- (b) The JTA will perform interim audits of contract payments to DBEs to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the Schedule of DBE Participation Form.
- (c) The JTA will monitor each DOT-funded contract with DBE participation to ensure that all work committed to DBEs at contract award or subsequently



(because of contract modification) is performed by the DBEs to which the work was committed. Staff will periodically conduct site visit. Contractor's Request for Payment forms will be monitored to ensure that DBEs are being paid in accordance with their signed agreements.

- (d) All prime contractors/consultants will be required to self-report all payments received from the JTA into the B2GNow (contract compliance tracking system). This system tracks payments made to the prime contractor and all payments made by the prime to any subcontractors, to include DBEs, and the timeliness of those payments in accordance with JTA's Prompt Payment Clause.

## **Section 26.39 Fostering Small Business Participation**

### **Introduction**

The Jacksonville Transportation Authority has developed a small business enterprise component in compliance with 49 CFR Section 26.39, with the objective to expand procurement opportunities to Small Business Enterprises in the JTA's relative market area (Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Gilchrist, Hamilton, Lafayette, Levy, Madison, Nassau, Putman, St. Johns, Suwannee, Taylor and Union counties).

Section 26.39 was added to the Disadvantaged Business Enterprise (DBE) regulations to increase the participation of small businesses on USDOT-funded contracts. USDOT has instructed its recipients to take active and effective steps to increase race-neutral DBE participation by implementing strategies to foster small business participation. The amended regulations, published in the January 28, 2011 Federal Register, Volume 76, No. 19, specifically describes the minimum elements of the small business enterprise component. Additional suggestions are set forth in the preamble to the rule at 76 Federal Register 5094.

The Federal Highway Administration (FHWA) released a memorandum as guidance for USDOT recipients to formulate the requirements set forth in 49 CFR Section 26.39<sup>1</sup>. The guidance from FHWA was considered when determining the size thresholds and the appropriate components and strategies to foster small business participation on the JTA's contracts as intended by the amended regulations.

To maximize the participation of small business enterprises (SBEs), the JTA has developed additional strategies to create effective contracting opportunities for small businesses. These innovative strategies have been incorporated in the SBE component as well as the elements suggested in the

amended regulations.

Recognizing that the DBE program goals should be met through a mixture of race conscious and race neutral methods and that DBE firms are considered small businesses. The JTA has implemented a small business element into its current DBE program in accordance with applicable law. The JTA is including this element to facilitate competition by and expand opportunities for small businesses.

The JTA is committed to taking all reasonable steps to eliminate obstacles to small businesses that may preclude their participation in procurements as prime contractors/consultant or subcontractors. The JTA will meet its objectives using a combination of the following methods and strategies:

*(1) The FHWA issued a guidance memorandum on December 6, 2011, regarding 49 CFR Section 26.39 on December 8, 2011, the Federal Aviation Administration issued a letter regarding Section 26.39 where it directed its recipients to consider the FHWA December 6, 2011, memorandum for assistance in developing their small business component.*

**Unbundling:** The JTA, where feasible may "unbundle" projects or separate large contracts into smaller contracts, which may be more suitable for small business participation. The JTA will determine the feasibility of unbundling by reviewing the grant application for the federal project and determining the work elements that are likely to be grouped for construction and/or purchase. The JTA will consider the economic feasibility, constructability and schedule impacts, in addition to providing greater opportunities for small business participation, in the assessment of unbundling the projects. Similarly, the JTA will encourage its prime contractors and prime consultants to unbundle contracts to facilitate participation by small businesses.

**Outreach and Technical Assistance:** The JTA advertises contracting opportunities through various outlets, including local newspapers. In addition, JTA will address the small business component element opportunities at various DBE outreach meetings held throughout the year. The outreach meetings will incorporate JTA's commitment to the new SBE component and encouraging participation of SBE firms in addition to DBE firms.

### **Program Objectives**

1. To provide opportunities for small businesses to participate in all phases of JTA's contracting activities.
2. To ensure nondiscriminatory practices in the utilization of small businesses in JTA contracts.

3. To encourage all small businesses to seek work as either a prime or a subcontractor when qualified and when work is available; and
4. To create formal processes and procedures that adequately and effectively assists in small business participation.

As described above, JTA will use a variety of methods to facilitate small business participation.

### **Minimum SBE Program Elements**

The specific strategies recommended in Section 26.39 are included in the SBE component and are applicable only to federally assisted contracts. The strategies are as follows:

Standards for bidders on prime contracts in multi-year, design-build contracts, or other large contracts (e.g., for "megaprojects") to specify elements of the contract or specific subcontracts that are of a size that small businesses, including DBEs, can perform.

Requirement for prime contractors on contracts with no DBE goals to provide subcontract opportunities of a size that small businesses, including DBEs, could perform, rather than self-performing all the work involved.

Identification of alternative acquisition procurements strategies structured to facilitate the ability of consortia or joint ventures consisting of small businesses, including DBEs, to compete for and perform prime contracts.

Procedures to meet the portion of the overall goal projected through race-neutral measures which ensure that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can perform. Steps to eliminate unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

### **Definition of Small Business Enterprise Size Standards**

According to 49 CFR Section 26.39, a small business enterprise is defined pursuant to the United States Small Business Administration's (SBA) size standards. These standards are delineated in 49 CFR Section 26.5, and states the following with respect to firms seeking to participate as DBEs in USDOT assisted contracts:

- (l) A small business concern is defined pursuant to Section 3 of the Small Business Act and the implementing small business administration regulations 13 CFR Part 121, with one exception. The exception is the annual gross receipts, as specified

in 26.65(b), cannot exceed \$26.29 million.

Since the USDOT regulations, as specified in 49 CFR 26.65, set a cap on small business gross receipts over the past five fiscal years of greater than \$26.29 million do not qualify as small businesses under the USDOT rules. The USDOT small business size threshold will be used to facilitate the utilization of small businesses on JTA's contracts.

### **Core Small Business Enterprise Program Elements**

JTA has selected the following strategies suggested in 49 CFR Section 26.39 are the core elements of JTA's SBE Program element are presented below.

The following are the program's strategic objectives and corresponding success/performance indicators:

#### **Strategic Objective 1:**

Ensure JTA's DBE Program is available to small businesses by collaborating across the community and within the JTA organization to expand opportunities for small businesses.

#### **Strategic Objective 2:**

Create opportunities to grow small businesses to assist in job creation.

#### **Strategic Objective 3:**

Strengthen JTA's counseling and training resources to help create new businesses and support the needs of existing businesses by successfully focusing on core program resources and ensuring these resources are aligned with the needs expressed by all small businesses.

#### **Strategic Objective 4:**

Strengthen JTA's relevance to small businesses to drive innovation and job creation more effectively through both the agency's existing programs as well as new initiatives.

### **How will JTA implement its selected strategy?**

JTA has established the following processes and procedures to meet its Small Business element strategy:

The Jacksonville Transportation Authority launched its Local Small Business Enterprise (LSBE) and the Micro-LSBE programs, respectively, in December 2020. These programs were designed to stimulate the local economy by supporting small businesses and promoting equal opportunities for the local business community. A LSBE is a public contracting program designed to support the

development and sustainability of small and very small (micro) businesses within a jurisdiction's service area.

The LSBE and Micro-LSBE programs have the following objectives:

- Create significant prime contracting and subcontracting opportunities for small businesses located in Baker, Clay, Duval, Nassau and St. Johns counties.
- Develop the capacity of small local businesses
- Increase the utilization of small local businesses on JTA's locally funded construction, professional services, and goods and services contracts
- Limit competition for small contracts to similarly situated micro-small businesses

More information on both programs and how to apply can be found on the JTA website at <https://www.jtafla.com/work-with-jta/local-small-business-enterprise-lsbe/>

Frequently asked questions can be found at <https://www.jtafla.com/work-with-jta/local-small-business-enterprise-lsbe/lbsbe-faq/>

JTA has established the following processes and procedures to meet its Small Business element strategy:

- I. DBE staff will review scope of work /task breakdown and estimated costs provided by program office to determine if Small Business contracting opportunities exist; reduce the complexity and potential scope of large multiple award contracts so that possible contracting opportunities can be of a level that encourage small business participation as a prime contractor. Regarding contract unbundling, if there are sections of work identified that do not significantly affect schedule, delivery, price and operations, JTA will ensure that services that are being requested are not bundled as a large umbrella contract.
- II. DBE staff will encourage Small Business participation similarly to what is done in the past with DBE race neutral projects.
- III. DBE staff will confirm/verify current Small Business certification status through one of the following agencies:
  - Disadvantaged Business Enterprises - Florida Unified Certification Program.
  - Jacksonville Small and Emerging Businesses - City of Jacksonville.
  - SBE Certification - Jacksonville Aviation Authority.
  - Minority and Women Business Enterprises(M/WBE) - Florida Department of Transportation and Office of Supplier Diversity.

- Small Business Administration 8(a)/Small Disadvantaged Business Designation.

IV. DBE staff will monitor contract performance to ensure all Small Business participation is being met.

**\*Note:** JTA will not establish a DBE goal and a Small Business Element "target goal" on the same project.

### **Procedures to Encourage SBEs to Bid on Contract Opportunities in Consortia or Joint Ventures**

Pursuant to 49 CFR Section 26.39, recipients are directed to identify alternative acquisition strategies by structuring procurements to facilitate the participation of consortia and joint ventures consisting of SBEs.

The size of the SBE included in the joint venture will not be considered jointly, to ensure that the joint venture retains the small business character needed to meet the SBE size standard. To participate as a SBE on JTA's contracts as a consortium or joint venture, the following requirements should be met:

- ☐ Distinct and distinguishable tasks for each participating firm
- ☐ Estimation of the time and resources to be utilized for each major task

Option of requiring one firm to take the lead, serving as prime contractor, and the other firm(s) to be treated like subcontractor(s) so there will be a single point of contact regarding contract performance.

### **Procedures to Review All JTA Contracts for Unbundling Opportunities and Unbundle Selected Contracts as Appropriate**

The Program Administrator will review proposed contracts to identify opportunities for participation of SBE firms in areas of construction, architecture and engineering, and professional management services.

A determination will be made concerning the feasibility of unbundling all contracts prior to releasing the solicitation. The Program Administrator will review requisitions for goods and supplies, the proposed scope of work for professional services, and plans for construction projects before solicitations are approved for advertisement. The Program Administrator's proposed SBE recommendations shall be submitted to the AVP - Chief Diversity, Equity, Inclusion & Belonging Officer for review and approval.

For multi-year design-build projects the Program Administrator shall make a good faith effort to ensure to the maximum extent feasible that the participation of SBEs is considered during the preliminary design phase of the project.

In determining whether multi-year design-build or other construction projects can be unbundled, the following criteria shall be reviewed:

- ☐ Whether the project takes place in more than one location
- ☐ The size and complexity of the project
- ☐ The similarity of the work involved
- ☐ Difficulty in dividing the project
- ☐ Public safety and convenience
- ☐ Project segmentation cost

## **Enhanced Small Business Enterprise Program Elements**

### **1) Program Tracking and Monitoring Standards**

According to 49 CFR Section 26.39 recipients are not required to provide reporting on the level of SBE participation. JTA will continue to track and report any race-neutral participation by DBEs pursuant to 26.39.

Routine monitoring shall be conducted at the time of award and with each invoice to ensure that the sub-contractor participation listed in bids, proposals, and statements of qualification is achieved for the duration of the contract. Quarterly contract compliance reports shall be submitted to the JTA Board of Directors.

Regular compliance monitoring will verify that the prime contractors are honoring their SBE subcontracting commitments prior to and after the award of the contract. Consistent contract compliance monitoring of subcontractor participation and payments will minimize the hardships experienced by small and disadvantaged business enterprises due to unauthorized substitutions and delinquent payments.

### **2) Subcontractor Substitution Standards**

Standards for formal subcontractor substitution shall be included in each solicitation and prime contracts. These standards shall be applied to all contracts. Substitutions will be granted if the prime contractor provides a written statement and the subcontractor agrees to the substitution or fails to execute the contract despite having enough time to do so, unreasonable escalation in pricing, becomes insolvent, or fails to meet contract insurance or bonding requirements. The subcontractor will be notified of its prime contractor's request for substitution before the approval of any substitution. Due process shall be provided to the subcontractor before a substitution is authorized.

### **3) Verification of Small Business Enterprise Status**

To minimize fraud and abuse of the DBE Program, the eligibility of the businesses seeking to participate in the program will be verified. JTA currently relies on the certification of the following local agencies. These agencies are:

- *Disadvantaged Business Enterprises*
- *Florida Unified Certification Program*
- *Jacksonville Small and Emerging Businesses – City of Jacksonville*
- *SBE Certification - Jacksonville Aviation Authority*



- *Minority and Women Business Enterprises - Florida Department of Transportation and Office of Supplier Diversity*
- *Small Business Administration 8(a)/Small Disadvantaged Business Designation*

The standards of these JTA-approved certification agencies are within the SBE size limits set forth by USDOT in Section 26.65.

#### **4) Internet Publication of Contracting Opportunities**

Contracting opportunities shall be consistently posted on JTA's website. Postings will be scheduled to update the same day each week, or on a bi-monthly basis. By posting contract opportunities in a routine fashion, small businesses are afforded a time to review new upcoming projects.

#### **5) Prompt Payment Provision**

The prompt payment provision requires JTA to pay participating prime contractors within thirty-day (30) net and the prime contractor to pay its subcontractors within seven (7) business days of receiving payment from JTA. JTA shall notify the prime contractor of any disputed invoice in a timely manner. JTA uses the B2GNow (Contract Compliance Monitoring System) to track all payments to prime contractors and payments made to DBE subcontractors.

#### **6) Compliance and Monitoring Responsibilities**

JTA shall ensure that the DBE program follows the rules governing information, confidentiality, cooperation, and intimidation or retaliation as set forth in 49 CFR Section 26.109.

### **Subpart C – Goals, Good Faith Efforts and Counting**

#### **Section 26.43 Quotas**

The JTA does not use set-asides or quotas in anyway in the administration of its DBE/SBE program.

#### **Section 26.45 Overall Goals**

A description of the methodology to calculate the overall goal and the goal calculations can be found in **Attachment 3** of this program. Effective March 3, 2010, the DOT issued a new rule which amends the current provision requiring annual submission of DBE goals and goal setting methodology. This

rule change means FTA recipients will only need to submit their DBE goal to FTA once every three years. The change to a three-year goal submittal affords both the grantee and FTA the opportunity to focus more on efforts to meet their goals. Should contracting opportunities at the JTA unexpectedly increase, decrease, or significantly change during the three-year period such that the submitted goal is rendered obsolete, the JTA will appropriately amend both the goal and DBE contracting practices to ensure the goal and the DBE program accurately reflects the actual contracting opportunities available during this specified time.

In accordance with Section 26.45[f) the JTA submitted its overall three-year goal to DOT before the August 1, 2022 deadline. The JTA consulted with minority and general contractor groups, community organizations, and other officials and organizations to obtain information concerning the availability of disadvantaged and non- disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the JTA's efforts to establish a level playing field for the participation of DBEs prior to submitting the goal.

Following this consultation, the JTA published a notice of the proposed overall goal, informing the public that the proposed goal and its rationale were available for inspection during normal business hours at the JTA's office for 30 days following the date of the notice, and informing the public that the JTA and DOT would accept comments on the goals for 30 days from the date of the notice. The publishing of the notice of the proposed overall goal was published in the following newspapers and websites:

- ☐ The Florida Times-Union
- ☐ Jacksonville Business Journal
- ☐ Jacksonville Free Press (Minority Newspaper)
- ☐ Hola (Spanish Newspaper)
- JTA's website and social media page

The overall goal submission to DOT included a summary of information and comments received during the public participation process and the JTA's responses.

The JTA began using the overall goal on October 1, 2022. The JTA establishes a DBE goal on a project-by- project basis.

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

The JTA annually reviews its DBE attainments in contrast to its overall DBE goal to determine if any measures would need to be instituted to effectively

meet its established overall DBE goal.

The JTA will follow accountability mechanisms in instances should the JTA fail to meet its overall goal for a given fiscal year. The JTA would thoroughly analyze why it fell short of meeting its overall goal for a given goal period and establish specific steps and milestones for correcting identified problems so that the JTA will meet its overall goal in subsequent years.

The JTA submits its proposed plan to DOT within 90 days of the end of the fiscal year, as applicable to ensure compliance. The JTA additionally maintains strong outreach efforts to encourage minority- and women-owned firms to become certified as DBEs, to afford the JTA the ability to set and meet realistic goals.

#### **Section 26.49 Transit Vehicle Manufacturers Goals**

All Transit Vehicle Manufacturers (TVM), as a condition of being authorized to bid or propose on JTA FTA- assisted transit vehicle procurements, shall certify that it is on the FTA's certified TVMs list and has complied with the requirements of 49 CFR Section 26.49, including the establishment of an annual overall DBE participation goal that has been submitted to the FTA and either approved, or not disapproved. Each TVM shall complete and submit in its bid or proposal to JTA a TVM DBE Certification form acknowledging it has complied with this section and has an approved overall DBE goal on file with FTA. JTA shall not include the amount of FTA assistance used in transit vehicle procurements in the base amount from which JTA's overall goal is established.

JTA may, with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of complying with the remaining sections of 49 CFR Part 26, Section 26.49, subject to approval from the FTA.

#### **Section 26.51 Race-Neutral and Race-Conscious Participation**

The breakout of estimated race-neutral and race-conscious participation can be found in the Overall Disadvantaged Business Enterprise Triennial Goal Setting Methodology Report FY 2023-2025 under Section V. Race and Gender-Neutral Goal. This section of the program will be updated every three years during the goal calculation period.

#### **Section 26.53 Good Faith Efforts Procedures**

The obligation of the offeror is to make good faith efforts. The offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in **Appendix A** to 49 CRF Part 26.

The DBELO is responsible for determining whether an offeror, who has not met the contract goal, has documented sufficient good faith efforts to be regarded as responsible.

The JTA will ensure that all information is complete, accurate and adequate documents have been submitted showing good faith efforts before the JTA commits to the performance of the contract by the offeror.

Each solicitation, for which a contract goal has been established, will require the DBELO to decide as to if the offeror has submitted the following information:

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

Within three days of being informed by the JTA Purchasing Department that the offer is not responsive because they have not documented sufficient good faith efforts, an offeror may request administrative reconsideration. The offeror should make this request in writing to the following reconsideration official: Mr. Cleveland Ferguson III, SVP - Chief Administration Officer, 100 La Villa Center Drive, Jacksonville, FL 32204 (904) 630-3181, [cferguson@jtafla.com](mailto:cferguson@jtafla.com). The reconsideration official will not have played any role in the original determination that the offeror did not document sufficient good faith efforts.

As part of this reconsideration, the 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. The offeror will have the opportunity to meet in person with the reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts. The JTA will send the offeror a written decision on reconsideration, explaining the basis for finding that the offeror did or did not meet the goal or make adequate good faith efforts. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

The JTA will require a contractor/consultant 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. The JTA will require the prime contractor/consultant to notify the DBELO immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, the JTA will require the prime contractor/consultant to obtain prior approval of the substitute DBE and to provide copies of new or amended subcontracts or documentation of good faith efforts.

If the contractor fails or refuses to comply in the time specified, the JTA's DBELO 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 DBELO may issue a termination for default proceeding.

### **Section 26.55 Counting DBE Participation**

The JTA will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. Only the value of the work performed by the DBE will count toward DBE goals. Such value will be counted as follows:

- a. The entire amount that is performed by the DBE
- b. The entire amount of reasonable fees or commissions charged by a DBE firm for providing a bona fide service or for providing bonds or insurance required for the performance of the DOT-assisted contract.
- c. The value of work subcontracted by a DBE to another DBE does qualify toward DBE goals.
- d. When a DBE performs as part of a joint venture, the portion of the total dollar value of the contract equal to the distinct defined portion of the work of the contract that the DBE performs will be eligible.
- e. Expenditures to a DBE contractor will be counted toward DBE goals only if the DBE is performing a commercially useful function on that contract as set forth in 49 CFR Part 26.55(c) 1-5. For determining whether a trucking company is performing a commercially useful function, the JTA will refer to 49 CFR Part 26.55(d) 1-6.
- f. For establishing whether expenditures for materials or supplies count toward DBE goals, the JTA will refer to 49 CFR Part 26.55(e).
- g. A DBE's participation will not be counted toward DBE goals of the prime contractor or the JTA's overall goal until the DBE is paid.

## **Subpart D – Certification Standards**

### **Section 26.61-26.73 Standards and Procedures**

The JTA follows all standards and procedures listed in these sections.

The JTA is a certifying member of the Unified Certification Program (UCP) in the State of Florida. All firms must apply through the UCP to be certified in the State of Florida.

The other local certifying agency in the Jacksonville area is the Florida Department of Transportation (FDOT). The JTA will use the DBE directory administered by the Florida Department of Transportation and listed on the UCP website to verify if a firm is DBE certified by the Florida UCP.

## **Subpart E – Certification Process**

### **Section 26.81 Requirements for Unified Certification Programs**

The JTA will continue to follow the certification process which is based on the Unified Certification Program.

The JTA is a certifying member of the Unified Certification Program administered by the Florida Department of Transportation Equal Opportunity Office, 605 Suwannee Street, MS 65, Tallahassee, Florida 32399-0450. The EEO Office can be contacted by telephone: (850) 414-4747, fax: (850) 414-4879, and website at <http://www.fdot.gov/equalopportunity/dbesbeprograms.html>. The Florida UCP will meet all the requirements of certification procedures.

## **Subpart F – Compliance and Enforcement**

### **Section 26.101 – 26.109 Rules Governing Information, Confidentiality, Cooperation and Intimidation or Retaliation**

**The JTA follows all rules and regulations of the Subpart F- Compliance and Enforcement guidelines.**

#### *(a) Availability of records*

1. The JTA will respond to requests for information concerning any aspect of the DBE program and will comply with provisions of the Federal Freedom of information and Privacy Acts (5 U.S.C. 552 and 552a). The JTA may

make available to the public any information concerning the DBE program release which is not prohibited by Federal law.

2. Notwithstanding any provision of Federal or state law, the JTA will not release any information that may reasonably be construed as confidential business information to any third party without the written consent of the firm that submitted the information. This includes applications for DBE certification and supporting information. However, the JTA will transmit this information to DOT in any certification appeal proceeding under §26.89 or to any other state to which the individual's firm has applied for certification under §26.85.

*(b) Confidentiality of information on complainants*

Notwithstanding the provisions of paragraph (a) of this section, the identity of complainants shall be kept confidential, at their election. If such confidentiality will hinder the investigation, proceeding or hearing, or result in a denial of appropriate administrative due process to other parties, the complainant must be advised for the purpose of waiving the privilege. Complainants are advised that, in some circumstances, failure to waive the privilege may result in the closure of the investigation or dismissal of the proceeding or hearing.

*(c) Cooperation*

All participants in the JTA DBE program (including, but not limited to, recipients, DBE firms and applicants for DBE certification, complainants and appellants, and contractors/consultant using DBE firms to meet contract goals) are required to cooperate fully and promptly with DOT, recipient compliance reviews, certification reviews, investigations, and other requests for information. Failure to do so shall be a ground for appropriate action against the party involved (e.g., with respect to recipients, a finding of noncompliance; with respect to DBE firms, denial of certification or removal of eligibility and/or suspension and debarment; with respect to a complainant or appellant, dismissal of the complaint or appeal; with respect to a contractor/consultant which uses DBE firms to meet goals, findings of non-responsibility for future contracts and/or suspension and debarment).

*(d) Intimidation and retaliation*

The JTA will ensure that any recipient, contractor/consultant or any other participant in the program, must not intimidate, threaten, coerce or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by this part or because the individual or firm has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing under this part. If you violate this

prohibition, you are in noncompliance with this part.

## **Format and Paragraph Numbering**

Paragraphs identified above have the relevant 49 CFR Part 26 reference. For example, paragraph 1.1 Objectives are fashioned after 49 CFR Part 26.1.

## **Appendix A**

### **Appendix A to Part 26 Guidance Concerning Good Faith Efforts**

I. When a recipient establishes a contract goal on a DOT-assisted contract for procuring construction, equipment, services or any other purpose, a bidder must, in be responsible and/or responsive, to make sufficient good faith efforts to meet the goal. The bidder can meet this requirement in either of two ways. First, the bidder can meet the goal, documenting commitments for participation by DBE firms sufficient for this purpose. Second, even if it does not meet the goal, the bidder can document adequate good faith efforts. This means that the bidder must show that it took all necessary and reasonable steps to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not fully successful.

II. In any situation in which there is an established contract goal, Part 26 requires use of the good faith efforts mechanism. A recipient has the responsibility to make a fair and reasonable judgment whether a bidder that did not meet the goal made adequate good faith efforts. It is important to consider the quality, quantity, and intensity of the various kinds of efforts that the bidder has made, based on the regulations and the guidance in this Appendix.

The efforts employed by the bidder should be those that one could expect a bidder to take if the bidder were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE contract goal. Mere pro forma efforts are not good faith efforts to meet the DBE contract requirements. Determination concerning the sufficiency of the firm's good faith efforts is a judgment call. Determinations should not be made using quantitative formula.

III. The Department strongly cautions against requiring that a bidder meet a contract goal (*i.e.*, obtain a specified amount of DBE participation) to be awarded a contract, even though the bidder makes an adequate good faith

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effort showing. This rule specifically prohibits ignoring bona fide good faith efforts.

IV. The following is a list of types of actions that should be considered as part of the bidder's good faith efforts to obtain DBE participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

A. (1) Conducting market research to identify small business contractors and suppliers and soliciting through all reasonable and available means the interest of all certified DBEs that have the capability to perform the work of the contract. This may include attendance at pre-bid and business matchmaking meetings and events, advertising and/or written notices, posting of Notices of Sources Sought and/or Requests for Proposals, written notices or emails to all DBEs listed in the State's directory of transportation firms that specialize in the areas of work desired (as noted in the DBE directory) and which are located in the area or surrounding areas of the project.

(2) The bidder should solicit this interest as early in the acquisition process as practicable to allow the DBEs to respond to the solicitation and submit a timely offer for the subcontract. The bidder should determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.

B. Selecting portions of the work to be performed by DBEs to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units (for example, smaller tasks or quantities) to facilitate DBE participation, even when the prime contractor/consultant might otherwise prefer to perform these work items with its own forces. This may include, where possible, establishing flexible timeframes for performance and delivery schedules in a manner that encourages and facilitates DBE participation.

C. Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation with their offer for the subcontract.

D. (1) Negotiating in good faith with interested DBEs. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the

information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional Agreements could not be reached for DBEs to perform the work.

(2) A bidder, using good business judgment, would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, if such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.

E. (1) The Diversity, Equity, Inclusion & Belonging Office will not reject DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal. Another practice considered an insufficient good faith effort is the rejection of the DBE because its quotation for the work was not the lowest received. However, nothing in this paragraph shall be construed to require the bidder or prime contractor to accept unreasonable quotes to satisfy contract goals.

(2) A prime contractor's inability to find a replacement DBE at the original price is not alone sufficient to support a finding that good faith efforts have been made to replace the original DBE. The fact that the contractor has the ability and/or desire to perform the contract work with its own forces does not relieve the contractor of the obligation to make good faith efforts to find a replacement DBE and is not a sound basis for rejecting a prospective replacement DBE's reasonable quote.

F. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.

G. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials or related assistance or services.

H. Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, State, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to aid in the recruitment and placement of DBEs.

V. In determining whether a bidder has made good faith efforts, it is essential to scrutinize its documented efforts. At a minimum, review the performance of

other bidders in meeting the contract goal. For example, when the apparent successful bidder fails to meet the contract goal, but others meet it, question may be raised of whether, with additional efforts, the apparent successful bidder could have met the goal. If the apparent successful bidder fails to meet the goal; but meets or exceeds the average DBE participation obtained by other bidders, you may view this, in conjunction with other factors, as evidence of the apparent successful bidder having made good faith efforts. As provided in §26.53(b)(2)(vi), the contractor is required to provide copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract to review whether DBE prices were substantially higher; and contact the DBEs listed on a contractor's solicitation to inquire as to whether they were contacted by the prime. Proforma mailings to DBEs requesting bids are not alone sufficient to satisfy good faith efforts under the rule.

- VI. A promise to use DBEs after contract award is not considered to be responsive to the contract solicitation or to constitute good faith efforts.

[79 FR 59600, Oct. 2, 2014]

## **Appendix B**

### **Appendix B to Part 26 – Uniform Report to DBE Awards or Commitments and Payments Form**

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

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

1. Indicate the DOT (OA) that provides your Federal financial assistance. If assistance comes from more than one OA, use separate reporting forms for each OA. If you are an FTA recipient, indicate your Vendor Number in the space provided.
2. If you are an FAA recipient, indicate the relevant AIP numbers covered by this report. If you are an FTA recipient, indicate the Grant/Project numbers covered by this report. If more than 10, attach a separate sheet.
3. Specify the Federal fiscal year (i.e., October 1 – September 30) in which the covered reported period falls.
4. State the date of submission of this report.
5. Check the appropriate box that indicates the reporting period that the data provided in this report covers. For FHWA and FTA recipients, if this report

is due June 1, data should cover October 1-March 31. If this report is due December 1, data should cover April 1-September 30. If the report is due to the FAA, data should cover the entire year.

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

*Section A: Awards and Commitments Made During This Period*

The amounts in items 8(A) - 10(1) should include all types of prime contracts awarded and all types of subcontracts awarded or committed, including: professional or consultant services, construction, purchase of materials or supplies, lease or purchase of equipment and any other types of services. All dollar amounts are to reflect only the Federal share of such contracts and should be rounded to the nearest dollar.

Line 8: Prime contracts awarded this period: The items on this line should correspond to the contracts directly between the recipient and a supply or service contractor, with no intermediaries between the two.

8(A). Provide the *total dollar amount* for all prime contracts assisted with DOT funds and awarded during this reporting period. This value should include the entire Federal share of the contracts without removing any amounts associated with resulting subcontracts.

8(B). Provide the *total number* of all prime contracts assisted with DOT funds and awarded during this reporting period.

8(C). From the total dollar amount awarded in item 8(A), provide the *dollar amount* awarded in prime contracts to certified DBE firms during this reporting period. This amount should not include the amounts subcontracted to other firms.

8(D). From the total number of prime contracts awarded in item 8(E), specify the *number* of prime contracts awarded to certified DBE firms during this reporting period.

8(E&F). These fields are closed for data entry. Except for the exceedingly rare case of DBE-set asides permitted under 49 CFR part 26, all prime contracts awarded to DBEs are regarded as race-neutral.

8(G). From the total dollar amount awarded in item 8(C), provide the *dollar amount* awarded to certified DBEs through the use of Race Neutral methods. See the definition of Race Neutral in item 7 and the explanation in item 8 of project types to include.

8(H). From the total number of prime contracts awarded in 8(O), specify the *number* awarded to DBEs through Race Neutral methods.

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

Line 9: Subcontracts awarded/committed this period: Items 9(A)-9(1) are derived in the same way as items 8(A)-8(1), except that these calculations should be based on subcontracts rather than prime contracts. Unlike prime contracts, which may only be awarded, subcontracts may be either awarded or committed.

9(A). If filling out the form for general reporting, provide the total dollar amount of subcontracts assisted with DOT funds awarded or committed during this period. This value should be a subset of the total dollars awarded in prime contracts in 8(A), and therefore should never be greater than the amount awarded in prime contracts. If filling out the form for project reporting, provide the total dollar amount of subcontracts assisted with DOT funds awarded or committed during this period. This value should be a subset of the total dollars awarded or previously in prime contracts in 8(A). The sum of all subcontract amounts in consecutive periods should never exceed the sum of all prime contract amounts awarded in those periods.

9(B). Provide the total number of all subcontracts assisted with DOT funds that were awarded or committed during this reporting period.

9(C). From the total dollar amount of subcontracts awarded/committed this period in item 9(A), provide the total dollar amount awarded in subcontracts to DBEs.

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

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

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

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

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

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

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

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

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

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

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

11-17 Further breakdown the contracting activity with DBE involvement. The total dollar amount to DBEs in 17(C) should equal the total dollar amount to DBEs in 10(C). Likewise, the total number of contracts to DBEs in 17(F) should equal the total number of contracts to DBEs in 10(D).

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

*Section C: Payments on Ongoing Contracts*

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

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

18(B). Provide the total number of contracts where work was performed during the reporting period.

18(C). From the total number of contracts provided in 18(A) provide the total number of contracts that are currently being performed by DBE firms for which payments have been made.

18(D). From the total dollar amount paid to all firms in 18(A), provide the total dollar value paid to DBE firms currently performing work during this period.

18(E). Provide the total number of DBE firms that received payment during this reporting period. For example, while three contracts may be active during this period, one DBE firm may be providing supplies or services on all three contracts. This field should only list the number of DBE firms performing work.

18(F). Of all payments made during this period, calculate the percentage going to DBEs. Divide the total dollar value to DBEs in item 18(0) by the total dollars of all payments in 18(8). Round percentage to the nearest tenth.

*Section D: Actual Payments on Contracts Completed This Reporting Period*

This section should provide information only on contracts that are closed during this period. All dollar amounts are to reflect the entire Federal share of such contracts and should be rounded to the nearest dollar.

19(A). Provide the total number of contracts completed during this reporting period that used Race Conscious measures. Race Conscious contracts are those with contract goals or another race conscious measure.

19(B). Provide the total dollar value of prime contracts completed this reporting period that had race conscious measures.

19(C). From the total dollar value of prime contracts completed this period in 19(B), provide the total dollar amount of dollars awarded or committed to DBE firms to meet the contract goals. This applies only to Race Conscious contracts.

19(D). Provide the actual total DBE participation in dollars on the Race Conscious contracts completed this reporting period.

19(E). Of all the contracts completed this reporting period, using Race Conscious measures, calculate the percentage of DBE participation. Divide the total dollar amount to DBEs in item 19(D) by the total dollar value provided in 19(B) to derive this percentage. Round to the nearest tenth.

20(A)-20(E). Items 21(A)-21(E) are derived in the same manner as items 19(A)-19(E), except these figures should be based on contracts completed using Race Neutral measures.

20(C). This field is closed.

21(A)-21(D). Calculate the totals for each column by adding the Race Conscious and Neutral figures provided in each row above.

21(C). This field is closed.

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

22. Name of the authorized representative preparing this form.

23. Signature of the authorized representative.

24. Phone number of the authorized representative.

\*\*Submit your completed report to your regional or division office.

### **Appendix C**

#### **Appendix C to Part 26 – DBE Business Development Program Guidelines**

The purpose of this program element is to further the development of DBEs, including but not limited to assisting them to move into non-traditional areas of work and/or compete in the marketplace outside the DBE program, via the provision of training and assistance from the recipient.

- a. Each firm that participates in a recipient's business development program (BDP) program is subject to a program term determined by the recipient. The term should consist of two stages: a developmental stage and a transitional stage.
- b. For a firm to remain eligible for program participation, it must continue to meet all eligibility criteria contained in part 26.
- c. By no later than six months of program entry, the participant should develop and submit to the recipient a comprehensive business plan setting forth the participant's business targets, objectives and goals. The participant will not be eligible for program benefits until such business plan is submitted



and approved by the recipient. The approved business plan will constitute the participant's short- and long-term goals and the strategy for developmental growth to the point of economic viability in non-traditional areas of work and/or work outside the DBE program.

The business plan should contain at least the following:

1. An analysis of market potential, competitive environment and other business analyses estimating the program participant's prospects for profitable operation during the term of program participation and after graduation from the program.
2. An analysis of the firm's strengths and weaknesses, with particular attention paid to the means of correcting any financial, managerial, technical, or labor conditions which could impede the participant from receiving contracts other than those in traditional areas of DBE participation.
3. Specific targets, objectives, and goals for the business development of the participant during the next two years, utilizing the results of the analysis conducted pursuant to paragraphs (C) and (D)(1) of this Appendix.
4. Estimates of contract awards from the DBE program and from other sources which are needed to meet the objectives and goals for the years covered by the business plan; and
5. Such other information as the recipient may require.

d. Each participant should annually review its currently approved business plan with the recipient and modify the plan as may be appropriate to account for any changes in the firm's structure and redefined needs. The currently approved plan should be considered the applicable plan for all program purposes until the recipient approves in writing a modified plan. The recipient should establish an anniversary date for review of the participant's business plan and contract forecasts.

e. Each participant should annually forecast in writing its need for contract awards for the next program year and the succeeding program year during the review of its business plan conducted under paragraph (E) of this appendix. Such forecast should be included in the participant's business plan. The forecast should include:

1. The aggregate dollar value of contracts to be sought under the DBE program, reflecting compliance with the business plan;
2. The aggregate dollar value of contracts to be sought in areas other than traditional areas of DBE participation;
3. The types of contract opportunities being sought, based on the firm's primary line of business; and
4. Such other information as may be requested by the recipient to aid in providing effective business development assistance to the participant.

f. Program participation is divided into two stages: (1) a developmental stage and (2) a transitional stage. The developmental stage is designed to assist participants to overcome their social and economic disadvantage by providing such assistance as may be necessary and appropriate to enable them to access relevant markets and strengthen their financial and managerial skills. The transitional stage of program participation follows the developmental stage and is designed to assist participants to overcome, insofar as practical, their social and economic disadvantage and to prepare the participant for leaving the program.

g. The length of service in the program term should not be a pre-set time frame for either the developmental or transitional stages but should be figured on the number of years considered necessary in normal progression of achieving the firm's established goals and objectives. The setting of such time could be factored on such items as, but not limited to, the number of contracts, aggregate amount of the contract received, years in business, growth potential, etc.

h. Beginning in the first year of the transitional stage of program participation, each participant should annually submit for inclusion in its business plan a transition management plan outlining specific steps to promote profitable business operations in areas other than traditional areas of DBE participation after graduation from the program. The transition management plan should be submitted to the recipient at the same time other modifications are submitted pursuant to the annual review under paragraph (E) of this section. The plan should set forth the same information as required under paragraph (F) of steps the participant will take to continue its business development after the expiration of its program term.

i. When a participant is recognized as successfully completing the program by substantially achieving the targets, objectives and goals set forth in its program term, and has demonstrated the ability to compete in the marketplace, its further participation within the program may be determined by the recipient.

j. In determining whether a concern has substantially achieved the goals and objectives of its business plan, the following factors, among others, should be considered by the recipient:

1. Profitability
2. Sales, including improved ratio of non-traditional contracts to traditional type contracts;
3. Net worth, financial ratios, working capital, capitalization, access to credit and capital;

Ability to obtain bonding;

4. A positive comparison of the DBE's business and financial profile with profiles of non-DBE businesses in the same area or similar business category; and

5. Good management capacity and capability.

k. Upon determination by the recipient that the participant should be graduated from the developmental program, the recipient should notify the participant in writing of its intent to graduate the firm in a letter of notification. The letter of notification should set forth findings, based on the facts, for every material issue relating to the basis of the program graduation with specific reasons for each finding. The letter of notification should also provide the participant 45 days from the date of service of the letter to submit in writing information that would explain why the proposed basis of graduation is not warranted.

l. Participation of a DBE firm in the program may be discontinued by the recipient prior to expiration of the firm's program term for good cause due to the failure of the firm to engage in business practices that will promote its competitiveness within a reasonable period of time as evidenced by, among other indicators, a pattern of inadequate performance or unjustified delinquent performance. Also, the recipient can discontinue the participation of a firm that does not actively pursue and bid on contracts, and a firm that, without justification, regularly fails to respond to solicitations in the type of work it is qualified for and in the geographical areas where it has indicated availability under its approved business plan. The recipient should take such action if over a two-year period a DBE firm exhibits such a pattern.

### **Appendix C to Part 26 – DBE Business Development Program Guidelines**

(A) The purpose of this program element is to further the development of DBEs, including but not limited to assisting them to move into non-traditional areas of work and/or compete in the marketplace outside the DBE program, via the provision of training and assistance from other firms. To operate a mentor-protege program, a recipient must obtain the approval of the concerned operating administration.

(B)(1) Any mentor-protege relationship shall be based on a written development plan, approved by the recipient, which clearly sets forth the objectives of the parties and their respective roles, the duration of the arrangement and the services and resources to be provided by the mentor to the protege. The formal mentor-protégé agreement may set a fee schedule to cover the direct and indirect cost for such services rendered by the mentor for specific training and assistance to the protege through the life of the agreement. Services provided by the mentor may be reimbursable under the FTA, FHWA, and FAA programs.

(2) To be eligible for reimbursement, the mentor's services provided, and associated costs must be directly attributable and properly allowable to specific individual contracts. The recipient may establish a line item for the mentor to quote the portion of the fee schedule expected to be provided

during the life of the contract. The amount claimed shall be verified by the recipient and paid on an incremental basis representing the time the protege is working on the contract. The total individual contract figures accumulated over the life of the agreement shall not exceed the amount stipulated in the original mentor/protege agreement.

(C) DBEs involved in a mentor-protege agreement must be independent business entities which meet the requirements for certification as defined in subpart D of this part. A protege firm must be certified *before* it begins participation in a mentor-protege arrangement. If the recipient chooses to recognize mentor/protege agreements, it should establish formal general program guidelines. These guidelines must be submitted to the operating administration for approval prior to the recipient executing an individual contractor/subcontractor mentor-protege agreement.

## **Appendix D**

### **Appendix D to Part 26 - Individual Determinations of Social and Economic Disadvantage**

The following guidance is adapted, with minor modifications, from SBA regulations concerning social and economic disadvantage determinations (see 13 CFR 124.103(c) and 124.104).

#### SOCIAL DISADVANTAGE

I. Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias within American society because of their identities as members of groups and without regard to their individual qualities. Social disadvantage must stem from circumstances beyond their control. Evidence of individual social disadvantage must include the following elements:

- (A) At least one objective distinguishing feature that has contributed to social disadvantage, such as race, ethnic origin, gender, disability, long-term residence in an environment isolated from the mainstream of American society, or other similar causes not common to individuals who are not socially disadvantaged;
- (B) Personal experiences of substantial and chronic social disadvantage in American society, not in other countries; and
- (C) Negative impact on entry into or advancement in the business world because of the disadvantage. Recipients will consider any relevant

evidence in assessing this element. In every case, however, recipients will consider education, employment and business history, where applicable, to see if the totality of circumstances shows disadvantage in entering into

or advancing in the business world.

- (1) *Education.* Recipients will consider such factors as denial of equal access to institutions of higher education and vocational training, exclusion from social and professional association with students or teachers, denial of educational honors rightfully earned, and social patterns or pressures which discouraged the individual from pursuing a professional or business education.
- (2) *Employment.* Recipients will consider such factors as unequal treatment in hiring, promotions, and other aspects of professional advancement, pay and fringe benefits, and other terms and conditions of employment; retaliatory or discriminatory behavior by an employer or labor union; and social patterns or pressures which have channeled the individual into non-professional or non-business fields.
- (3) *Business history.* The recipient will consider such factors as unequal access to credit or capital, acquisition of credit or capital under commercially unfavorable circumstances, unequal treatment in opportunities for government contracts or other work, unequal treatment by potential customers and business associates, and exclusion from business or professional organizations.

II. With respect to paragraph I(A) of this appendix, the Department notes that people with disabilities have disproportionately low incomes and high rates of unemployment. Many physical and attitudinal barriers remain to their full participation in education, employment, and business opportunities available to the general public. The Americans with Disabilities Act (ADA) was passed in recognition of the discrimination faced by people with disabilities. It is plausible that many individuals with disabilities - especially persons with severe disabilities (e.g., significant mobility, vision, or hearing impairments) - may be socially and economically disadvantaged.

III. Under the laws concerning social and economic disadvantage, people with disabilities are not a group presumed to be disadvantaged. Nevertheless, recipients should look carefully at individual showings of disadvantage by individuals with disabilities, making a case-by-case judgment about whether such an individual meets the criteria of this Appendix. As public entities subject to Title II of the ADA, recipients must also ensure their DBE programs are accessible to individuals with disabilities. For example, physical barriers or the lack of application and information materials in accessible formats cannot be permitted to thwart the access of potential applicants to the certification process or other services made available to DBEs and applicants.

## ECONOMIC DISADVANTAGE

(A) *General.* Economically disadvantaged individuals are socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same or similar line of business who are not socially disadvantaged.

(B) *Submission of narrative and financial information.*

(1) Each individual claiming economic disadvantage must describe the conditions which are the basis for the claim in a narrative statement and must submit personal financial information.

(2) [Reserved]

(C) *Factors to be considered.* In considering diminished capital and credit opportunities, recipients will examine factors relating to the personal financial condition of any individual claiming disadvantaged status, including personal income for the past two years (including bonuses and the value of company stock given in lieu of cash), personal net worth, and the fair market value of all assets, whether encumbered or not. Recipients will also consider the financial condition of the applicant compared to the financial profiles of small businesses in the same primary industry classification, or, if not available, in similar lines of business, which are not owned and controlled by socially and economically disadvantaged individuals in evaluating the individual's access to credit and capital. The financial profiles that recipients will compare include total assets, net sales, pre-tax profit, sales/working capital ratio, and net worth.

(D) *Transfers within two years.*

- (1) Except as set forth in paragraph (0)(2) of this Appendix, recipients will attribute to an individual claiming disadvantaged status any assets which that individual has transferred to an immediate family member, or to a trust, a beneficiary of which is an immediate family member, for less than fair market value, within two years prior to a concern's application for participation in the DBE program, unless the individual claiming disadvantaged status can demonstrate that the transfer is to or on behalf of an immediate family member for that individual's education, medical expenses or some other form of essential support.
- (2) Recipients will not attribute to an individual claiming disadvantaged status any assets transferred by that individual to an immediate family member that are consistent with the customary recognition of special occasions, such as

birthdays, graduations, anniversaries, and retirements.

- ③ In determining an individual's access to capital and credit, recipients may consider any assets that the individual transferred within such two-year

period described by paragraph (0)(1) of this appendix that are not considered in evaluating the individual's assets and net worth (e.g., transfers to charities).

[64 FR 5126, Feb. 2, 1999, as amended at 68 FR 35559, June 16, 2003]

**DISADVANTAGED BUSINESS ENTERPRISE PROGRAM  
SOLICITATION REQUIREMENTS CONTRACTOR**

**DETERMINING COMPLIANCE WITH DBE REQUIREMENTS FOR CONTRACTS  
WITH A DBE GOAL**

**Forms**

To be considered for projects commissioned by the JTA, contractors must acknowledge their commitment to achieving the DBE participation goals set by the JTA. There are several required forms that are to be submitted as part of the proposal process which support this requirement:

- Schedule of Subcontractors - Identifies those Subcontractors whom the contractor will utilize on this project- including the certified DBE businesses- and the scope of work to be performed by each subcontractor.
- Bidder's List- Lists all subcontractors contacted by the contractor to obtain subcontracting services for this project.
- Intent to Perform as a Subcontractor- submitted for each DBE/LSBE subcontractor outlining the dollar value of the work to be performed.

If the contractor is awarded the contract from the JTA, it must enter into formal written agreement with the DBEs featured in the *Schedule of Subcontractors* per the assignments developed and outlined in the *Intent to Perform as a Subcontractor*. The contractor must maintain the aforementioned documents and make them available upon request for review by the JTA's DBE office.

If the selected contractor is a certified DBE/LSBE and intends to perform a portion of the work with its own forces, the contractor will be required to identify these responsibilities by type and dollar value. In order for the work to be counted towards the DBE/LSBE goal assigned to the project, the Contractor must perform the work as specified and may not delegate or contract these responsibilities to other entities.



## **Certification**

### **ALL PROSPECTIVE DBEs SHOULD BE CERTIFIED BY THE FLORIDA UNIFORM CERTIFICATION PROGRAM (UCP) AT THE TIME OF SUBMITTAL OF THE BID.**

If a DBE/LSBE subcontractor is not certified by the entities at the time of submission, the prime contractor cannot report the non-certified business' participation, nor include that company's dollar value of work toward any established DBE goals. Applications for certification may be obtained from the JTA's DBE office or the JTA's website at [www.jtafla.com](http://www.jtafla.com). In addition, bidders may be asked to submit additional supporting documentation as requested by the certifying agency (JTA or FDOT) and are expected to fully cooperate with all such requests. In determining an applicant's eligibility for DBE status, the JTA will generally rely upon the Federal Certification Process as described in 49 CFR Part

In addition, as a member of the Unified Certification Program (UCP) within the state of Florida, where FDOT is the host agency, the JTA will accept DBEs certified by FDOT and may, on a case-by- case basis, accept a DBE certification decision made by another UCP or out of state DOT.

## **Good Faith Efforts**

All bidders who are unable to meet the requested DBE participation goal, where established, are required to include, as part of their proposal, Good Faith Effort documentation detailing the attempts made to secure DBE participation. An important component in evaluating a bidder's Good Faith Efforts is the number of qualified DBEs expressing an interest in performing work under the contract. Given the availability of such firms, a bidder cannot reject a DBE as unqualified unless the bidder has sound reasons to do so as determined through a thorough investigation of the DBE's capabilities.

The following list, which is neither exclusive nor exhaustive, provides examples of the actions and activities which would be considered Good Faith Efforts on the part of a bidder attempting to meet the prescribed DBE goal. The extent and type of actions required may vary depending on such factors as industry practice, time available for submitting a proposal and the type of contract involved.

1. Attending planned pre-bid meetings scheduled by the JTA to review resources such as certified DBE vendor lists and to discuss, among other things, DBE participation opportunities;
2. Advertising in general circulation, trade association, and minority/women-focus media concerning subcontracting opportunities;

3. Soliciting the interest of a reasonable number of DBEs through written notices, allowing an adequate amount of time for response and inquiry from interested parties;

Contacting prospective DBE participants, in response to initial solicitations, to assess level of interest;

4. Utilizing subcontracting arrangements and other techniques to structure the project in a manner designed to increase the likelihood of participation of DBE firms;
5. Providing interested DBEs with adequate information about the plans, specifications, scope of work and requirements of the contract;
6. Discussing with interested DBEs the required capabilities of the project and performing a thorough investigation of the DBEs qualifications to determine inherent competencies;
7. Using good business judgment to negotiate in good faith with interested DBEs regarding price and reviewing all reasonable quotes from interested DBE businesses;
8. Assisting interested DBEs in obtaining bonding, lines of credit, insurance, and other guarantees required by the JTA and/or the bidder;
9. Supporting interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance and services; and
10. Effectively utilizing the services of various community and professional organizations to aid in identifying qualified DBEs. These organizations include, but are not limited, to minority and women-based community organizations, chambers, contractor groups, local, State, and Federal business assistance offices, the JTA and other organizations that provide assistance in the identification of DBEs.

These efforts are active steps, ones that may significantly increase the potential for sufficient DBE participation and the achievement of contract DBE participation goals. Mere proforma efforts that fall short of efforts such as those listed above will be deemed unacceptable and thereby be rejected by the JTA.

### **Administrative Requirements**

It is the contractor's responsibility to ensure the intentions and interests of the JTA's DBE program are implemented in all phases of the project. In order to make certain the policies are carried out in a responsible manner; the contractor must appoint a high-level official to administer and coordinate the implementation of these policies. The provisions outlined in this document are applicable to all subcontracting arrangements relating to this project.

The contractor must maintain the following records concerning DBE participation with respect to this project for at least three years following the completion of the work:

- All subcontractor/supplier awards, including awards to DBEs;
- 
- Documentation developed during the identification and award of such contracts to DBE firms, including, but not limited to, copies of executed contracts enacted with project participants.

## **Reporting**

### **Requirements**

#### **Financial Reports**

The contractor shall submit monthly reports detailing payments to all subcontractors and suppliers, both DBE and non-DBE, in a form as determined by the JTA. Proper financial record keeping during and after the project is important in verifying compliance with the JTA goals for DBE participation. The selected contractor will be subject to interim and post-contract DBE audits. Failure to comply with these mandates, resulting in an unsatisfactory audit analysis, may have a bearing on future consideration for the receipt of the JTA contracts.

#### **DBE Participation**

The *Contractor's Request for Payment Form* outlines the portion of the JTA-distributed funds paid by the prime contractor to its subcontractors. A copy of this form must be submitted for every invoice presented for progress or final payment showing the portion of such invoice due to each subcontractor (DBE and Non-DBE). In addition, the contractor must submit a report detailing the following information as it relates to invoices received from its DBE-certified subcontractors:

1. The value of the work on the project performed by the DBE and applicable to the established DBE project goal; and
2. The entire amount of the DBE subcontractor's portion of work performed by the DBE's employees and representatives. This includes, but is not limited to, the cost of supplies and materials obtained for work on the contract, including supplies and equipment leased and/or purchased from sources other than the prime contractor and/or its affiliates.

The prime contractor should also report the entire amount of fees or commissions paid to each DBE for the following:

1. All bona fide services, including professional, technical, contractor and/managerial services.
- 2.

The costs of providing bonds or insurance specifically required for the performance of the JTA contract, provided these fees do not exceed what is deemed reasonable and customary for services of this type.

### **Other Arrangements**

- At times, due to the size of a project, a DBE may choose to enter into alternate arrangements with other businesses. Reporting of work done and applied towards DBE goals for the project is limited by the following constraints:
- If a DBE subcontracts a portion of its contracted responsibilities to another business, that business must also be a DBE for the value of the work to be counted toward the DBE participation goals established by the JTA.
- If the DBE participates in the project as part of a joint venture, only that portion of the work done by the DBE should be reported toward DBE goals.

### **Modification and Substitutions**

The JTA understands that over the course of a project, unforeseen incidents may arise requiring the development of new subcontractor arrangements to bring the project to completion; nevertheless, the JTA is committed to the honest and thorough achievement of DBE commitments as previously specified in this document. For that reason, the modification, change or substitution of subcontractors as outlined in the bid submitted for this project without the knowledge and consent of the JTA's DBE office is expressly FORBIDDEN. If a prime contractor desires to terminate or substitute a DBE subcontractor listed in its Schedule of Subcontractors form and intends to perform the work of the terminated DBE subcontractor with either its own forces or those of another subcontractor, it must first submit to the DBE office a Request for Approval of Change to Original List of Subcontractors, along with written documentation explaining the specific reasons for the change for approval prior to the substitution of the original DBE subcontractor.

If a terminated DBE subcontractor is substituted by another DBE subcontractor, the prime contractor should include the name, address, certification number and principal office of the proposed DBE business.

The contractor must make Good Faith Efforts to replace one DBE with another. In the event that the prime contractor is unable to contract with another DBE business, Good Faith Effort documentation must be provided to the JTA describing the attempts to locate a substitute DBE.

In all situations, the prime contractor may not terminate or substitute a DBE subcontractor without the prior written consent of the JTA's Diversity, Equity, Inclusion & Belonging Department.

The JTA shall notify the prime contractor in writing of its decision as expeditiously as possible. If the JTA approves the proposed substitution in writing, the selected contractor shall enter into an executed subcontract agreement with the proposed DBE business upon receipt of the substitution approval.

If the change involves a modification to the original list of subcontractors, the prime contractor must submit, if applicable, the *Intent to Perform as a Subcontractor* form specified for contract modifications for any DBE subcontractor affected by the change. This form may be obtained from the JTA's Contract Compliance office.

### **Compliance and Enforcement**

As part of the contract closeout procedures, the prime contractor shall provide the final accounting for DBE participation on the contract. The JTA may withhold payment of the prime contractor's retainage pending compliance with this closeout requirement.

**Attachment 1**

**DBE Policy Statement**

**JACKSONVILLE TRANSPORTATION  
AUTHORITY**

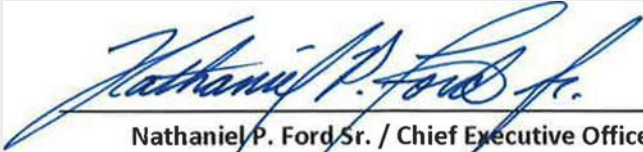
**Objectives/Policy Statement (26.1, 26.3)  
DISADVANTAGED BUSINESS ENTERPRISE  
PROGRAM**


**TO ALL JTA EMPLOYEES AND THE SERVICE COMMUNITY**

As a major provider of public transportation and whose employees have extensive daily contact with the public, the Jacksonville Transportation Authority (JTA) recognizes its responsibility to the community which it serves and is committed to a policy of non-discrimination. The JTA will take all necessary and reasonable steps to assure that Disadvantaged Business Enterprises as defined by the U.S. Department of Transportation, 49 CFR Part 26 shall have a fair opportunity to participate in the JTA contracts, and we have signed an assurance of this compliance. It is also our policy and objectives to:

- (a) To ensure non-discrimination in the award and administration of DOT-assisted contracts;
- (b) To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
- (c) To ensure that the JTA's DBE program is narrowly tailored in accordance with applicable law;
- (d) To ensure only firms that fully meet eligibility standards of 49 CFR Part 26 are permitted to participate as DBEs;
- (e) To help remove barriers to the participation of DBEs in DOT-assisted contracts; and
- (f) To assist the development of firms that can compete successfully in the marketplace outside the DBE program.

Ken Middleton, JTA's Chief Diversity, Equity, Inclusion & Belonging Officer, has been designated as the DBE Liaison Officer. In that capacity, Mr. Middleton is responsible for implementing all aspects of the DBE program, and to ensure participation of Disadvantaged Business Enterprise firms in the total procurement process. However, along with the Chief Executive Officer, Senior Vice Presidents, Vice Presidents, Assistant Vice Presidents, Directors, and their Staff share in the responsibility for making the JTA's DBE program a success. Implementation of the DBE program is afforded the same priority as compliance with all other legal obligations incurred by the JTA in its financial assistance agreements with DOT. The JTA has disseminated this policy Statement to the Board of Directors and all components of our organization. We have distributed this statement to the DBE and non-DBE communities that perform work for us on DOT-assisted and other JTA contracts through print and electronic means.

  
Nathaniel P. Ford Sr. / Chief Executive Officer

  
Date

**Attachment 2**

**Organizational Chart**





**Attachment 3**

**JTA Overall Disadvantaged Business Enterprise**

**Goal Setting Methodology**

**Report Fiscal Year(s) 2023 – 2025**

# JACKSONVILLE TRANSPORTATION AUTHORITY

## TRIENNIAL OVERALL DISADVANTAGED BUSINESS ENTERPRISE GOAL SETTING REPORT



**2023 – 2025 DBE Goal Setting Report Period**

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## SECTION 1 ∞ INTRODUCTION

The Jacksonville Transportation Authority (JTA) respectfully submits this report to the Federal Transit Administration (FTA) for review and approval of the federal fiscal years (FFY) 2023-2025 Triennial Disadvantaged Business Enterprise (DBE) Overall Goal. This report was created based on the DBE goal setting methodology set forth in the United States Department of Transportation (USDOT) DBE regulations, *49 CFR Part 26.45*.

The DBE regulations require JTA, as a recipient of USDOT funding, to set an overall triennial goal for DBE participation on their federally assisted projects. The regulations stipulate that the overall goal should be prepared using a two-step process. According to the USDOT Tips for Goal Setting (USDOT Tips) authored by the General Counsel of the USDOT, the recipient must first determine a base figure for the relative availability of DBEs in the geographic market area. Next, the recipient must examine all relevant evidence to determine what adjustment, if any, is needed to the base figure to arrive at an overall goal. The final adjusted figure is the recipient's overall goal and represents the proportion of federal transportation funding that the recipient is expected to allocate to DBEs during the subsequent three FFY. Once the adjusted overall goal is determined, the process requires the consideration of the portion of the goal that will be met by race and gender-neutral measures. If a recipient purports that it can meet its overall goal with race and gender-neutral measures, those measures must be utilized. In contrast, if the recipient determines that it cannot achieve the entire overall goal using only race and gender-neutral measures, it must establish a race and gender-conscious portion of the overall goal.

## SECTION 2 ∞ PROPOSED OVERALL GOAL FOR FFY 2020-2022

Based on the requirements set forth in *49 CFR Part 26* and the USDOT's Guidance Memorandum, Jacksonville Transportation Authority (JTA) is submitting a goal of 23.44% for FFY 2023-2025.

### A. Overall Goal Setting Methodology

The two-step goal setting process required by the regulations was used to determine JTA's overall goal. The process requires USDOT recipients to:

- Establish a base figure for the relative availability of DBEs.
- Determine the base figure adjustment, if necessary.

### B. Step One Methodology

The base figure is intended to be a measurement of the current ready, willing, and able disadvantaged business enterprises as a percentage of all businesses ready, willing, and able

to perform the recipient’s anticipated FTA-assisted contracts. The regulations present five options for establishing a base figure for the relative availability of DBEs. The five options, as set forth in the regulations, are listed in Table 1.

Table 1: Methods to Determine Baseline Figure

BASELINE FIGURE METHOD
Bidders List
DBE Directories and Census Data
Other Recipient’s Base Figure
Alternative Method
Disparity Study

### 1. Bidders List Method

This standard requires JTA to have a comprehensive bidders list with DBE prime contractors and subcontractors classified by industry. JTA’s bidders’ records include potential DBEs that have not bid on JTA’s FTA-assisted contracts as either a prime contractor or subcontractor.

The USDOT’s final rule revised standard bidders lists. The lists must: 1) capture data that identify the firms that bid or quote on federally assisted contracts, and 2) identify successful and unsuccessful prime contractors, subcontractors, suppliers, truckers, and other service providers interested in competing for contracts.<sup>1</sup> If the bidders list fails to capture all available firms, it must be used in combination with other data sources to ensure that all available firms are identified to ensure that the overall DBE goal is rationally related to the relative availability of DBEs in the relevant market area.

### 2. DBE Directories and Census Data Method

DBE directories of Florida USDOT recipients are consolidated into the Florida Unified Certification Program (Florida UCP) database. The database is limited to USDOT-certified businesses. The Census Bureau’s County Business Pattern (CBP) data is a source derived from businesses’ federal income tax filings. The CBP was used as a source to enumerate

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<sup>1</sup> USDOT’s Finale, Rule, November 3, 2014.

available businesses in JTA’s market area.<sup>2</sup> A complete list of the sources used to identify willing and able businesses in JTA’s market area is described in Table 2.

Table 2: DBE Availability Data Sources

DBE Availability Data Sources
Jacksonville Transportation Authority’s Records
Census Bureau’s County Business Pattern
U.S. Small Business Administration Duval County 8(a)
U.S. Small Business Administration Duval County HubZone
U.S. Small Business Administration Duval County SDB
U.S. Small Business Administration Duval County Veteran
U.S. Small Business Administration Duval County Women
Florida Unified Certification Program, Disadvantaged Business Enterprise Directory, Duval County
Florida Office of Supplier Diversity Duval County
Duval County Public Schools Minority Business Affairs Office
Florida Department of Transportation Equal Opportunity Office DBE Vendors, Duval County

### 3. Other Recipient’s Base Figure Method

This method allows the use of the goal of another USDOT recipient as the base figure for relative availability. JTA can only use another recipient’s goal if the goal is set in accordance with DBE regulations and the contracts of the other agency are similar to the contracting agency and are in a similar market area. This method presumes that there is another USDOT recipient that does the same or similar contracting in the same geographic market area. These conditions cannot be met in JTA’s market area.

### 4. Alternative Method

Alternative methods may be used to determine a base figure for the overall goal. The alternative methodology used to determine a base figure must be based on demonstrable

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<sup>2</sup> CB1900CBP All Sectors: County Business Patterns, including ZIP Code Business Patterns, by Legal Form of Organization and Employment Size Class for the U.S., States, and Selected Geographies: 2019.

evidence of the local market conditions and designed to ultimately attain a goal that is related to the relative availability of DBEs in JTA's market area. The alternative method provides the most flexibility, but it is also subject to a higher level of scrutiny.

## 5. Disparity Study Method

The disparity study methodology is the most comprehensive method for identifying ready, willing, and able DBEs that provide goods and services for JTA's anticipated FTA-assisted projects. A disparity study identifies businesses that bid to JTA as either a prime contractor or subcontractor, and those that are interested in bidding. It enumerates DBEs that are bidders, as well as willing and able businesses that have not bid. The availability data sources derived from Jacksonville's Multi-Jurisdictional Disparity Study Report Volume One – Jacksonville Transportation Authority were not utilized to determine availability for the 2023-2025 Overall DBE Goal since the data presented in the Study was from 2011. An updated source list was developed to ensure that the most current version of sources were compiled to enumerate the availability of DBEs and non-DBEs for the October 1, 2019, to September 30, 2021, report period. The list of current sources is described in Table 2.

### C. Step Two Methodology

Step Two of the goal setting process requires USDOT recipients to examine relevant and reliable data in its market area to determine if an adjustment to the base figure is warranted. The USDOT modified rule recognizes that there may be circumstances in which a Step Two adjustment is not necessary. The USDOT instructed that "if the base figure and the level of past DBE participation are close or the DBE participation level reflects the effects of past or current noncompliance with DBE program regulations, then the evidence would not support making the adjustment."

### D. Goal Setting Methodology

The initial phase of the Step One analysis required the compilation of critical data regarding JTA's procurement. The relevant data included:

- Definition of the market area from an analysis of previous contract awards,
- Identification of the anticipated federally assisted projects and their costs,
- Classification of the anticipated federally assisted projects by North American Industry Classification System (NAICS) code.
- Enumeration of qualified businesses in the market area that are willing and able to provide the goods or services JTA anticipates awarding.



- Analyses of JTA’s expenditures that were funded by federal dollars during the 2019-2021 reporting period.

### 1. Define JTA’s Market Area

The relevant market area was determined by the location of the prime contractors awarded a JTA contract from October 1, 2019, to September 30, 2021. A cluster analysis was prepared by business location and award amount to define the market area. All procurement with non-profits and other government agencies were excluded from the analysis. The analysis shows 62.86% of prime contract dollars were awarded to 14 businesses located in Duval County. The remaining 10 businesses, which represent 37.14% of contract dollars, were domiciled in areas outside of Duval County. Table 3 presents the location of utilized businesses during the reporting period.

Table 3: Distribution of JTA Contracts Awarded – January 1, 2019, to December 31, 2021

Business Location	Total Businesses	Percent of Businesses	Number of Contracts	Percent of Contracts	Contract Dollars	Percent of Contract Dollars
Duval County	14	58.33%	84	86.60%	\$22,406,695	62.86%
Brevard County	1	4.17%	1	1.03%	\$6,664,830	18.70%
Orange County	2	8.33%	2	2.06%	\$2,174,763	6.10%
Volusia County	1	4.17%	1	1.03%	\$1,904,646	5.34%
Pasco County	1	4.17%	1	1.03%	\$300,000	0.84%
Out Of State	5	20.83%	8	8.25%	\$2,193,962	6.16%
<b>Total</b>	<b>24</b>	<b>100.00%</b>	<b>97</b>	<b>100.00%</b>	<b>\$35,644,895</b>	<b>100.00%</b>

### 2. NAICS Codes Assigned to Anticipated Projects

A six-digit NAICS code was assigned to each of the anticipated FFY 2023-2025 federally funded projects. The NAICS codes were derived from the project descriptions. Table 4 below defines the relevant NAICS codes by industry.

Table 4: NAICS Codes by Industry

NAICS	Industry	Name
236210	Construction	Industrial Building Construction
236220		Commercial and Institutional Building Construction
237110		Water and Sewer Line and Related Structures Construction
237310		Highway, Street, and Bridge Construction
238110		Poured Concrete Foundation and Structure Contractors
238210		Electrical Contractors and Other Wiring Installation Contractors
238220		Plumbing, Heating, and Air-Conditioning Contractors
238910		Site Preparation Contractors
238990		All Other Specialty Trade Contractors (pt)
541320		Architecture and Engineering
541330	Engineering Services	
541370	Surveying and Mapping (except Geophysical) Services	
325211	Goods and Services	Plastics Material and Resin Manufacturing
325510		Paint and Coating Manufacturing
327320		Ready-Mix Concrete Manufacturing
331210		Iron and Steel Pipe and Tube Manufacturing from Purchased Steel
332323		Ornamental and Architectural Metal Work Manufacturing
332996		Fabricated Pipe and Pipe Fitting Manufacturing
339950		Sign Manufacturing
423110		Automobile and Other Motor Vehicle Merchant Wholesalers
423120		Motor Vehicle Supplies and New Parts Merchant Wholesalers
423320		Brick, Stone, and Related Construction Material Merchant Wholesalers
423390		Other Construction Material Merchant Wholesalers
423420		Office Equipment Merchant Wholesalers
423440		Other Commercial Equipment Merchant Wholesalers
423610		Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers
423850		Service Establishment Equipment and Supplies Merchant Wholesalers
423860		Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers
424610		Plastics Materials and Basic Forms and Shapes Merchant Wholesalers
424930		Flower, Nursery Stock, and Florists' Supplies Merchant Wholesalers
444220		Nursery, Garden Center, and Farm Supply Stores
484110		General Freight Trucking, Local
485119		Other Urban Transit Systems
485991		Special Needs Transportation
561612		Security Guards and Patrol Services

NAICS	Industry	Name
561730		Landscape Care and Maintenance Services; Tree Trimming Services; Weed Control and Fertilizing Services
561990		All Other Support Services

### 3. Estimate Anticipated Contract Value by NAICS Code

The federally assisted projects that JTA anticipates awarding over the next three fiscal years were identified with the estimated cost of each project. The projects and their estimated costs for the three-year projections were grouped by NAICS code based on the project descriptions. Table 5 presents the anticipated FFY 2023-2025 projects with the estimated budget.

Table 5: Anticipated Projects Estimated Contract Amount by NAICS Code

NAICS	Industry	Name	Total of Estimated Project Total
236210	Construction	Industrial Building Construction	\$23,593,466
236220		Commercial and Institutional Building Construction	\$4,965,854
237110		Water and Sewer Line and Related Structures Construction	\$1,145,966
237310		Highway, Street, and Bridge Construction	\$1,336,961
238110		Poured Concrete Foundation and Structure Contractors	\$1,018,637
238210		Electrical Contractors and Other Wiring Installation Contractors	\$1,400,625
238220		Plumbing, Heating, and Air-Conditioning Contractors	\$16,492,955
238910		Site Preparation Contractors	\$509,318
238990		All Other Specialty Trade Contractors (pt)	\$509,318
541320		Architecture and Engineering	Landscape Architectural Services
541330	Engineering Services		\$1,018,637
541370	Surveying and Mapping (except Geophysical) Services		\$763,977
325211	Goods and Services	Plastics Material and Resin Manufacturing	\$763,977
325510		Paint and Coating Manufacturing	\$763,977
327320		Ready-Mix Concrete Manufacturing	\$254,659
331210		Iron and Steel Pipe and Tube Manufacturing from Purchased Steel	\$1,782,614
332323		Ornamental and Architectural Metal Work Manufacturing	\$1,018,637
332996		Fabricated Pipe and Pipe Fitting Manufacturing	\$763,977
339950		Sign Manufacturing	\$127,330
423110		Automobile and Other Motor Vehicle Merchant	\$897,604

NAICS	Industry	Name	Total of Estimated Project Total
		Wholesalers	
423120		Motor Vehicle Supplies and New Parts Merchant Wholesalers	\$4,655,923
423320		Brick, Stone, and Related Construction Material Merchant Wholesalers	\$891,307
423390		Other Construction Material Merchant Wholesalers	\$1,782,614
423420		Office Equipment Merchant Wholesalers	\$140,000
423440		Other Commercial Equipment Merchant Wholesalers	\$4,371,818
423610		Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers	\$1,757,705
423850		Service Establishment Equipment and Supplies Merchant Wholesalers	\$254,659
423860		Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers	\$41,143,062
424610		Plastics Materials and Basic Forms and Shapes Merchant Wholesalers	\$763,977
424930		Flower, Nursery Stock, and Florists' Supplies Merchant Wholesalers	\$127,330
444220		Nursery, Garden Center, and Farm Supply Stores	\$127,330
484110		General Freight Trucking, Local	\$190,994
485119		Other Urban Transit Systems	\$0
485991		Special Needs Transportation	\$102,833
561612		Security Guards and Patrol Services	\$509,318
561730		Landscape Care and Maintenance Services; Tree Trimming Services; Weed Control and Fertilizing Services	\$381,989
561990		All Other Support Services	\$763,977
		<b>TOTAL</b>	<b>\$117,393,327</b>

### SECTION 3 ∞ STEP ONE – BASE FIGURE DETERMINATION

The base figure is intended to be a measurement of the relative percentage of ready, willing, and able DBEs. JTA is required to measure willing and able businesses in its market area using the best available evidence to derive a fair and accurate base figure that represents the percentage of available DBEs.

The USDOT rules require the calculation of the base figure using the following formula:

$$\text{Step One Base Figure} = \frac{\text{Ready, willing, and able DBEs}}{\text{All ready, willing, and able businesses (Including DBEs and Non - DBEs)}}$$

The availability database was populated with businesses in the market area that provide the goods and services JTA procures derived from the sources presented in Table 2. To enumerate a more refined accounting of availability, the database was then queried to include only businesses with the NAICS codes of the anticipated contracts. Businesses that do not perform the types of work related to the anticipated contracts were excluded to ensure that the base figure did not overstate the number of available businesses. Table 7 below presents the relative availability by relevant NAICS code. The percentage of available businesses in each NAICS code reflects the portion of the total available businesses in the market area. The relative availability of DBEs within the market area is 23.79%.

Table 6: Relative Availability by NAICS Code for FFY 2020-2022

NAICS	Number of Available Firms		Percent of Total Available Businesses	
	DBE	All	DBE	All
236210	6	10	0.25%	0.42%
236220	81	123	3.38%	5.13%
237110	15	39	0.63%	1.63%
237310	20	33	0.83%	1.38%
238110	16	59	0.67%	2.46%
238210	15	229	0.63%	9.56%
238220	28	358	1.17%	14.94%
238910	50	51	2.09%	2.13%
238990	126	162	5.26%	6.76%
541320	13	22	0.54%	0.92%
541330	66	256	2.75%	10.68%
541370	8	30	0.33%	1.25%
327320	0	14	0.00%	0.58%
424610	0	9	0.00%	0.38%
485119	0	0	0.00%	0.00%
325211	1	1	0.04%	0.04%
325510	1	4	0.04%	0.17%
331210	1	1	0.04%	0.04%
332323	3	10	0.13%	0.42%
332996	1	1	0.04%	0.04%
339950	4	15	0.17%	0.63%
423110	1	32	0.04%	1.34%
423120	0	61	0.00%	2.55%
423320	7	12	0.29%	0.50%

NAICS	Number of Available Firms		Percent of Total Available Businesses	
	DBE	All	DBE	All
423390	1	20	0.04%	0.83%
423420	4	34	0.17%	1.42%
423440	2	8	0.08%	0.33%
423610	10	48	0.42%	2.00%
423850	5	18	0.21%	0.75%
423860	1	17	0.04%	0.71%
424930	1	8	0.04%	0.33%
444220	0	16	0.00%	0.67%
484110	9	172	0.38%	7.18%
485991	5	11	0.21%	0.46%
561612	5	43	0.21%	1.79%
561730	55	431	2.30%	17.99%
561990	9	38	0.38%	1.59%
<b>Total</b>	<b>570</b>	<b>2396</b>	<b>23.79%</b>	<b>100.00%</b>

Weighting is recommended in USDOT Tips to determine the overall goal. The first step is to calculate a weight for each NAICS code, which is the percentage of the estimated dollar amount for FFY 2023-2025 anticipated contracts. The second step is to divide the number of DBEs by the total number of businesses in each NAICS code and multiply the result by the corresponding weight to calculate the weighted percentage of DBE availability. Thereafter, the weighted percentages in each NAICS code are combined to determine the weighted base figure. Table 8 presents the calculation of weighted availability. The weighted DBE availability is 23.44%.

Table 7: Weighted Base Figure

NAICS Code	Percent of Available Firms			Total of Estimated Project Total	Industry Weight	Percent of Weighted Firms		
	DBE	Non-DBE	All			DBE	Non-DBE	All
236210	60.00%	40.00%	100%	\$11,500,000	11.83%	7.10%	4.73%	11.83%
236220	65.85%	34.15%	100%	\$4,965,854	5.11%	3.36%	1.74%	5.11%
237110	38.46%	61.54%	100%	\$1,145,966	1.18%	0.45%	0.73%	1.18%
237310	60.61%	39.39%	100%	\$1,336,961	1.37%	0.83%	0.54%	1.37%
238110	27.12%	72.88%	100%	\$1,018,637	1.05%	0.28%	0.76%	1.05%
238210	6.55%	93.45%	100%	\$1,400,625	1.44%	0.09%	1.35%	1.44%
238220	7.82%	92.18%	100%	\$8,430,644	8.67%	0.68%	7.99%	8.67%
238910	98.04%	1.96%	100%	\$509,318	0.52%	0.51%	0.01%	0.52%
238990	77.78%	22.22%	100%	\$509,318	0.52%	0.41%	0.12%	0.52%

NAICS Code	Percent of Available Firms			Total of Estimated Project Total	Industry Weight	Percent of Weighted Firms		
	DBE	Non-DBE	All			DBE	Non-DBE	All
541320	59.09%	40.91%	100%	\$300,000	0.31%	0.18%	0.13%	0.31%
541330	25.78%	74.22%	100%	\$1,018,637	1.05%	0.27%	0.78%	1.05%
541370	26.67%	73.33%	100%	\$763,977	0.79%	0.21%	0.58%	0.79%
327320	0.00%	100.00%	100%	\$254,659	0.26%	0.00%	0.26%	0.26%
424610	0.00%	100.00%	100%	\$763,977	0.79%	0.00%	0.79%	0.79%
485119	0.00%	0.00%	100%	\$0	0.00%	0.00%	0.00%	0.00%
325211	100.00%	0.00%	100%	\$763,977	0.79%	0.79%	0.00%	0.79%
325510	25.00%	75.00%	100%	\$763,977	0.79%	0.20%	0.59%	0.79%
331210	100.00%	0.00%	100%	\$1,782,614	1.83%	1.83%	0.00%	1.83%
332323	30.00%	70.00%	100%	\$1,018,637	1.05%	0.31%	0.73%	1.05%
332996	100.00%	0.00%	100%	\$763,977	0.79%	0.79%	0.00%	0.79%
339950	26.67%	73.33%	100%	\$127,330	0.13%	0.03%	0.10%	0.13%
423110	3.13%	96.88%	100%	\$897,604	0.92%	0.03%	0.89%	0.92%
423120	0.00%	100.00%	100%	\$4,655,923	4.79%	0.00%	4.79%	4.79%
423320	58.33%	41.67%	100%	\$891,307	0.92%	0.53%	0.38%	0.92%
423390	5.00%	95.00%	100%	\$1,782,614	1.83%	0.09%	1.74%	1.83%
423420	11.76%	88.24%	100%	\$140,000	0.14%	0.02%	0.13%	0.14%
423440	25.00%	75.00%	100%	\$4,371,818	4.50%	1.12%	3.37%	4.50%
423610	20.83%	79.17%	100%	\$1,757,705	1.81%	0.38%	1.43%	1.81%
423850	27.78%	72.22%	100%	\$254,659	0.26%	0.07%	0.19%	0.26%
423860	5.88%	94.12%	100%	\$41,143,062	42.31%	2.49%	39.82%	42.31%
424930	12.50%	87.50%	100%	\$127,330	0.13%	0.02%	0.11%	0.13%
444220	0.00%	100.00%	100%	\$127,330	0.13%	0.00%	0.13%	0.13%
484110	5.23%	94.77%	100%	\$190,994	0.20%	0.01%	0.19%	0.20%
485991	45.45%	54.55%	100%	\$102,833	0.11%	0.05%	0.06%	0.11%
561612	11.63%	88.37%	100%	\$509,318	0.52%	0.06%	0.46%	0.52%
561730	12.76%	87.24%	100%	\$381,989	0.39%	0.05%	0.34%	0.39%
561990	23.68%	76.32%	100%	\$763,977	0.79%	0.19%	0.60%	0.79%
<b>TOTAL</b>				<b>\$97,237,551</b>	<b>100%</b>	<b>23.44%</b>	<b>76.56%</b>	<b>100.00%</b>

## A. Considerations for Adjustments to the Base Figure

The Step Two base figure adjustment, as recommended in USDOT Tips, requires examining relevant and reliable data in JTA's market area to determine if an adjustment to the base figure is warranted. The consideration of an adjustment is intended to account for any impact the relevant factors may have on DBEs' contracting opportunities with JTA. The following factors were considered for the Step Two adjustment:

### 1. Past DBE Participation

DBE participation during the FFY 2019-2022 reporting period was documented in B2GNow. Table 9 details the median overall DBE participation during FFY 2019-2022. The median figure is the center point among an ordered list of numbers. JTA achieved 44.96% median prime contractor and subcontractor race and gender-neutral and race and gender-conscious DBE utilization; the highest overall DBE utilization of 71.48% was achieved in FFY 2021. The DBE participation by percent of all dollars awarded by JTA during FFY 2019-2022 is presented in Table 10.

Table 8: FFY 2019-2022 Median Past DBE Participation

2019	2020	2021	2022
41.77%	23.04%	71.48%	48.14%
Median DBE Utilization:	44.96%		

Table 9: DBE participation as a percent of all dollars awarded during FFY 2019-2022.

FY	Total Dollars	Total Race-Conscious Dollars	Total Race-Neutral Dollars	DBE Participants
2019	\$6,710,433	\$771,701	\$2,031,419	41.77%
2020	\$7,752,445	\$684,083	\$1,102,156	23.04%
2021	\$18,729,644	\$4,580,522	\$8,808,254	71.48%
2022	\$2,452,373	\$398,917	\$781,704	48.14%
<b>Total</b>	<b>\$35,644,895</b>	<b>\$6,435,223</b>	<b>\$12,723,532</b>	



## B. Adjustments to the Base Figure

As required by the USDOT Tips, the factors noted above were considered and no adjustments were made for the Step Two analysis.

<b>FINAL OVERALL DBE GOAL</b>
<b>23.44%</b>

### SECTION 5 ∞ RACE-CONSCIOUS AND RACE-NEUTRAL GOAL

The final requirement of the goal setting process, as noted in *49 CFR 26.51*, is to determine the projected portion of the overall goal that will be achieved by race-and gender-neutral measures. The DBE regulations in *49 CFR 26.51* require that a recipient meet the maximum feasible portion of its overall goal by using race-and gender-neutral measures. The USDOT Tips provides that recipients that have instituted new and comprehensive mechanisms aimed at obtaining additional DBE participation through race-and gender-neutral means, may provide a basis for estimating a greater level of race-and gender-neutral participation. JTA has not implemented any substantial mechanisms aimed to achieve additional DBE participation through race-and gender-neutral means since the implementation of its 2020 – 2022 DBE Overall Goal. Thus, there is no justification to assign a significantly higher race-and gender-neutral portion to the overall DBE 2023-2025 goal. Therefore, the race-and gender- conscious and race and gender-neutral portion of the 2023-2025 goal is specified below.

12.44% Race-Neutral + 11.00% Race-Conscious =

23.44% Overall DBE Goal

**Attachment 4**

**JTA DBE Overconcentration**

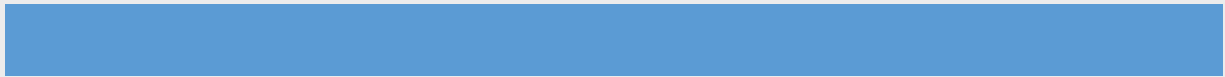
# JACKSONVILLE TRANSPORTATION AUTHORITY OVERCONCENTRATION ANALYSIS



May 2022

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## SECTION 1 ∞ INTRODUCTION

The Jacksonville Transportation Authority's (JTA) Disadvantaged Business Enterprise Program (DBE) is governed by the United States Department of Transportation (USDOT) DBE regulations, 49 CFR Part 26.33. The regulations include an overconcentration DBE provision which requires recipients to determine whether DBEs are overconcentrated in any area of work thereby unduly limiting the opportunities for non-DBEs to participate on USDOT-funded contracts. An overconcentration analysis can be prompted by a third-party complaint, dictated by the grantor, or initiated by the grant recipient. If the analysis discerns an overconcentration, the recipient must devise appropriate remedial measures. The overconcentration analysis and resulting remedial measures must be approved by the Federal Transportation Administration (FTA). Upon FTA's approval the remediation measure would become part of the DBE Program.

## SECTION 2 ∞ DBE OVERCONCENTRATION ANALYSIS

### A. ***Availability by NAICS Code***

Table 1 presents the relative availability in each North American Industry Classification System (NAICS) code for JTA's anticipated federally funded contracts, enumerated in the JTA Triennial Overall DBE Goal Setting Report FFY 2023 – 2025. Relative availability was calculated for each NAICS code as follows:

$$\text{Relative Availability} = \frac{\text{Ready, willing, and able DBEs}}{\text{All ready, willing, and able businesses (Including DBEs and non-DBEs)}}$$

**Table 1: Relative DBE Availability by NAICS Code**

NAICS Code	Number of Available Businesses			Percent of Available Businesses		
	DBE	Non-DBE	All	DBE	Non-DBE	All
236220	77	46	123	2.89%	1.72%	4.61%
237130	6	13	19	0.22%	0.49%	0.71%
237310	19	14	33	0.71%	0.52%	1.24%
238160	8	77	85	0.30%	2.89%	3.19%
238220	23	335	358	0.86%	12.56%	13.42%
238310	7	84	91	0.26%	3.15%	3.41%
238910	45	6	51	1.69%	0.22%	1.91%
238990	118	44	162	4.42%	1.65%	6.07%
332312	1	10	11	0.04%	0.37%	0.41%
423610	7	41	48	0.26%	1.54%	1.80%
541310	12	59	71	0.45%	2.21%	2.66%
541320	10	12	22	0.37%	0.45%	0.82%
541330	58	198	256	2.17%	7.42%	9.60%
541360	1	0	1	0.04%	0.00%	0.04%
541370	6	24	30	0.22%	0.90%	1.12%
541410	8	46	54	0.30%	1.72%	2.02%
541512	25	149	174	0.94%	5.59%	6.52%
541611	58	204	262	2.17%	7.65%	9.82%
541612	32	9	41	1.20%	0.34%	1.54%

NAICS Code	Number of Available Businesses			Percent of Available Businesses		
	DBE	Non-DBE	All	DBE	Non-DBE	All
541613	20	161	181	0.75%	6.04%	6.79%
541614	10	29	39	0.37%	1.09%	1.46%
541620	33	7	40	1.24%	0.26%	1.50%
541820	16	0	16	0.60%	0.00%	0.60%
541910	1	6	7	0.04%	0.22%	0.26%
561612	2	41	43	0.07%	1.54%	1.61%
561730	50	381	431	1.87%	14.29%	16.16%
562910	15	3	18	0.56%	0.11%	0.67%
923110	0	0	0	0.00%	0.00%	0.00%
<b>TOTAL</b>	<b>668</b>	<b>1,999</b>	<b>2,667</b>	<b>25.05%</b>	<b>74.95%</b>	<b>100.00%</b>

### ***B. Subcontractor Utilization by NAICS Code***

Table 2 presents the subcontract dollars spent with DBEs and non-DBEs by NAICS code during the Federal Fiscal Year (FFY) 2020 – 2022 goal period. FFY is defined as October 1 to September 30. Only NAICS codes with documented spend during the study period are included and depicted in Table 2.

**Table 2: Subcontract Payments by NAICS Code, FFY 2016 -2018**

NAICS Code	Description	Total Payments	Payments to DBEs	Payments to Non-DBEs
236220	Commercial and Institutional Building Construction	\$154,838	\$154,838	\$0
237130	Power and Communication Line and Related Structures Construction	\$236,706	\$236,706	\$0
237310	Highway, Street, and Bridge Construction	\$500,356	\$165,770	\$334,586
238160	Roofing Contractors	\$18,738	\$18,738	\$0
238220	Plumbing, Heating, and Air-Conditioning Contractors	\$63,658	\$0	\$63,658
238310	Drywall and Insulation Contractors	\$176,250	\$0	\$176,250
238910	Site Preparation Contractors	\$136,882	\$0	\$136,882
238990	All Other Specialty Trade Contractors	\$9,987	\$9,987	\$0
332312	Fabricated Structural Metal Manufacturing	\$8,000	\$0	\$8,000
423610	Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers	\$9,594	\$9,594	\$0
541310	Architectural Services	\$38,200	\$38,200	\$0
541320	Landscape Architectural Services	\$481,364	\$481,364	\$0
541330	Engineering Services	\$780,903	\$780,903	\$0
541360	Geophysical Surveying and Mapping Services	\$12,300	\$12,300	\$0
541370	Surveying and Mapping (except Geophysical) Services	\$14,137	\$14,137	\$0
541410	Interior Design Services	\$94,703	\$94,703	\$0
541512	Computer System Design Services	\$70,000	\$0	\$70,000
541611	Administrative Management and General Management Consulting Services	\$232,570	\$231,494	\$1,076
541612	Human Resources Consulting Services	\$260,019	\$260,019	\$0
541613	Marketing consulting services	\$29,738	\$29,738	\$0
541614	Process, Physical Distribution, and Logistics Consulting Services	\$121,668	\$121,668	\$0
541620	Environmental Consulting Services	\$48,433	\$38,099	\$10,333
541820	Public Relations Agencies	\$388,719	\$388,719	\$0
541910	Marketing Research and Public Opinion Polling	\$239,645	\$0	\$239,645
561612	Security Guards and Patrol Services	\$76,920	\$76,920	\$0
561730	Landscape care and maintenance services; Tree trimming services; Weed control and fertilizing services	\$11,523	\$0	\$11,523
562910	Remediation Services	\$32,679	\$32,679	\$0
923110	Administration of Education Programs	\$52,557	\$0	\$52,557
<b>Total</b>		<b>\$4,301,086</b>	<b>\$3,196,576</b>	<b>\$1,104,511</b>



### C. Unduly Burdened Determination

To determine whether non-DBEs are unduly burdened by DBE participation, a ratio of utilization to availability has been calculated. For each relevant NAICS code the calculation divides the percent of dollars awarded to non-DBEs by the availability of non-DBEs. If a ratio of less than 0.8 is calculated, the ratio is then assessed for statistical significance.

**Table 3 - Ratio of DBE and Non-DBE Utilization to DBE and Non-DBE Availability**

NAICS Code	Description	Total Payments	Payments to DBEs	Payments to Non-DBEs
236220	Commercial and Institutional Building Construction	\$154,838	\$154,838	\$0
237130	Power and Communication Line and Related Structures Construction (pt)	\$236,706	\$236,706	\$0
237310	Highway, Street, and Bridge Construction	\$500,356	\$165,770	\$334,586
238160	Roofing Contractors	\$18,738	\$18,738	\$0
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562910	Remediation Services	\$32,679	\$32,679	\$0
923110	Administration of Education Programs	\$52,557	\$0	\$52,557
	<b>Total</b>	<b>\$4,301,086</b>	<b>\$3,196,576</b>	<b>\$1,104,511</b>

## SECTION 3 ∞ SUMMARY

Pursuant to 23 CFR Part 26, the overconcentration analysis must examine the subcontract dollars spent with DBEs and non-DBEs by NAICS codes during the goal-setting period. The findings from the analysis of the award of subcontracts during the FFY 2020-2022 study period reveal DBE utilization in most NAICS codes were significantly greater DBE than non-DBE utilization in most NAICS codes. While this pattern of utilization indicates a concentration of DBEs in the majority of NAICS codes there is a concern that the total subcontracts awarded is understated. JTA awarded \$35,644,895 in prime contracts and reported 12% percent in subcontract awards. DBE subcontractors received \$3,196,576 or 9% percent of the total subcontract dollars while non-DBE subcontractors only received \$1,104,511 or 3%. The 12 percent overall subcontract awards seem low in light of an industry standard where prime contractors typically subcontract 40% to 70% of their total contract award.

While the dollars awarded to DBE are probably not understated since the participation is used to meet JTA's overall DBE goal, there is reason to infer that the dollars attributed to non-DBE subcontractors are understated. Given what appears to be incomplete subcontract data, a meaningful evaluation of the overconcentration of DBEs could not be performed. It should also be noted that the prime contractors select the types of subcontract work that they will not self-perform. Thus, the concentration of DBEs in certain NAICS codes can be viewed as a reflection of the prime contractors' decisions about the work available for DBEs to subcontract. In order to perform a meaningful analysis of the concentration of DBEs by NAICS codes, JTA's tracking and monitoring system needs to capture all awards and payments to both DBE and non-DBE subcontractors. Prime contractors should also be encouraged to avoid concentration of subcontracting opportunities in certain NAICS codes when making decisions about the type of work to be subcontracted.

**Attachment 5**

**Uniform Certification Application Form**



OMB APPROVAL NO:  
2105-0510

Appendix F

**UNIFORM CERTIFICATION APPLICATION**  
**DISADVANTAGED BUSINESS ENTERPRISE (DBE) /**  
**AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (ACDBE)**  
**49 C.F.R. Parts 23 and 26**

*Roadmap for Applicants*

**1. Should I apply?**

You may be eligible to participate in the DBE/ACDBE program if:

- The firm is a for-profit business that performs or seeks to perform transportation related work (or a concession activity) for a recipient of Federal Transit Administration, Federal Highway Administration, or Federal Aviation Administration funds.
- The firm is at least 51% owned by a socially and economically disadvantaged individual(s) who also controls it.
- The firm's disadvantaged owners are U.S. citizens or lawfully admitted permanent residents of the U.S.
- The firm meets the Small Business Administration's size standard and DBE/ACDBE size standards—

<https://www.transportation.gov/DBEsizestandards>

**2. How do I apply?**

First time applicants for DBE certification must complete and submit this certification application and related material to the certifying agency in your home state and participate in an on-site interview conducted by that agency. The attached document checklist can help you locate the items you need to submit to the agency with your completed application. If you fail to submit the required documents, your application may be delayed and/or denied. Firms already certified as a DBE do not have to complete this form, but may be asked by certifying agencies outside of your home state to provide a copy of your initial application form, supporting documents, and any other information you submitted to your home state to obtain certification or to any other state related to your certification.

**3. Where can I send my application?** [INSERT UCP PARTICIPATING MEMBER CONTACT INFORMATION]

**4. Who will contact me about my application and what are the eligibility standards?** A transportation agency in your state that performs certification functions will contact you. The agency is a member of a statewide Unified Certification Program (UCP), which is required by the U.S. Department of Transportation. The UCP is a one-stop certification program that eliminates the need for your firm to obtain certification from multiple certifying agencies within your state. The UCP is responsible for certifying firms and maintaining a database of certified DBEs and ACDBEs, pursuant to the eligibility standards found in 49 C.F.R. Parts 23 and 26.

**5. Where can I find more information?**

U.S. DOT—<https://www.transportation.gov/civil-rights> (This site provides useful links to the rules and regulations governing the DBE/ACDBE program, questions and answers, and other pertinent information)

SBA—Small Business Size Standards matched to the North American Industry Classification System (NAICS):  
<http://www.census.gov/eos/www/naics/> and <http://www.sba.gov/content/table-small-business-size-standards>.

In collecting the information requested by this form, the Department of Transportation (Department) complies with the provisions of the Federal Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a). The Privacy Act provides comprehensive protections for your personal information. This includes how information is collected, used, disclosed, stored, and discarded. Your information will not be disclosed to third parties without your consent. The information collected will be used solely to determine your firm's eligibility to participate in the Department's Disadvantaged Business Enterprise Program as defined in 49 C.F.R. §26.5 and the Airport Concession Disadvantaged Business Enterprise Program as defined in 49 C.F.R. §23.3. You may review DOT's complete Privacy Act Statement in the Federal Register published on April 11, 2000 (65 FR 19477).

Under 49 C.F.R. §26.107, dated February 2, 1999 and January 28, 2011, if at any time, the Department or a recipient has reason to believe that any person or firm has willfully and knowingly provided incorrect information or made false statements, the Department may initiate suspension or debarment proceedings against the person or firm under 2 C.F.R. Parts 180 and 1200, No procurement Suspension and Department, take enforcement action under 49 C.F.R. Part 31, Program Fraud and Civil Remedies, and/or refer the matter to the Department of Justice for criminal prosecution under 18 U.S.C. 1001, which prohibits false statements in Federal programs.



**INSTRUCTIONS FOR COMPLETING THE DISADVANTAGED  
BUSINESS ENTERPRISE (DBE)  
AIRPORT CONCESSIONS DISADVANTAGED BUSINESS ENTERPRISE (ACDBE)  
UNIFORM CERTIFICATION APPLICATION**

**NOTE:** All participating firms must be for-profit enterprises. If your firm is not for profit, then you do NOT qualify for the DBE/ACDBE program and should not complete this application. If you require additional space for any question in this application, please attach additional sheets or copies as needed, taking care to indicate on each attached sheet/copy the section and number of this application to which it refers.

**Section 1: CERTIFICATION INFORMATION**

**A. Basic Contact Information**

- (1) Enter the contact name and title of the person completing this application and the person who will serve as your firm's contact for this application.
- (2) Enter the legal name of your firm, as indicated in your firm's Articles of Incorporation or charter.
- (3) Enter the primary phone number of your firm.
- (4) Enter a secondary phone number, if any.
- (5) Enter your firm's fax number, if any.
- (6) Enter the contact person's email address.
- (7) Enter your firm's website addresses, if any.
- (8) Enter the street address of the firm where its offices are physically located (not a P.O. Box).
- (9) Enter the mailing address of your firm if it is different from your firm's street address.

**B. Prior/Other Certifications and Applications**

- (10) Check the appropriate box indicating whether your firm is currently certified in the DBE/ACDBE programs, and provide the name of the certifying agency that certified your firm. List the dates of any site visits conducted by your home state and any other states or UCP members. Also provide the names of state/UCP members that conducted the review.
- (11) Indicate whether your firm or any firms owned by the persons listed has ever been denied certification as a DBE/ACDBE, 8(a), or Small Disadvantaged Business (SDB) firm, or state and local MBE/WBE firm. Indicate if the firm has ever been decertified from one of these programs. Indicate if the application was withdrawn or whether the firm was debarred, suspended, or otherwise had its bidding privileges denied or restricted by any state or local agency, or Federal entity. If your answer is yes, identify the name of the agency, and explain fully the nature of the action in the space provided. Indicate if you have ever appealed this decision to the Department and if so, attach a copy of USDOT's final agency decision(s).

**Section 2: GENERAL INFORMATION**

**A. Business profile:**

- (1) Give a concise description of the firm's primary activities, the product(s) or services the company provides, or type of construction. If your company offers more than one product/service, list primary product or service first (attach additional sheets if necessary). This description may be used in our UCP online directory if you are certified as a DBE.

- (2) If you know the appropriate NAICS Code for the line(s) of work you identified in your business profile, enter the codes in the space provided.
- (3) State the date on which your firm was established as stated in your firm's Articles of Incorporation or charter.
- (4) State the date each person became a firmowner.
- (5) Check the appropriate box describing the manner in which you and each other owner acquired ownership of your firm. If you checked "Other," explain in the space provided.
- (6) Check the appropriate box that indicates whether your firm is "for profit." **If you checked "No," then you do NOT qualify for the DBE/ACDBE program** and should not complete this application. All participating firms must be for-profit enterprises. Provide the Federal Tax ID number as stated on your firm's Federal tax return.
- (7) Check the appropriate box that describes the type of legal business structure of your firm, as indicated in your firm's Articles of Incorporation or similar document. If you checked "Other," briefly explain in the space provided.
- (8) Indicate in the spaces provided how many employees your firm has, specifying the number of employees who work on a full-time, part-time, and seasonal basis. Attach a list of employees, their job titles, and dates of employment, to your application.
- (9) Specify the firm's gross receipts for each of the past three years, as stated in your firm's filed Federal tax returns. You must submit complete copies of the firm's Federal tax returns for each year. If there are any affiliates or subsidiaries of the applicant firm or owners, you must provide these firms' gross receipts and submit complete copies of these firm(s) Federal tax returns. Affiliation is defined in 49 C.F.R. §26.5 and 13 C.F.R. Part 121.

**B. Relationships and Dealings with Other Businesses**

- (1) Check the appropriate box that indicates whether your firm is co-located at any of its business locations, or whether your firm shares a telephone number(s), a post office box, any office space, a yard, warehouse, other facilities, any equipment, financing, or any office staff and/or employees with any other business, organization or entity of any kind. If you answered "Yes," then specify the name of the other firm(s) and fully explain the nature of your relationship with these other businesses by identifying the business or person with whom you have any formal, informal, written, or oral



agreement. Provide an explanation of any items shared with other firms in the space provided.

- (2) Check the appropriate box indicating whether any other firm currently has or had an ownership interest in your firm at present or at any time in the past. If you checked yes, please explain.
- (3) Check the appropriate box that indicates whether at present or at any time in the past your firm:
  - (a) ever existed under different ownership, a different type of ownership, or a different name;
  - (b) existed as a subsidiary of any other firm;
  - (c) existed as a partnership in which one or more of the partners are/were other firms;
  - (d) owned any percentage of any other firm; and
  - (e) had any subsidiaries of its own.
  - (f) served as a subcontractor with another firm constituting more than 25% of your firm's receipts.

If you answered "Yes" to any of the questions in (3)(a-f), you may be asked to explain the arrangement in detail.

### Section 3: MAJORITY OWNER INFORMATION

Identify all individuals or holding companies with any ownership interest in your firm, providing the information requested below (if your firm has more than one owner, provide completed copies of this section for each owner):

#### A. Identify the majority owner of the firm holding 51% or more ownership interest

- (1) Enter the full name of the owner.
- (2) Enter his/her title or position within your firm.
- (3) Give his/her home phone number.
- (4) Enter his/her home (street) address.
- (5) Indicate this owner's gender.
- (6) Identify the owner's ethnic group membership. If you checked "Other," specify this owner's ethnic group/identity not otherwise listed.
- (7) Check the appropriate box to indicate whether this owner is a U.S. citizen or a lawfully admitted permanent resident. If this owner is neither a U.S. citizen nor a lawfully admitted permanent resident of the U.S., then this owner is NOT eligible for certification as a DBE owner.
- (8) Enter the number of years during which this owner has been an owner of your firm.
- (9) Indicate the percentage of the total ownership this person holds and the date acquired, including (if appropriate), the class of stock owned.
- (10) Indicate the dollar value of this owner's initial investment to acquire an ownership interest in your firm, broken down by cash, real estate, equipment, and/or other investment. Describe how you acquired your business and attach documentation substantiating this investment.

#### B. Additional Owner Information

- (1) Describe the familial relationship of this owner to each other owner of your firm and employees.
- (2) Indicate whether this owner performs a management or supervisory function for any other business. If you checked "Yes," state the name of the other business and this owner's function/title held in that business.

- (3) (a) Check the appropriate box that indicates whether this owner owns or works for any other firm(s) that has any relationship with your firm. If you checked "Yes," identify the name of the other business, the nature of the business relationship, and the owner's function at the firm.
  - (b) If the owner works for any other firm, non-profit organization, or is engaged in any other activity more than 10 hours per week, please identify this activity.
- (4) (a) Provide the personal net worth of the owner applying for certification in the space provided. Complete and attach the accompanying "Personal Net Worth Statement for DBE/ACDBE Program Eligibility" with your application. Note, complete this section and accompanying statement only for each owner applying for DBE qualification (i.e., for each owner claiming to be socially and economically disadvantaged).
  - (b) Check the appropriate box that indicates whether any trust has been created for the benefit of the disadvantaged owner(s). If you answered "Yes," you may be asked to provide a copy of the trust instrument.
- (5) Check the appropriate to indicate whether any of your immediate family members, managers, or employees, own, manage, or are associated with another company. Immediate family member is defined in 49 C.F.R. §26.5. If you answered "Yes," provide the name of each person, your relationship to them, the name of the company, the type of business, and whether they own or manage the company.

### Section 4: CONTROL

#### A. Identify the firm's Officers and Board of Directors

- (1) In the space provided, state the name, title, date of appointment, ethnicity, and gender of each officer.
- (2) In the space provided, state the name, title, date of appointment, ethnicity, and gender of each individual serving on your firm's Board of Directors.
- (3) Check the appropriate box to indicate whether any of your firm's officers and/or directors listed above performs a management or supervisory function for any other business. If you answered "Yes," identify each person by name, his/her title, the name of the other business in which s/he is involved, and his/her function performed in that other business.
- (4) Check the appropriate box that indicates whether any of your firm's officers and/or directors listed above own or work for any other firm(s) that has a relationship with your firm. (e.g., ownership interest, shared office space, financial investments, equipment leases, personnel sharing, etc.) If you answered "Yes," identify the name of the firm, the individual's name, and the nature of his/her business relationship with that other firm.

#### B. Duties of Owners, Officers, Directors, Managers and Key Personnel

- (1), (2) Specify the roles of the majority and minority owners, directors, officers, and managers, and key personnel who are responsible for the functions listed for the firm. Submit résumés for each owner and non-owner identified below. State the name of the individual, title, race



and gender and percentage ownership if any. Circle the frequency of each person's involvement as follows: "always, frequently, seldom, or never" in each area.

Indicate whether any of the persons listed in this section perform a management or supervisory function for any other business. Identify the person, business, and their title/function. Identify if any of the persons listed above own or work for any other firm(s) that has a relationship with this firm (e.g., ownership interest, shared office space, financial investment, equipment, leases, personnel sharing, etc.) If you answered "Yes," describe the nature of his/her business relationship with that other firm.

**C. Inventory:** Indicate firm inventory in these categories:

**(1) Equipment and Vehicles**

State the make and model, and current dollar value of each piece of equipment and motor vehicle held and/or used by your firm. Indicate whether each piece is either owned or leased by your firm or owner, whether it is used as collateral, and where this item is stored.

**(2) Office Space**

State the street address of each office space held and/or used by your firm. Indicate whether your firm or owner owns or leases the office space and the current dollar value of that property or its lease.

**(3) Storage Space**

State the street address of each storage space held and/or used by your firm. Indicate whether your firm or owner owns or leases the storage space and the current dollar value of that property or its lease. Provide a signed lease agreement for each property.

**D. Does your firm rely on any other firm for management functions or employee payroll?**

Check the appropriate box that indicates whether your firm relies on any other firm for management functions or for employee payroll. If you answered "Yes," you may be asked to explain the nature of that reliance and the extent to which the other firm carries out such functions.

**E. Financial / Banking Information**

State the name, City and State of your firm's bank. Identify the persons able to sign checks on this account. Provide bank authorization and signature cards.

Bonding Information. State your firm's bonding limits both aggregate and project limits.

**F. Sources, amounts, and purposes of money loaned to your firm, including the names of persons or firms guaranteeing the loan.**

State the name and address of each source, the name of person securing the loan, original dollar amount and the current balance of each loan, and the purpose for which each

loan was made to your firm. Provide copies of signed loan agreements and security agreements

**G. Contributions or transfers of assets to/from your firm and to/from any of its owners or another individual over the past two years:**

Indicate in the spaces provided, the type of contribution or asset that was transferred, its current dollar value, the person or firm from whom it was transferred, the person or firm to whom it was transferred, the relationship between the two persons and/or firms, and the date of the transfer.

**H. Current licenses/permits held by any owner or employee of your firm.**

List the name of each person in your firm who holds a professional license or permit, the type of permit or license, the expiration date of the permit or license, and issuing State of the license or permit. Attach copies of licenses, license renewal forms, permits, and haul authority forms.

**I. Largest contracts completed by your firm in the past three years, if any.**

List the name of each owner or contractor for each contract, the name and location of the projects under each contract, the type of work performed on each contract, and the dollar value of each contract.

**J. Largest active jobs on which your firm is currently working.**

For each active job listed, state the name of the prime contractor and the project number, the location, the type of work performed, the project starts date, the anticipated completion date, and the dollar value of the contract.

**Section 5: AIRPORT CONCESSION (ACDBE) APPLICANTS**

Complete the entries in this section if you are applying for ACDBE certification. Indicate in Section A if you operate a concession at the airport, and/or supply a good or service to an airport concessionaire. Indicate in Section B whether the applicant firm owns or operates any off-airport locations, providing the type of business, lease information, address/location, and annual gross receipts generated. Provide similar information in section C for any airport concession locations the firm currently owns or operates. If the applicant firm has any affiliates, provide the requested information in Section D. Indicate whether the ACDBE firm is participating in any joint ventures, and if so, include the original and any amended joint venture agreements.

**AFFIDAVIT & SIGNATURE**

The Affidavit of Certification must accompany your application. Carefully read the attached affidavit in its entirety. Fill in the required information for each blank space, and sign and date the affidavit in the presence of a Notary Public, who must then notarize the form.

**Section 1: CERTIFICATION INFORMATION**



**A. Basic Contact Information**

I am applying for certification as  DBE  ACDBE

(1) Contact person and Title: \_\_\_\_\_

(2) Legal name of firm: \_\_\_\_\_

(3) Phone #: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ (4) Other Phone #: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ (5) Fax #: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

(6) E-mail: \_\_\_\_\_ (7) Firm Websites: \_\_\_\_\_

(8) Street address of firm (No P.O. Box): \_\_\_\_\_ City: \_\_\_\_\_ County/Parish: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

(9) Mailing address of firm (if different): \_\_\_\_\_ City: \_\_\_\_\_ County/Parish: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**B. Prior/Other Certifications and Applications**

(10) Is your firm currently certified for any of the following U.S. DOT programs?

DBE  ACDBE Names of certifying agencies: \_\_\_\_\_

⊗ If you are certified in your home state as a DBE/ACDBE, you do not have to complete this application for other states. Ask your state UCP about the interstate certification process.

List the dates of any site visits conducted by your home state and any other states or UCP members:

Date \_\_\_\_/\_\_\_\_/\_\_\_\_ State/UCP Member: \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_ State/UCP Member: \_\_\_\_\_

(11) Indicate whether the firm or any persons listed in this application have ever been:

(a) Denied certification or decertified as a DBE, ACDBE, 8(a), SDB, MBE/WBE firm?  Yes  No

(b) Withdrawn an application for these programs, or debarred or suspended or otherwise had bidding privileges denied or restricted by any state or local agency, or Federal entity?  Yes  No

If yes, explain the nature of the action. (If you appealed the decision to DOT or another agency, attach a copy of the decision)

\_\_\_\_\_

**Section 2: GENERAL INFORMATION**

**A. Business Profile:** (1) Give a concise description of the firm's primary activities and the product(s) or service(s) it provides. If your company offers more than one product/service, list the primary product or service first. Please use additional paper if necessary. This description may be used in our database and the UCP online directory if you are certified as a DBE or ACDBE.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) Applicable NAICS Codes for this line of work include: \_\_\_\_\_

(3) This firm was established on \_\_\_\_/\_\_\_\_/\_\_\_\_

(4) I/We have owned this firm since: \_\_\_\_/\_\_\_\_/\_\_\_\_





**(5) Method of acquisition** (Check all that apply):

Started new business  Bought existing business  Inherited business  Gifted

Merger or consolidation  Other (explain) \_\_\_\_\_

**(6) Is your firm "for profit"?**  Yes  
Federal Tax ID# \_\_\_\_\_

No → **STOP!** If your firm is NOT for-profit, then you do NOT qualify for this program and should not fill out this application.

**(7) Type of Legal Business Structure:** (check all that apply):

- Sole Proprietorship
- Limited Liability Partnership
- Partnership  Corporation
- Limited Liability Company  Other, Describe \_\_\_\_\_

**(8) Number of employees:** Full-time \_\_\_\_\_ Part-time \_\_\_\_\_ Seasonal \_\_\_\_\_ Total \_\_\_\_\_

(Provide a list of employees, their job titles, and dates of employment, to your application).

**(9) Specify the firm's gross receipts for the last 3 years.** (Submit complete copies of the firm's Federal tax returns for each year. If there are affiliates or subsidiaries of the applicant firm or owners, you must submit complete copies of these firms' Federal tax returns).

Year \_\_\_\_\_ Gross Receipts of Applicant Firm \$ \_\_\_\_\_ Gross Receipts of Affiliate Firms \$ \_\_\_\_\_

Year \_\_\_\_\_ Gross Receipts of Applicant Firm \$ \_\_\_\_\_ Gross Receipts of Affiliate Firms \$ \_\_\_\_\_

Year \_\_\_\_\_ Gross Receipts of Applicant Firm \$ \_\_\_\_\_ Gross Receipts of Affiliate Firms \$ \_\_\_\_\_

**B. Relationships and Dealings with Other Businesses**

**(1) Is your firm co-located at any of its business locations, or does it share a telephone number, P.O. Box, office or storage space, yard, warehouse, facilities, equipment, inventory, financing, office staff, and/or employees with any other business, organization, or entity?**  Yes  No

If Yes, explain the nature of your relationship with these other businesses by identifying the business or person with whom you have any formal, informal, written, or oral agreement. Also detail the items shared

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**(2) Has any other firm had an ownership interest in your firm at present or at any time in the past?**

Yes  No If Yes, explain \_\_\_\_\_

**(3) At present, or at any time in the past, has your firm:**

- (a) Ever existed under different ownership, a different type of ownership, or a different name? Yes No
  - (b) Existed as a subsidiary of any other firm? Yes No
  - (c) Existed as a partnership in which one or more of the partners are/were other firms? Yes No
  - (d) Owned any percentage of any other firm? Yes No
  - (e) Had any subsidiaries?  Yes No
  - (f) Served as a subcontractor with another firm constituting more than 25% of your firm's receipts?  Yes  No
- (If you answered "Yes" to any of the questions in (2) and/or (3)(a)-(f), you may be asked to provide further details and explain whether the arrangement continues).

**Section 3: MAJORITY OWNER INFORMATION**



**A. Identify the majority owner of the firm holding 51% or more ownership interest.**

(1) Full Name: \_\_\_\_\_ (2) Title: \_\_\_\_\_ (3) Home Phone #: \_\_\_\_\_  
 ( ) \_\_\_\_\_ - \_\_\_\_\_

(4) Home Address (Street and Number): \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 \_\_\_\_\_ - \_\_\_\_\_

(5) Gender:  Male  Female  
 (6) Ethnic group membership (Check all that apply):  
 Black  
 Hispanic  
 Asian Pacific  
 Native American  
 Subcontinent Asian  
 Other (specify) \_\_\_\_\_  
 (7) U.S. Citizenship:  U.S. Citizen  
 Lawfully Admitted Permanent Resident  
 (8) Number of years as owner: \_\_\_\_\_  
 (9) Percentage owned: \_\_\_\_\_%  
 Class of stock owned: \_\_\_\_\_ Date acquired \_\_\_\_\_  
 (10) Initial investment to acquire ownership interest in firm:  

Type	Dollar Value
Cash	\$ _____
Real Estate	\$ _____
Equipment	\$ _____
Other	\$ _____

 Describe how you acquired your business:  
 Started business myself.  
 It was a gift from: \_\_\_\_\_  
 I bought it from: \_\_\_\_\_  
 I inherited it from: \_\_\_\_\_  
 Other \_\_\_\_\_  
 (Attach documentation substantiating your investment)

**B. Additional Owner Information**

(1) Describe familial relationship to other owners and employees:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(2) Does this owner perform a management or supervisory function for any other business?  Yes  No  
 If Yes, identify: Name of Business: \_\_\_\_\_ Function/Title: \_\_\_\_\_

(3)(a) Does this owner own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)  Yes  No

Identify the name of the business, and the nature of the relationship, and the owner's function at the firm:  
 \_\_\_\_\_  
 \_\_\_\_\_

(b) Does this owner work for any other firm, non-profit organization, or engage in any other activity more than 10 hours per week? If yes, identify this activity: \_\_\_\_\_

(4)(a) What is the personal net worth of this disadvantaged owner applying for certification? \$ \_\_\_\_\_

(b) Has any trust been created for the benefit of this disadvantaged owner(s)?  Yes  No  
 (If Yes, you may be asked to provide a copy of the trust instrument).

(5) Do any of your immediate family members, managers, or employees own, manage, or are associated with another company?  Yes  No If Yes, provide their name, relationship, company, type of business, and indicate whether they own or manage the company: (Please attach extra sheets, if needed): \_\_\_\_\_

**Section 3: OWNER INFORMATION, Cont'd.**



**A. Identify all individuals, firms, or holding companies that hold LESS THAN 51% ownership interest in the firm** (Attach separate sheets for each additional owner)

(1) Full Name: \_\_\_\_\_ (2) Title: \_\_\_\_\_ (3) Home Phone #: \_\_\_\_\_  
 ( ) \_\_\_\_\_ - \_\_\_\_\_

(4) Home Address (Street and Number): \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 \_\_\_\_\_ - \_\_\_\_\_

(5) Gender:  Male  Female

(8) Number of years as owner: \_\_\_\_\_

(6) Ethnic group membership (Check all that apply)

(9) Percentage owned: \_\_\_\_\_%

Class of stock owned: \_\_\_\_\_ Date acquired \_\_\_\_\_

- Black
- Hispanic
- Asian Pacific
- Native American
- Subcontinent Asian
- Other (specify) \_\_\_\_\_

(10) Initial investment to acquire ownership interest in firm:		Type	Dollar Value
Cash			\$ _____
Real Estate		\$ _____	
Equipment		\$ _____	
Other			\$ _____

(7) U.S. Citizenship:

- U.S. Citizen
- Lawfully Admitted Permanent Resident

Describe how you acquired your business:

- Started business myself.
- It was a gift from: \_\_\_\_\_
- I bought it from: \_\_\_\_\_
- I inherited it from: \_\_\_\_\_
- Other \_\_\_\_\_

(Attach documentation substantiating your investment)

**B. Additional Owner Information**

(1) Describe familial relationship to other owners and employees:

\_\_\_\_\_  
 \_\_\_\_\_

(2) Does this owner perform a management or supervisory function for any other business?  Yes  No

Yes, identify: Name of Business: \_\_\_\_\_ Function/Title: \_\_\_\_\_

(3)(a) Does this owner own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)  Yes  No

Identify the name of the business, and the nature of the relationship, and the owner's function at the firm:

(b) Does this owner work for any other firm, non-profit organization, or is engaged in any other activity more than 10 hours per week? If yes, identify this activity: \_\_\_\_\_

(4)(a) What is the personal net worth of this disadvantaged owner applying for certification? \$ \_\_\_\_\_

(b) Has any trust been created for the benefit of this disadvantaged owner(s)?  Yes  No

(If Yes, you may be asked to provide a copy of the trust instrument).

**(5) Do any of your immediate family members, managers, or employees own, manage, or are associated with another company?**  Yes  No If Yes, provide their name, relationship, company, type of business, and indicate whether they own or manage: *(Please attach extra sheets, if needed)*: \_\_\_\_\_

**Section 4: CONTROL**

**A. Identify your firm's Officers and Board of Directors** *(If additional space is required, attach a separate sheet):*

	Name	Title	Date Appointed	Ethnicity	Gender
<b>(1) Officers of the Company</b>	(a)				
	(b)				
	(c)				
	(d)				
<b>(2) Board of Directors</b>	(a)				
	(b)				
	(c)				
	(d)				

**(3) Do any of the persons listed above perform a management or supervisory function for any other business?**  
 Yes  No If Yes, identify foreach:

Person: \_\_\_\_\_ Title: \_\_\_\_\_  
 Business: \_\_\_\_\_ Function: \_\_\_\_\_

Person: \_\_\_\_\_ Title: \_\_\_\_\_  
 Business: \_\_\_\_\_ Function: \_\_\_\_\_

**(4) Do any of the persons listed in section A above own or work for any other firm(s) that has a relationship with this firm?** *(e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)*  
 Yes  No

If Yes, identify for each:

Firm Name: \_\_\_\_\_ Person: \_\_\_\_\_  
 Nature of Business Relationship: \_\_\_\_\_

**B. Duties of Owners, Officers, Directors, Managers, and Key Personnel**

**1. Complete for all Owners who are responsible for the following functions of the firm** *(Attach separate sheets as needed).*

	Majority Owner (51% or more)				Minority Owner (49% or less)			
	A = Always F = Frequently		S = Seldom N = Never		Name: _____ Title: _____ Percent Owned: _____		Name: _____ Title: _____ Percent Owned: _____	
Sets policy for company direction/scope of operations	A	F	S	N	A	F	S	N
Bidding and estimating	A	F	S	N	A	F	S	N
Marketing and sales	A	F	S	N	A	F	S	N
Supervises field operations	A	F	S	N	A	F	S	N
Attend bid opening and lettings	A	F	S	N	A	F	S	N
Perform office management (billing,	A	F	S	N	A	F	S	N
Hires and fires management staff	A	F	S	N	A	F	S	N
Hire and fire field staff or crew	A	F	S	N	A	F	S	N

	A	<input type="checkbox"/>	F	<input type="checkbox"/>	S	<input type="checkbox"/>	N	<input type="checkbox"/>	A	<input type="checkbox"/>	F	<input type="checkbox"/>	S	<input type="checkbox"/>	N	<input type="checkbox"/>
Obligates business by contract/credit	A	<input type="checkbox"/>	F	<input type="checkbox"/>	S	<input type="checkbox"/>	N	<input type="checkbox"/>	A	<input type="checkbox"/>	F	<input type="checkbox"/>	S	<input type="checkbox"/>	N	<input type="checkbox"/>
	A	<input type="checkbox"/>	F	<input type="checkbox"/>	S	<input type="checkbox"/>	N	<input type="checkbox"/>	A	<input type="checkbox"/>	F	<input type="checkbox"/>	S	<input type="checkbox"/>	N	<input type="checkbox"/>
Signs business checks	A	<input type="checkbox"/>	F	<input type="checkbox"/>	S	<input type="checkbox"/>	N	<input type="checkbox"/>	A	<input type="checkbox"/>	F	<input type="checkbox"/>	S	<input type="checkbox"/>	N	<input type="checkbox"/>



**2. Complete for all Officers, Directors, Managers, and Key Personnel who are responsible for the following functions of the firm. (Attach separate sheets as needed).**

<b>A = Always</b> <b>S = Seldom</b> <b>F = Frequently</b> <b>N = Never</b>	Officer/Director/Manager/Key Personnel				Officer/Director/Manager/Key Personnel			
	Name: _____				Name: _____			
	Title: _____				Title: _____			
	Race and Gender: _____				Race and Gender: _____			
	Percent Owned: _____				Percent Owned: _____			
Sets policy for company direction/scope of operations	A	F	S	N	A	F	S	N
Bidding and estimating	A	F	S	N	A	F	S	N
Major purchasing decisions	A	F	S	N	A	F	S	N
Marketing and sales	A	F	S	N	A	F	S	N
Supervises field operations	A	F	S	N	A	F	S	N
Attend bid opening and lettings	A	F	S	N	A	F	S	N
Perform office management (billing, accounts receivable/payable, etc.)	A	F	S	N	A	F	S	N
Hires and fires management staff	A	F	S	N	A	F	S	N
Hire and fire field staff or crew	A	F	S	N	A	F	S	N
Designates profits spending or investment	A	F	S	N	A	F	S	N
Obligates business by contract/credit	A	F	S	N	A	F	S	N
Purchase equipment	A	F	S	N	A	F	S	N
Signs business checks	A	F	S	N	A	F	S	N

Do any of the persons listed in B1 or B2 perform a management or supervisory function for any other business? If Yes, identify the person, the business, and their title/function: \_\_\_\_\_

Do any of the persons listed above own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.) If Yes, describe the nature of the business relationship: \_\_\_\_\_

**C. Inventory:** Indicate your firm's inventory in the following categories (Please attach additional sheets if needed):=

**1. Equipment and Vehicles**

Make and Model	Current Value	Owned or Leased by Firm or Owner?	Used as collateral?	Where is item stored?
1. _____				
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				

**2. Office Space**

Street Address Owned or Leased by Firm or Owner? Current Value of Property or Lease

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**3. Storage Space** (Provide signed lease agreements for the properties listed)



**Street Address**                      **Owned or Leased by Firm or Owner?**                      **Current Value of Property or Lease**

\_\_\_\_\_

\_\_\_\_\_

**D. Does your firm rely on any other firm for management functions or employee payroll?**  Yes  No

**E. Financial/Banking Information** (Provide bank authorization and signature cards)

Name of bank: \_\_\_\_\_ City and State: \_\_\_\_\_  
 The following individuals are able to sign checks on this account: \_\_\_\_\_

Name of bank: \_\_\_\_\_ City and State: \_\_\_\_\_  
 The following individuals are able to sign checks on this account: \_\_\_\_\_

**Bonding Information:** If you have bonding capacity, identify the firm's bonding aggregate and project limits:  
 Aggregate limit \$ \_\_\_\_\_ Project limit \$ \_\_\_\_\_

**F. Identify all sources, amounts, and purposes of money loaned to your firm including from financial institutions. Identify whether you the owner and any other person or firm loaned money to the applicant DBE/ACDBE. Include the names of any persons or firms guaranteeing the loan, if other than the listed owner.**  
 (Provide copies of signed loan agreements and security agreements).

Name of Source	Address of Source	Name of Person Guaranteeing the Loan	Original Amount	Current Balance	Purpose of Loan
1. _____					
2. _____					
3. _____					

**G. List all contributions or transfers of assets to/from your firm and to/from any of its owners or another individual over the past two years** (Attach additional sheets if needed):

Contribution/Asset	Dollar Value	From Whom Transferred	To Whom Transferred	Relationship	Date of Transfer
1. _____					
2. _____					
3. _____					

**H. List current licenses/permits held by any owner and/or employee of your firm**  
 (e.g. contractor, engineer, architect, etc.) (Attach additional sheets if needed):

Name of License/Permit Holder	Type of License/Permit	Expiration Date	State
1. _____			
2. _____			
3. _____			



**I. List the three largest contracts completed by your firm in the past three years, if any:**

<b>Name of Owner/Contractor</b>	<b>Name/Location of Project</b>	<b>Type of Work Performed</b>	<b>Dollar Value of Contract</b>
1. _____			
2. _____			
3. _____			

**J. List the three largest active jobs on which your firm is currently working:**

<b>Name of Prime Contractor and Project Number</b>	<b>Location of Project</b>	<b>Type of Work</b>	<b>Project Start Date</b>	<b>Anticipated Completion Date</b>	<b>Dollar Value of Contract</b>
1. _____					
2. _____					
3. _____					

**Additional Information:**

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**SECTION 5 - AIRPORT CONCESSION**

**(ACDBE APPLICANTS ONLY)**



**A. I am applying for ACDBE certification to:** *(check all that apply)*

**Operate a concession at an airport**    **Δ Supply a good or service to an airport concessionaire**

**B. Does the applicant firm own/operate any off-airport locations?**     Yes     No    *If Yes, identify the following*

Type of Business (e.g., F&B, News & Gift, Retail, Duty Free, Advertising, etc.)	Lease Term (years)	Lease Start Date	Address / Location	Annual Gross Receipts Generated

**C. Does the applicant firm currently own/operate any airport concession locations?**     Yes     No    *If Yes, supply the following information:*

Airport Name	Concession Type (e.g., F&B, News & Gift, Retail, Duty Free, Advertising, etc.)	Number of Leases	Number of Locations	Annual Gross Receipts Generated	Lease Type (e.g. Direct Lease, Subcontract Management Agreement, etc. enter all that apply to the leases listed)

**D. Does the applicant firm have any affiliates?**     Yes     No    *If Yes, provide the following information concerning any locations owned/operated by affiliate firms.*

Airport Name	Concession Type (e.g., F&B, News & Gift, Retail, Duty Free, Advertising, etc.)	Number of Leases	Number of Locations	Annual Gross Receipts Generated	Lease Type (e.g. Direct Lease, Subcontract Management Agreement, etc. enter all that apply to the leases listed)

**E. Is the ACDBE applicant firm a participant in any joint ventures?**     Yes     No    *If Yes, attach all original and any amended Joint Venture Agreements and any amendments to the agreements.*



## AFFIDAVIT OF CERTIFICATION

*This form must be signed and notarized for each owner upon which disadvantaged status is relied.*

**A MATERIAL OR FALSE STATEMENT OR OMISSION MADE IN CONNECTION WITH THIS APPLICATION IS SUFFICIENT CAUSE FOR DENIAL OF CERTIFICATION, REVOCATION OF A PRIOR APPROVAL, INITIATION OF SUSPENSION OR DEBARMENT PROCEEDINGS, AND MAY SUBJECT THE PERSON AND/OR ENTITY MAKING THE FALSE STATEMENT TO ANY AND ALL CIVIL AND CRIMINAL PENALTIES AVAILABLE PURSUANT TO APPLICABLE FEDERAL AND STATE LAW.**

I \_\_\_\_\_ (full name printed),  
swear or affirm under penalty of law that I am  
\_\_\_\_\_ (title) of the applicant firm  
\_\_\_\_\_ and that I  
have read and understood all of the questions in this application  
and that all of the foregoing information and statements  
submitted in this application and its attachments and supporting  
documents are true and correct to the best of my knowledge,  
and that all responses to the questions are full and complete,  
omitting no material information. The responses include all  
material information necessary to fully and accurately identify  
and explain the operations, capabilities and pertinent history of  
the named firm as well as the ownership, control, and  
affiliations thereof.

I recognize that the information submitted in this application is  
for the purpose of inducing certification approval by a  
government agency. I understand that a government agency

may, by means it deems appropriate, determine the accuracy

and truth of the statements in the application, and I authorize

such agency to contact any entity named in the application, and  
the named firm's bonding companies, banking institutions,  
credit agencies, contractors, clients, and other certifying  
agencies for the purpose of verifying the information supplied  
and determining the named firm's eligibility.

I agree to submit to government audit, examination and review  
of books, records, documents and files, in whatever form they  
exist, of the named firm and its affiliates, inspection of its  
places(s) of business and equipment, and to permit interviews of  
its principals, agents, and employees. I understand that refusal  
to permit such inquiries shall be grounds for denial of  
certification.

If awarded a contract, subcontract, concession lease or  
sublease, I agree to promptly and directly provide the prime  
contractor, if any, and the Department, recipient agency, or  
federal funding agency on an ongoing basis, current, complete  
and accurate information regarding (1) work performed on the  
project; (2) payments; and (3) proposed changes, if any, to the  
foregoing arrangements.

I agree to provide written notice to the recipient agency or  
Unified Certification Program of any material change in the  
information contained in the original application within 30  
calendar days of such change (e.g., ownership changes,  
address/telephone number, personal net worth exceeding \$1.32

I acknowledge and agree that any misrepresentations in this  
application or in records pertaining to a contract or subcontract  
will be grounds for terminating any contract or subcontract  
which may be awarded; denial or revocation of certification;  
suspension and debarment; and for initiating action under  
federal and/or state law concerning false statement, fraud or  
other applicable offenses.

I certify that I am a socially and economically disadvantaged  
individual who is an owner of the above-referenced firm seeking  
certification as a Disadvantaged Business Enterprise or Airport  
Concession Disadvantaged Business Enterprise. In support of my  
application, I certify that I am a member of one or more of the  
following groups, and that I have held myself out as a member of  
the group(s): (Check all that apply):

Female  Black American  Hispanic American

Native American  Asian-Pacific American

Subcontinent Asian American  Other (specify)

\_\_\_\_\_ million, etc.).

I certify that I am socially disadvantaged because I have been subjected to racial or ethnic prejudice or cultural bias, or have suffered the effects of discrimination, because of my identity as a member of one or more of the groups identified above, without regard to my individual qualities.

I further certify that my personal net worth does not exceed \$1.32 million, and that I am economically disadvantaged because my ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same or similar line of business who are not socially and economically disadvantaged.

I declare under penalty of perjury that the information provided in this application and supporting documents is true and correct.

Signature \_\_\_\_\_  
(DBE/ACDBE Applicant)

\_\_\_\_\_  
(Date)

**NOTARY CERTIFICATE**

## UNIFORM CERTIFICATION APPLICATION SUPPORTING DOCUMENTS CHECKLIST



**In order to complete your application for DBE or ACDBE certification, you must attach copies of all of the following REQUIRED documents. A failure to supply any information requested by the UCP may result in your firm denied DBE/ACDBE certification.**

**Required Documents for All Applicants**

Resumes (that include places of employment with corresponding dates), for all owners, officers, and key personnel of the applicant firm

Personal Net Worth Statement for each socially and economically disadvantaged owners who the applicant firm relies upon to satisfy the Regulation's 51% ownership requirement.

Personal Federal tax returns for the past 3 years, if applicable, for each disadvantaged owner

Federal tax returns (and requests for extensions) filed by the firm and its affiliates with related schedules, for the past 3 years.

Documented proof of contributions used to acquire ownership for each owner (*e.g., both sides of cancelled checks*)

Signed loan and security agreements, and bonding forms List of equipment and/or vehicles owned and leased including VIN numbers, copy of titles, proof of ownership, insurance cards for each vehicle.

Title(s), registration certificate(s), and U.S. DOT numbers for each truck owned or operated by your firm

Licenses, license renewal forms, permits, and haul authority forms

Descriptions of all real estate (including office/storage space, etc.) owned/leased by your firm and documented proof of ownership/signed leases

Documented proof of any transfers of assets to/from your firm and/or to/from any of its owners over the past 2 years

DBE/ACDBE and SBA 8(a), SDB, MBE/WBE

certifications, denials, and/or decertification's, if applicable; and any U.S. DOT appeal decisions on these actions.

Bank authorization and signatory cards

Schedule of salaries (or other remuneration) paid to all officers, managers, owners, and/or directors of the firm

List of all employees, job titles, and dates of employment.

Proof of warehouse/storage facility ownership or lease arrangements

**Partnership or Joint Venture**

Original and any amended Partnership or Joint Venture Agreements

**Corporation or LLC**

Official Articles of Incorporation (*signed by the state official*)

Both sides of all corporate stock certificates and your firm's stock transfer ledger

Shareholders' Agreement(s)

Minutes of all stockholders and board of director's meetings

- Corporate by-laws and any amendments
- Corporate bank resolution and bank signature cards Official Certificate of Formation and Operating Agreement with any amendments (for LLCs)

**Optional Documents to Be Provided on Request**

*The certifying agency to which you are applying may require the submission of the following documents. If requested to provide these document, you must supply them with your application or at the on-site visit.*

- Proof of citizenship
- Insurance agreements for each truck owned or operated by your firm
- Audited financial statements (if available)
- Trust agreements held by any owner claiming disadvantaged status
- Year-end balance sheets and income statements for the past 3 years (or *life of firm, if less than three years*)

**Suppliers**

List of product lines carried and list of distribution equipment owned and/or leased

**Attachment 6**

**Personal Net Worth Statement**



U.S. Department of  
Transportation

**Personal Net Worth Statement  
For DBE/ACDBE Program Eligibility**

As of \_\_\_\_\_

OMB APPROVAL NO:  
EXPIRATION DATE:

This form is used by all participants in the U.S. Department of Transportation's Disadvantaged Business Enterprise (DBE) Programs. Each individual owner of a firm applying to participate as a DBE or ACDBE, whose ownership and control are relied upon for DBE certification must complete this form. Each person signing this form authorizes the Unified Certification Program (UCP) recipient to make inquiries as necessary to verify the accuracy of the statements made. The agency you apply to will use the information provided to determine whether an owner is economically disadvantaged as defined in the DBE program regulations 49 C.F.R. Parts 23 and 26. Return form to appropriate UCP certifying member, not U.S. DOT.

Name		Business Phone
Residence Address (As reported to the IRS) City, State and Zip Code		Residence Phone
Business Name of Applicant Firm		
Spouse's Full Name (Marital Status: Single, Married, Divorced, Union)		

ASSETS		(Omit Cents)	LIABILITIES		(Omit Cents)
Cash and Cash Equivalents	\$		Loan on Life Insurance (Complete Section 5)	\$	
Retirement Accounts (IRAs, 401Ks, 403Bs, Pensions, etc.) (Report full value minus tax and interest penalties that would apply if assets were distributed today) (Complete Section 3)	\$		Mortgages on Real Estate Excluding Primary Residence Debt (Complete Section 4)	\$	
Brokerage, Investment Accounts	\$		Notes, Obligations on Personal Property (Complete Section 6)	\$	
Assets Held in Trust	\$		Notes & Accounts Payable to Banks and Others (Complete Section 2)	\$	
Loans to Shareholders & Other Receivables (Complete section 6)	\$		Other Liabilities (Complete Section 8)	\$	
Real Estate Excluding Primary Residence (Complete Section 4)	\$		Unpaid Taxes (Complete Section 8)	\$	
Life Insurance (Cash Surrender Value Only) (Complete Section 5)	\$				
Other Personal Property and Assets (Complete Section 6)	\$				
Business Interests Other Than the Applicant Firm (Complete Section 7)	\$				
Total Assets	\$		Total Liabilities	\$	
				<b>NET WORTH</b>	

**Section 2. Notes Payable to Banks and Others**

Name of Noteholder(s)	Original Balance	Current Balance	Payment Amount	Frequency (monthly, etc.)	How Secured or Endorsed Type of Collateral



**Section 3. Brokerage and custodial accounts, stocks, bonds, retirement accounts. (Full Value) (Use attachments if necessary).**

Name of Security / Brokerage Account / Retirement Account	Cost	Market Value Quotation/Exchange	Date of Quotation/Exchange	Total Value

**Section 4. Real Estate Owned (Including Primary Residence, Investment Properties, Personal Property Leased or Rented for Business Purposes, Farm Properties, or any Other Income Producing property). (List each parcel separately. Add additional sheets if necessary).**

	Primary Residence	Property B	Property C
Type of Property			
Address			
Date Acquired and Method of Acquisition (purchase, inherit, divorce, gift, etc.)			
Names on Deed			
Purchase Price			
Present Market Value			
Source of Market Valuation			
Name of all Mortgage Holders			
Mortgage Acc. # and balance (as of date of form)			
Equity line of credit balance			
Amount of Payment Per Month/Year (Specify)			

**Section 5. Life Insurance Held (Give face amount and cash surrender value of policies, name of insurance company and beneficiaries).**

Insurance Company	Face Value	Cash Surrender Amount	Beneficiaries	Loan on Policy Information

**Section 6. Other Personal Property and Assets (Use attachments as necessary)**

Type of Property or Asset	Total Present Value	Amount of Liability (Balance)	Is this asset insured?	Lien or Note amount and Terms of Payment
Automobiles and Vehicles (including recreation vehicles, motorcycles, boats, etc.) Include personally owned vehicles that are leased or rented to businesses or other individuals.				
Household Goods / Jewelry				
Other (List)				
Accounts and Notes Receivables				

**Section 7. Value of Other Business Investments, Other Businesses Owned (excluding applicant firm)**  
Sole Proprietorships, General Partners, Joint Ventures, Limited Liability Companies, Closely-held and Public Traded Corporations

**Section 8. Other Liabilities and Unpaid Taxes (Describe)**

**Section 9. Transfer of Assets: Have you within 2 years of this personal net worth statement, transferred assets to a spouse, domestic partner, relative, or entity in which you have an ownership or beneficial interest including a trust? Yes  No  If yes, describe.**

I declare under penalty of perjury that the information provided in this personal net worth statement and supporting documents is complete, true and correct. I certify that no assets have been transferred to any beneficiary for less than fair market value in the last two years. I recognize that the information submitted in this application is for the purpose of inducing certification approval by a government agency. I understand that a government agency may, by means it deems appropriate, determine the accuracy and truth of the statements in the application and this personal net worth statement, and I authorize such agency to contact any entity named in the application or this personal financial statement, including the names banking institutions, credit agencies, contractors, clients, and other certifying agencies for the purpose of verifying the information supplied and determining the named firm's eligibility. I acknowledge and agree that any misrepresentations in this application or in records pertaining to a contract or subcontract will be grounds for terminating any contract or subcontract which may be awarded; denial or revocation of certification; suspension and debarment; and for initiating action under federal and/or state law concerning false statement, fraud or other applicable offenses.

Signature (DBE/ACDBE Owner) \_\_\_\_\_ Date \_\_\_\_\_

**NOTARY CERTIFICATE:**  
(Insert applicable state acknowledgment, affirmation, or oath)

In collecting the information requested by this form, the Department of Transportation complies with Federal Freedom of Information and Privacy Act (5 U.S.C. 552 and 552a) provisions. The Privacy Act provides comprehensive protections for your personal information. This includes how information is collected, used, disclosed, stored, and discarded. Your information will not be disclosed to third parties without your consent. The information collected will be used solely to determine your firm's eligibility to participate in the Disadvantaged Business Enterprise (DBE) Program or Airport Concessionaire DBE Programs as defined in 49 C.F.R. Parts 23 and 26. You may review DOT's complete Privacy Act Statement in the Federal Register published on April 11, 2000 (65 FR 19477).



## General Instructions for Completing the Personal Net Worth Statement for DBE/ACDBE Program Eligibility

Please do not make adjustments to your figures pursuant to U.S. DOT regulations 49 C.F.R. Parts 23 and 26. The agency that you apply to will use the information provided on your completed Personal Net Worth (PNW) Statement to determine whether you meet the economic disadvantage requirements of 49 C.F.R. Parts 23 and 26. If there are discrepancies or questions regarding your form, it may be returned to you to correct and complete again.

An individual's personal net worth according to 49 C.F.R. Parts 23 and 26 includes only his or her own share of assets held separately, jointly, or as community property with the individual's spouse and excludes the following:

- Individual's ownership interest in the applicant firm;
- Individual's equity in his or her primary residence;
- Tax and interest penalties that would accrue if retirement savings or investments (e.g., pension plans, Individual Retirement Accounts, 401(k) accounts, etc.) were distributed at the present time.

Indicate on the form, if any items are jointly owned. If the personal net worth of the majority owner(s) of the firm exceeds \$1.32 million, as defined by 49 C.F.R. Parts 23 and 26, the firm is not eligible for DBE or ACDBE certification. If the personal net worth of the majority owner(s) exceeds the \$1.32 million cap at any time after your firm is certified, the firm is no longer eligible for certification. Should that occur, it is your responsibility to contact your certifying agency in writing to advise that your firm no longer qualifies as a DBE or ACDBE. You must fill out all line items on the Personal Net Worth Statement.

If necessary, use additional sheets of paper to report all information and details. If you have any questions about completing this form, please contact one of the UCP certifying agencies.

### Assets

All assets must be reported at their current fair market values as of the date of your statement. *Assessor's assessed value for real estate, for example, is not acceptable.* Assets held in a trust should be included.

**Cash and Cash Equivalents:** On page 1, enter the total amount of cash or cash equivalents in bank accounts, including checking, savings, money market, certificates of deposit held domestic or foreign. Provide copies of the bank statement.

**Retirement Accounts, IRA, 401Ks, 403Bs, Pensions:** On page 1, enter the full value minus tax and interest penalties that would apply if assets were distributed as of the date of the form. Describe the number of shares, name of securities, cost market value, date of quotation, and total value in section 3 on page 2.

**Brokerage and Custodial Accounts, Stocks, Bonds, Retirement Accounts:** Report total value on page 1, and on page 2, section 3, enter the name of the security, brokerage account, retirement account, etc.; the cost; market value of the asset; the date of quotation; and total value as of the date of the PNW statement.

**Assets Held in Trust:** Enter the total value of the assets held in trust on page 1, and provide the names of beneficiaries and trustees, and other information in Section 6 on page 3.

**Loans to Shareholders and Other Receivables not listed:** Enter amounts loaned to you from your firm, from any other business entity in which you hold an ownership interest, and other receivables not listed above. Complete Section 6 on page 3.

**Real Estate:** The total value of real estate excluding your primary residence should be listed on page 1. In section 4 on page 2, please list your primary residence in column 1, including the address, method of acquisition, date of acquired, names of deed, purchase price, present fair market value, source of market valuation, names of all mortgage holders, mortgage account number and balance, equity line of credit balance, and amount of payment. List this information for all real estate held. Please ensure that this section contains all real estate owned, including rental properties, vacation properties, commercial properties, personal property leased or rented for business purposes, farm properties and any other income producing properties, etc. Attach additional sheets if needed.

**Life Insurance:** On page 1, enter the cash surrender value of this asset. In section 5 on page 2, enter the name of the insurance company, the face value of the policy, cash surrender value, beneficiary names, and loans on the policy.

**Other Personal Property and Assets:** Enter the total value of personal property and assets you own on page 1. Personal property includes motor vehicles, boats, trailers, jewelry, furniture, household goods, collectibles, clothing, and personally owned vehicles that are leased or rented to businesses or other individuals. In section 6 on page 3, list these assets and enter the present value, the balance of any liabilities, whether the asset is insured, and lien or note information and terms of payments. For accounts and notes receivable, enter the total value of all monies owed to you personally, if any. This should include shareholder loans to the applicant firm, if those exist. If the asset is insured, you may be asked to provide a copy of the policy. You may also be asked to provide a copy of any liens or notes on the property.

**Other Business Interests Other than Applicant Firm:** On page 1, enter the total value of your other business investments (excluding the applicant firm). In section 7 on page 3, enter information concerning the businesses you

hold an ownership interest in, such as sole proprietorships, partnerships, joint ventures, corporations, or limited liability corporations (other than the applicant firm). Do not reduce the value of these entries by any loans from the outside firm to the DBE/ACDBE applicant business.

#### Liabilities

**Mortgages on Real Estate:** Enter the total balance on all mortgages payable on real estate on page 1.

**Loans on Life Insurance:** Enter the total value of all loans due on life insurance policies on page 1, and complete section 5 on page 2.

**Notes & Accounts Payable to Bank and Others:** On page 1, section 2, enter details concerning any liability, including name of noteholders, original and current balances, payment terms, and security/collateral information. The entries should include automobile installment accounts. This should not, however, include any mortgage balances as this information is captured in section 4. Do not include loans for your business or mortgages for your properties in this section. You may be asked to submit copy of note/security agreement, and the most recent account statement.

**Other Liabilities:** On page 1, enter the total value due on all other liabilities not listed in the previous entries. In section 8, page 3, report the name of the individual obligated, names of co-signers, description of the liability, the name of the entity owed, the date of the obligation, payment amounts and terms. Note: Do not include contingent liabilities in this section. Contingent liabilities are liabilities that belong to you only if an event(s) should occur. For example, if you

have co-signed on a relative's loan, but you are not responsible for the debt until your relative defaults, that is a contingent liability. Contingent liabilities do not count toward your net worth until they become actual liabilities.

**Unpaid Taxes:** Enter the total amount of all taxes that are currently due, but are unpaid on page 1, and complete section 8 on page 3. Contingent tax liabilities or anticipated taxes for current year should not be included. Describe in detail the name of the individual obligated, names of co-signers, the type of unpaid tax, to whom the tax is payable, due date, amount, and to what property, if any, the tax lien attaches. If none, state "NONE." You must include documentation, such as tax liens, to support the amounts.

#### Transfers of Assets:

**Transfers of Assets:** If you checked the box indicating yes on page 3 in this category, provide details on all asset transfers (within 2 years of the date of this personal net worth statement) to a spouse, domestic partner, relative, or entity in which you have an ownership or beneficial interest including a trust. Include a description of the asset; names of individuals on the deed, title, note or other instrument indicating ownership rights; the names of individuals receiving the assets and their relation to the transferor; the date of the transfer; and the value or consideration received. Submit documentation requested on the form related to the transfer.

#### Affidavit

Be sure to sign and date the statement. The Personal Net Worth Statement must be notarized

**Attachment 7**

**Bidder's List**

## Bidder's List

NAME OF PRIME CONTRACTOR/CONTRACTOR: \_\_\_\_\_

The Contractor shall provide information on ALL prospective subcontractor(s)/supplier(s) who were contacted or submitted bids/quotations in support of this solicitation. **Attach additional copies of the form as necessary.**

NAME OF SUBCONTRACTOR/SUPPLIER(S)	SCOPE OF WORK TO BE PERFORMED	CERTIFIED DBE or LSBE FIRM? (Check all that apply)	PREVIOUS YEAR'S ANNUAL GROSS RECEIPTS	UTILIZING ON THIS CONTRACT? (Please circle)
NAME: ADDRESS:   PHONE:  FAX: CONTACT PERSON:	SCOPE OF WORK:	YES:	<input type="checkbox"/> Less than \$500K	YES  or  NO
		DBE	<input type="checkbox"/> \$500K - \$3 mil	
		<input type="checkbox"/>	<input type="checkbox"/> \$3 mil - \$8 mil	
		LSBE	<input type="checkbox"/> \$8 mil - \$15 mil	
		<input type="checkbox"/>	<input type="checkbox"/> \$15 mil - \$20 mil	
		NO:	<input type="checkbox"/> \$20 mil - \$30 mil	
			<input type="checkbox"/> More than \$30 mil	
NAME: ADDRESS:   PHONE:  FAX: CONTACT PERSON:	SCOPE OF WORK:	YES:	<input type="checkbox"/> Less than \$500K	YES  or  NO
		DBE	<input type="checkbox"/> \$500K - \$3 mil	
		<input type="checkbox"/>	<input type="checkbox"/> \$3 mil - \$8 mil	
		LSBE	<input type="checkbox"/> \$8 mil - \$15 mil	
		<input type="checkbox"/>	<input type="checkbox"/> \$15 mil - \$20 mil	
		NO:	<input type="checkbox"/> \$20 mil - \$30 mil	
			<input type="checkbox"/> More than \$30 mil	
NAME: ADDRESS:   PHONE:  FAX: CONTACT PERSON:	SCOPE OF WORK:	YES:	<input type="checkbox"/> Less than \$500K	YES  Or  NO
		DBE	<input type="checkbox"/> \$500K - \$3 mil	
		<input type="checkbox"/>	<input type="checkbox"/> \$3 mil - \$8 mil	
		LSBE	<input type="checkbox"/> \$8 mil - \$15 mil	
		<input type="checkbox"/>	<input type="checkbox"/> \$15 mil - \$20 mil	
		NO:	<input type="checkbox"/> \$20 mil - \$30 mil	
			<input type="checkbox"/> More than \$30 mil	
NAME: ADDRESS:   PHONE:  FAX: CONTACT PERSON:	SCOPE OF WORK:	YES:	<input type="checkbox"/> Less than \$500K	YES  or  NO
		DBE	<input type="checkbox"/> \$500K - \$3 mil	
		<input type="checkbox"/>	<input type="checkbox"/> \$3 mil - \$8 mil	
		LSBE	<input type="checkbox"/> \$8 mil - \$15 mil	
		<input type="checkbox"/>	<input type="checkbox"/> \$15 mil - \$20 mil	
		NO:	<input type="checkbox"/> \$20 mil - \$30 mil	
			<input type="checkbox"/> More than \$30 mil	

Name/Title of person completing this form: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Attachment 8**  
**Schedule of Subconsultants/Subcontractors**



JACKSONVILLE  
TRANSPORTATION  
AUTHORITY

**SCHEDULE OF SUBCONSULTANTS/SUBCONTRACTORS**

Contractor: \_\_\_\_\_  DBE  LSBE  NON-DBE/LSBE

Description of Project: \_\_\_\_\_

Solicitation No.: \_\_\_\_\_ Contract Date: \_\_\_\_\_

As part of the procedures for the submission of Proposals/Bids, all Contractors are required to identify ALL participating SUBCONSULTANTS/SUBCONTRACTORS. Please identify such areas for above project, if applicable. Use additional sheets if necessary.

Name of Business Performing Work	Certification Status (check boxes that apply)			Description of Commodity, Material, or Service	To be completed for DBE/LSBE Supply Providers only, check applicable boxes			Dollar Amount Of Spend (if known)	Anticipated DBE/LSBE Percentage Based on Supply Provider Checked
	DBE	LSBE	NON-DBE/LSBE		Manufacturer 100% of total Spend w/firm <small>(Should match \$ amount shown on Intent-to-Perform form)</small>	Regular Dealer Only 60% of total Spend allowed <small>(Show 100% total spend on Intent-to-Perform form)</small>	Broker 100% Fees & Commissions <small>(Charged by flow, should match amount shown on Intent-to-Perform form)</small>		
								\$	
								\$	
								\$	
								\$	
								\$	
Dollar Amount or Anticipated Percentage of Work to be Completed by Non-DBE SUBCONSULTANTS/SUBCONTRACTORS								\$	
Dollar Amount or Anticipated Percentage of Work to be Completed by DBE SUBCONSULTANTS/SUBCONTRACTORS								\$	
Dollar Amount or Anticipated Percentage of Work to be Completed by LSBE SUBCONSULTANTS/SUBCONTRACTORS								\$	
Total								\$	

All DBE/LSBE SUBCONSULTANTS/SUBCONTRACTORS must be certified as such by the JTA, FDOT or one of the designated certifying members of the Florida UCP DBE program. It is understood and agreed that, if awarded a Contract by the JTA, the Contractor will not make additions, deletions, or substitutions to this certified list without the consent of the JTA Diversity & Equity Program Manager or designee through the submittal of *Request for Approval of Change to Original Certified List of SUBCONSULTANTS/SUBCONTRACTORS*. It is understood that the JTA may audit any and/or all records of the Contract/vendor and conduct interviews of owners, principals, officers, employees and applicable SUBCONSULTANTS/SUBCONTRACTORS participating on the Contract. The Diversity & Equity Program Office reserves the right to ensure compliance with the JTA's DBE/LSBE program to include status reports and audit of submitted DBE/LSBE information as deemed necessary.

**CONTRACTOR'S CERTIFICATION**

The above information is true and complete, to the best of my knowledge and belief. I further understand and agree that if awarded the Contract, this certification shall be attached thereto and become a part thereof. Failure to provide accurate information or exercise positive, good faith efforts (as defined by the JTA's DBE/LSBE Program) in support of the JTA's DBE/LSBE's intent and objective may result in being considered non-responsive to the JTA's requirements. The Diversity & Equity Program Office reserves the right to recommend an audit on the submitted DBE/LSBE information as deemed necessary.

Name and Title: \_\_\_\_\_  
(Please print or type)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ As defined in 49 CFR Part-26 - Revised: March 1, 2021



**Attachment 9**  
**Intent to Perform Form**



**JACKSONVILLE TRANSPORTATION AUTHORITY**  
**INTENT TO CONTRACT AS A DBE/LSBE SUBCONTRACTOR/SUBCONSULTANT**

PROPOSAL/SOLICITATION NUMBER: \_\_\_\_\_

Pursuant to DBE/LSBE policy, businesses participating in the JTA's DBE/LSBE Program must be certified by the Florida Uniform Certification Program (UCP) or JTA's LSBE Program at the time of submittal of bid. The firm must be listed in the Florida UCP/DBE or the LSBE Program directories, respectfully, as a certified DBE or LSBE firm.

DBE- (<http://www3b.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/CustomSearch.aspx>)

LSBE - <https://jtafla.dbesystem.com/> - Certified Vendor Directory

1. Name of Prime Contractor/Consultant \_\_\_\_\_
2. Address, City, State and Zip \_\_\_\_\_
3. FEIN Number of DBE/LSBE Firm \_\_\_\_\_ - \_\_\_\_\_
4. The DBE subcontractor/subconsultant firm listed below is certified by which member agency within the Florida UCP?  
 JTA    FDOT    GOAA (Orlando Airport)    Volusia County    Miami/Dade County    Broward County  
 HCAA (Hillsborough County)    City of Tallahassee    Lee County Port    Key West Airport
5. The LSBE subcontractor/subconsultant firm listed below is certified by the JTA and listed in the LSBE directory.    Yes    No

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

\_\_\_\_\_ Total Dollar Spend \_\_\_\_\_  
 and at the following price \$ \_\_\_\_\_ With respect to the proposed subcontract described above, \_\_\_\_\_ % of the dollar value of such subcontract will be sublet and/or awarded to the following DBE firm:

- Manufacture** (count 100% of total spend)    **Regular Dealer** (only count 60% of total spend & show on Schedule of Subconsultants)    **Broker** (only count fees/commissions charged)

Name of DBE/LSBE Firm	Address, City, State and Zip	Telephone
Signature of Owner, President or Authorized Agent of DBE/LSBE Firm	Printed Name of Signer	Date

**DECLARATION OF PRIME CONTRACTOR/CONSULTANT**

I HEREBY DECLARE AND AFFIRM that I am the \_\_\_\_\_  
 (Title Declarant)  
 and duly authorized representative of \_\_\_\_\_  
 (Name of Prime Contractor/Consultant)

to make this declaration and that I have personally reviewed the materials and facts set forth in this Intent to Perform form. To the best of my knowledge, information and belief, the facts and representations contained in this form are true, the owner or authorized agent of the DBE/LSBE business signed this form in the place indicated, and no material facts have been omitted.

Except as authorized by JTA's Diversity & Equity Director or his/her designee, the undersigned will enter into a formal agreement with the listed DBE/LSBE business for work indicated by this form prior to the effective start date of the contract. The undersigned will, if requested, provide JTA's Diversity & Equity Director or his/her designee a copy of that agreement.

The Prime Contractor/Consultant designated the following person as its DBE/LSBE Liaison Officer:

Please Print Name	Phone

Pursuant to State Law, any person (entity) who makes a false or fraudulent statement in connection with the participation of a DBE/LSBE in any locally funded project or otherwise violates applicable program requirements may be referred for prosecution.

Name of Declarant	Date
Signature	Date

**Exhibit 1**

**Notice of Public Meeting Invitation**

**NOTICE OF PUBLIC MEETING**  
**JACKSONVILLE TRANSPORTATION AUTHORITY**  
**Disadvantaged Business Enterprise**  
**Goals FY 2023-2025**

Notice is hereby given that on Friday, March 18, 2022 the Jacksonville Transportation Authority announced its proposed DBE goal of 23.44 percent for FY 2023 - 2025. Funds expended for USDOT assisted contracts are affected by this goal. The goal is exclusive of JTA's expenditures for transit vehicles. A virtual public meeting regarding the goal will be held on Tuesday, March 29, 2022 from 2:00 – 3:00 PM. [Click here to access virtual meeting](#)

It is the intent of the JTA that this expenditure goal be obtained through a race neutral and race conscious program to the maximum extent feasible. A copy of the proposed goal statement is available for review during normal business hours at the JTA Administrative Office, 100 LaVilla Center Drive, Jacksonville, Florida 32204.

Comments may be directed to Ken Middleton, Director – Diversity, Equity & Customer Advocacy or the Federal Transit Administration at the addresses listed below:

Jacksonville Transportation Authority  
Attention: Ken Middleton  
Director – Diversity, Equity & Customer Advocacy  
100 LaVilla Center Drive  
Jacksonville, Florida 32204

Federal Transit Administration  
Office of Civil Rights  
East Building  
1200 New Jersey Avenue, SE  
Washington, DC 20590

JTA will accept written or oral comments on the goal for 30 days following the date of this notice. Public comment period will close on April 22, 2022 @ 5:00 PM.

Special accommodations (including Braille, large print, sign language interpreters or other assistance) for persons with disabilities are available upon request. To assist in meeting specific needs during the meeting, please allow five business days for processing prior to the meeting date.

Please contact Terri James at (904) 633-8533 or via email: [DBE1@jtafla.com](mailto:DBE1@jtafla.com).

**Exhibit 2**

**Florida Times Union Newspaper**

**Notice of Public Meeting**

**NOTICE OF PUBLIC MEETING**

**JACKSONVILLE TRANSPORTATION AUTHORITY**

**Disadvantaged Business Enterprise**

**Goals FY 2023-2025**

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Jacksonville Transportation Authority  
Attention: Ken Middleton  
Director – Diversity, Equity & Customer Advocacy 100 LaVilla Center Drive  
Jacksonville, Florida 32204

Federal Transit Administration  
Office of Civil Rights East Building  
1200 New Jersey Avenue, SE Washington, DC 20590

JTA will accept written or oral comments on the goal for 30 days following the date of this notice. Public comment period will close on April 22, 2022 @ 5:00 PM.

Special accommodations (including Braille, large print, sign language interpreters or other assistance) for persons with disabilities are available upon request. To assist in meeting specific needs during the meeting, please allow five business days for processing prior to the meeting date. Please contact Terri James at (904) 633-8533 or via email: [DBE1@jtafla.com](mailto:DBE1@jtafla.com).

**Exhibit 3**

**HOLA Newspaper**

**Notice of Public Meeting**

AVISO DE JUNTA PÚBLICA  
JACKSONVILLE TRANSPORTATION AUTHORITY

Disadvantaged Business Enterprise

Metas Año Fiscal 2023 - 2025

Por la presente se da aviso de que el viernes 18 de Marzo de 2022, la Autoridad de Transporte de Jacksonville anunció su objetivo DBE propuesta del 23.44 por ciento para el Año Fiscal 2023 - 2025. Los fondos gastados para contratos asistidos por USDOT se ven afectados por este objetivo. El objetivo es exclusivo de los gastos de JTA para vehículos de tránsito. Se llevará a cabo una reunión pública virtual sobre la meta el martes 29 de marzo de 2022 de 2:00 p. m. a 3:00 p. m. Para acceder a la reunión virtual entra: <https://jtafla.webex.com>

Es la intención de la JTA que este objetivo de gastos se obtenga a través de un programa neutral y consciente de la raza en la mayor medida posible. Una copia de la declaración de la meta propuesta está disponible para su revisión durante el horario laboral normal en JTA Administrative Office, 100 LaVilla Center Drive, Jacksonville, Florida 32204.

Los comentarios pueden dirigirse a Ken Middleton, Director – Diversity, Equity & Customer Advocacy o la Administración Federal de Tránsito en las direcciones que se indican a continuación:

Jacksonville Transportation Authority  
Atención: Ken Middleton  
Director – Diversity, Equity & Customer Advocacy  
100 LaVilla Center Drive  
Jacksonville, Florida 32204

Administración Federal de Tránsito  
Office of Civil Rights  
East Building  
1200 New Jersey Avenue, SE  
Washington, DC 20590

JTA aceptará comentarios escritos u orales sobre la meta durante los 30 días siguientes a la fecha de este aviso. El período de comentarios públicos se cerrará el 22 de [Abril](#) de 2022 a las 5:00 p. m.

Las adaptaciones especiales (incluidos Braille, letra grande, intérpretes de lenguaje de señas u otra asistencia) para personas con discapacidades están disponibles a pedido. Para ayudar a satisfacer necesidades específicas durante la reunión, espere cinco días hábiles para el procesamiento antes de la fecha de la reunión.

Por favor contactar Terri James (904) 633-8533 o via email: [DBE1@jtafla.com](mailto:DBE1@jtafla.com).



**Exhibit 4**

**Jacksonville Business Journal Newspaper**

**Notice of Public Meeting**

# CLASSIFIED ADS

Call Deborah Green at 904-265-2202 to advertise.

## NOTICE OF PUBLIC MEETING

### JACKSONVILLE TRANSPORTATION AUTHORITY

Disadvantaged Business Enterprise Goals FY 2023-2025 Notice is hereby given that on Friday, March 18, 2022 the Jacksonville Transportation Authority announced its proposed DBE goal of 23.44 percent for FY 2023 - 2025. Funds expended for USDOT assisted contracts are affected by this goal. The goal is exclusive of JTAs expenditures for transit vehicles. A virtual public meeting regarding the goal will be held on Tuesday, March 29, 2022 from 2:00 – 3:00 PM. Click here to access virtual meeting. It is the intent of the JTA that this expenditure goal be obtained through a race neutral and race conscious program to the maximum extent feasible. A copy of the proposed goal statement is available for review during normal business hours at the JTA Administrative Office, 100 LaVilla Center Drive, Jacksonville, Florida 32204. Comments may be directed to Ken Middleton, Director – Diversity, Equity & Customer Advocacy or the Federal Transit Administration at the addresses listed below: Jacksonville Transportation Authority Attention: Ken Middleton Director – Diversity, Equity & Customer Advocacy 100 LaVilla Center Drive Jacksonville, Florida 32204. Federal Transit Administration Office of Civil Rights East Building 1200 New Jersey Avenue, SE Washington, DC 20590 JTA will accept written or oral comments on the goal for 30 days following the date of this notice. Public comment period will close on April 22, 2022 @ 5:00 PM. Special accommodations (including Braille, large print, sign language interpreters or other assistance) for persons with disabilities are available upon request. To assist in meeting specific needs during the meeting, please allow five business days for processing prior to the meeting date. Please contact Terri James at (904) 633-8533 or via email: DBE1@jtafla.com.

## REQUEST FOR PROPOSAL - MARCH 2022

Independent Audit of Financial Statements / Single Audit Services THE EARLY LEARNING COALITION OF DUVAL (THE "COALITION"), a Florida not-for-profit organization dedicated to quality early care and education in Duval County - Florida, is seeking Independent Audit / Single Audit services. In order to select a contractor (hereinafter referred to as the Proposer) to deliver these services, the Coalition requests a proposal for services based on the specifications listed below. Upon receipt of all the proposals, the Coalition will review and make a decision based on experience with non-profit and governmental audit regulations, cost, and other factors which would be appropriate for a review of proposal for the Audit services – example: responsiveness to the Request for Proposal, availability of staff with professional qualifications and technical abilities, the result of external quality control reviews, price etc. The selected vendor will be required to enter into an agreement with the Coalition for the services listed below, and to ensure adherence to all applicable federal and / or state laws. Links to some of the federal and/or state laws: Federal: [http://www.whitehouse.gov/omb/financial/fin\\_single\\_audit.html](http://www.whitehouse.gov/omb/financial/fin_single_audit.html) Federal: <http://www.aicpa.org/interestareas/governmentauditquality/resources/auditpracticetoolsaids/pages/default.aspx> Florida Single Audit Act: <http://www.myfloridacfo.com/Division/AA/Training/> Deadline for Questions: Thursday, March 31, 2022 Deadline for Response: Thursday, April 28, 2022 Final Award Decision: Tuesday, May 31, 2022 Contract Period: The contract is for a period of 3 years. Upon expiration, the Coalition has the discretion to renew contract for a new period of 1-3 years. Early Learning Coalition of Duval Financial Statements for the period ending 6/30/2021 can be requested directly by sending an email to Angel Carro – [acarro@elcduval.org](mailto:acarro@elcduval.org) REQUEST FOR THE COMPLETE BID INFORMATION AND ALL QUESTIONS MUST BE SENT IN WRITING VIA EMAIL. Early Learning Coalition of Duval Contact Information: Jim Ungaro Director of Finance 6500 Bowden Road, Suite 290 Jacksonville, FL 32216 [ungaro@elcduval.org](mailto:ungaro@elcduval.org)

**Exhibit 5**

**Jacksonville Free Press Newspaper**

**Notice of Public Meeting**

## **NOTICE OF PUBLIC MEETING JACKSONVILLE TRANSPORTATION AUTHORITY**

### **Disadvantaged Business Enterprise Goals FY 2023-2025**

Notice is hereby given that on Friday, March 18, 2022 the Jacksonville Transportation Authority announced its proposed DBE goal of 23.44 percent for FY 2023 - 2025. Funds expended for USDOT assisted contracts are affected by this goal. The goal is exclusive of JTA's expenditures for transit vehicles. A virtual public meeting regarding the goal will be held on Tuesday, March 29, 2022 from 2:00 – 3:00 PM. To join meeting, please use the following WebEx address: <https://bit.ly/3ImX9KN>

It is the intent of the JTA that this expenditure goal be obtained through a race neutral and race conscious program to the maximum extent feasible. A copy of the proposed goal statement is available for review during normal business hours at the JTA Administrative Office, 100 LaVilla Center Drive, Jacksonville, Florida 32204.

Comments may be directed to Ken Middleton, Director – Diversity, Equity & Customer Advocacy or the Federal Transit Administration at the addresses listed below:

**Jacksonville Transportation Authority  
Attention: Ken Middleton  
Director – Diversity, Equity & Customer Advocacy  
100 LaVilla Center Drive  
Jacksonville, Florida 32204**

**Federal Transit Administration  
Office of Civil Rights  
East Building  
1200 New Jersey Avenue, SE  
Washington, DC 20590**

JTA will accept written or oral comments on the goal for 30 days following the date of this notice. Public comment period will close on April 22, 2022 @ 5:00 PM.

Special accommodations (including Braille, large print, sign language interpreters or other assistance) for persons with disabilities are available upon request. To assist in meeting specific needs during the meeting, please allow five business days for processing prior to the meeting date.

Please contact Terri James at (904) 633-8533 or via email: [DBE1@jtafla.com](mailto:DBE1@jtafla.com).

**Exhibit 6**

**COMTO Jacksonville**

**JTA Public Meeting (DBE Goals)**





**Exhibit 7**

**JTA Board of Directors (Minutes)**

**Approved**

**DBE Program Goal Memorandum**

**FY2023 – FY2025**



**TO:** JTA Board of Directors  
Finance and Administration Committee

**FROM:** Greer Johnson Gillis, P.E.  
SVP - System Development and Capital Programs

**SUBJECT:** Approval of Disadvantaged Business Enterprise Program Goal for Fiscal Years 2023-2025

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**RECOMMENDED ACTION**

Staff recommends the Board approve the Disadvantaged Business Enterprise (DBE) Triennial Goal of 23.44 percent (12.44 percent race neutral and 11 percent race conscious). This Goal shall be submitted to the Federal Transit Administration (FTA) for Fiscal Years 2023-2025.

**ALIGNMENT WITH STRATEGIC GOALS**

Establishment of the DBE goal is JTA's commitment to comply with federal regulations.

**SUMMARY OF NEED**

The Authority's current three-year DBE goal is 23.40 percent. The proposed DBE goal represents a 0.04 percent increase. The increase is based on the increased DBE participation the JTA has achieved over the previous 36-month period. Additionally, DBE participation has continued to steadily increase each quarter of the fiscal year. Based on these numbers, the JTA is confident in recommending the increased goal.

Pursuant to Federal Regulations 49 CFR Part 26, recipient agencies who anticipate awarding more than \$250,000 in U. S. Department of Transportation (USDOT) assisted prime contracts are required to set an annual goal for DBE Participation. Effective March 3, 2010, the USDOT issued a new rule which amended the current provision requiring annual submissions of DBE goal to the FTA once every three years. The change to a three-year goal submittal affords both the grantee and the FTA the opportunity to focus more on efforts to meet their goals. Should contracting opportunities unexpectedly increase, decrease, or significantly change during the three-year period such that the submitted goal is rendered obsolete, the JTA will appropriately amend both the goal and its DBE contracting practices in order to ensure the goal and DBE program accurately reflects the actual contracting available during this specified time period.

Race neutral DBE participation occurs when a DBE firm is awarded a contract to subcontract, which did not contain a specific goal; or when the DBE compliance is not considered with established goals or documented good faith efforts to meet the goal.

**BACKGROUND AND HISTORY**

The JTA receives federal financial assistance from the USDOT. As a condition of receiving this assistance, the JTA has signed an assurance that will establish an annual DBE goal. The recommended goal shows our continuing interest in ensuring that DBEs have an opportunity to receive and participate in USDOT-assisted projects. The JTA will take all necessary and reasonable steps to ensure participation of DBEs in the total procurement process and to encourage the development of disadvantaged businesses in the Jacksonville area.

Subj: Approval of Disadvantaged Business Enterprise Program Goal for Fiscal Years 2023-2025  
Page 2  
May 26, 2022

**PROCUREMENT OVERVIEW**

Not Applicable

**FISCAL IMPACT**

There is no fiscal impact associated with this item. The JTA budget has included provisions under Mass Transit and Construction and Capital Programs for the implementation of the DBE Program.

**DBE PARTICIPATION**

Not Applicable

**MINUTES  
REGULAR BOARD MEETING  
JACKSONVILLE TRANSPORTATION AUTHORITY  
THURSDAY, MAY 26, 2022 – 3:00 P.M.**

The regular Board meeting of the Jacksonville Transportation Authority (JTA) was held on Thursday, May 26, 2022.

**BOARD MEMBERS**

Arezou Jolly, Chair  
Deborah Buckland, Vice Chair  
G. Ray Driver, Secretary  
Kevin J. Holzendorf, Past Chair  
Aundra Wallace

**JTA EXECUTIVE STAFF**

Cleveland Ferguson III, SVP Administration  
Greg Hayes, VP Finance & Technology  
Greer Gillis, SVP System Development  
Bernard Schmidt, VP Automation

**BOARD MEMBERS NOT PRESENT**

Abel Harding, Treasurer  
Greg Evans, FDOT

**OTHERS PRESENT**

Katie Smith, Board Administrator  
David Cawton, Director of Communications  
Khisha Dukes, AVP Strategic Initiatives

- A. **CALL TO ORDER** – Chair Jolly called the meeting to order at 3:03 p.m.  
**Chair Jolly announced that Mr. Ford** was not in attendance and that Mr. Ferguson would handle the CEO matters.

Chair Jolly led the Pledge of Allegiance and held a moment of silence for the lives lost in Texas by the senseless act violence.

Mrs. Smith completed roll call confirming a quorum of the Board.

Chair Jolly provided the safety message for the month of May, “Often times a disaster is just a poorly met emergency.”

B. **APPROVAL OF MINUTES FROM APRIL 28, 2022 BOARD WORK SESSION AND BOARD MEETING**

**MOTION** (Holzendorf/Wallace) Motion Approved (5-0).

- C. **COMMENTS FROM COUNCIL LIAISON** - Councilwoman Pittman was unable to attend the Board meeting.

- D. **EMPLOYEE RECOGNITION AWARDS** – Mr. Ferguson introduced the following employees in recognition of their strong leadership example and commitment to excellence, these employees will receive a special award and a gift card:

Steve Pumarejo	April 2022 Bus Operator of the Month
Carolyn Pride	April 2022 Administrative Employee of the Month
Ronald Parson	Million Mile Hall of Fame Inductee

- E. **COMMENTS FROM THE PUBLIC:**

**Ulysess Milledge:** Mr. Milledge shared his appreciation of JTA staff members, Karen Moore and Shirley Isom. He stated that they are always helpful and gets him the assistance he needs and they should be recognized for their work.

**F. CHIEF EXECUTIVE OFFICER'S REPORT** – Mr. Ferguson provided a brief CEO Report on behalf of Mr. Ford.

He thanked Chair Jolly and Director Buckland for joining the Ferry Celebration that took place earlier in the day, prior to the Board Meeting. He then announced and extended an invitation to the Board for them to attend the annual State of the Authority on June 21 and the Zero Emission Forum on June 21-22.

Mr. Ferguson also took the opportunity to recognize a JTA operator for going above and beyond to assist young children who were trying to get to school on the other side town. Ms. Yvonne Gilliam. Her actions certainly helped avert a large-scale search for the children, or a potential tragedy. He concluded with a special video of Yvonne sharing how her maternal instinct kicked in to aid these children.

**G. DIVISION REPORTS**

**1. ADMINISTRATION MONTHLY REPORT** – Mr. Ferguson shared highlights of the Real Estate and Economic Development Report and Procurement report for the Administration Division through April 2022.

Director Wallace announced that Florida Department of Transportation Security Purdue was in Jacksonville early in the week and had an opportunity to discuss the procurements that will be coming from FDOT in the next few months, about \$1.6 million dollars. Director Wallace stated that it would behoove the community to have discussions about the procurements that will be hitting the street from FDOT, JTA, and the Port. This could cause price wars so there needs to be a good handle and put in any contingency plans in place before these items hit the street.

**2. AUTOMATION MONTHLY REPORT** – Mr. Schmidt provided the Board with the Automation Monthly Report for activities through May 15, 2022. He announced the departure of William Frazier from the JTA. Mr. Schmidt concluded with an introduction of the summer interns that will be working with Automation team.

Chair Jolly asked the interns to come forward to introduce their selves and take a group photo.

**3. ENGAGEMENT MONTHLY REPORT** – Mr. Cawton provided an overview for Engagement Division through April 16, 2022 and the Fixed Route and Connexion Customer Experience report for April 2022.

4. **FINANCIAL MONTHLY REPORTS** – Mr. Hayes provided the Board with the Financial Reports for March 2022, as well as the month and year-to-date update, reports for Processed Invoices, Agency Sponsorships and Memberships, Quarterly Investment, and Quarterly Grants.

5. **SYSTEM DEVELOPMENT** – Ms. Gillis shared details of the System Development Report and activities through April 2022.

6. **TRANSIT OPERATIONS** – Mr. Frazier provided the Board with the Transit Operations report for April 2022.

7. **QUARTERLY DISADVANTAGED BUSINESS ENTERPRISE REPORT-** Ms. Gillis shared the Quarterly Disadvantaged Business Enterprise Report for the second quarter of Fiscal Year 2022

**H. CONSENT AGENDA**

**1. APPROVAL OF CONTRACT AWARD FOR AIR CONDITION UNITS AND ASSOCIATED PARTS (SS-22-012)**

**MOTION** (Holzendorf/Wallace) to concur with staff's recommendation per the Board Memorandums for item H.1. Approved (5-0).

**I. ADOPTION AGENDA** No items under the Adoption Agenda.

**J. SAFETY, AUDIT AND COMPLIANCE COMMITTEE** (Harding, Committee Chair)  
There were no items under the Safety Audit and Compliance Committee.

**K. FINANCE AND ADMINISTRATION COMMITTEE** (Driver, Committee Chair)

**ACTION ITEMS**

1. **APPROVAL OF DISADVANTAGED BUSINESS ENTERPRISE PROGRAM GOAL FOR FISCAL YEARS 2023 - 2025**: Staff recommend the Board approve the Disadvantaged Business Enterprise (DBE) Triennial Goal of 23.44 percent. This Goal shall be submitted to the Federal Transit Administration for Fiscal Years 2023-2025. The Authority's current three-year DBE goal is 23.40 percent. The proposed DBE goal represents a 0.04 percent increase.

Director Holzendorf commented the amount of work to look at the DBE program and the willingness to increase goals. He added that he hopes other agencies will us the JTA as an example.

**MOTION** (Holzendorf/Wallace) Approval of DBE Program Goal for Fiscal Years 2023 - 2025. Motion Approved (5-0).

2. **RESOLUTION 2022-04: APPROVAL OF FISCAL YEAR 2023 OPERATING BUDGET**: Staff recommended the Board adopt Resolution 2022-04 for approval

of the Fiscal Year 2023 Operating Budget. Per Florida Statute and the City of Jacksonville's (City) Ordinance Code, the JTA must submit the annual budget by June 1 of each year.

Staff and Board acknowledged the number of meetings and discussions that have taken place over the last several months for the Board to review the annual budgets.

**MOTION** (Holzendorf/Wallace) Approval to Adopt Resolution 2022-04 for Fiscal Year 2023 Operating Budget. Motion Approved (5-0).

3. **RESOLUTION 2022-05: APPROVAL OF FISCAL YEAR 2023 CAPITAL BUDGET:** Staff recommended the Board adopt Resolution 2022-05 for approval of the Fiscal Year 2023 Capital Budget. Per Florida Statute and the City of Jacksonville's (City) Ordinance Code, the JTA must submit the annual budget by June 1 of each year.

**MOTION** (Holzendorf/Driver) Approval to Adopt Resolution 2022-05 for Fiscal Year 2023 Capital Budget. Motion Approved (5-0).

L. **SERVICE DELIVERY** (Wallace, Committee Chair)

No items under the Service Delivery Committee.

M. **LONG RANGE PLANNING AND SYSTEM DEVELOPMENT** (Buckland, Committee Chair)

**ACTION ITEMS**

1. **APPROVAL OF CONTRACT AMENDMENT FOR LANDSCAPING AND IRRIGATION SERVICES** – Staff recommended the Board approve and authorize the Chief Executive Officer to negotiate and enter into a Contract Amendment with J & D Maintenance and Services of North Florida, LLC for an increase in Contract Purchase Agreement of \$500,000 for a not-to-exceed amount of \$2,998,551 for Landscaping and Irrigation. The general scope of service under this contract requires lawn maintenance, tree trimming, fertilization and removal of debris at the following.

The DBE goal for this contract is 25 percent and J & D continues to meet that goal.

**MOTION** (Driver/Holzendorf) Approval of Contract Award for Landscaping and Irrigation Services. Motion Approved (5-0).

2. **DECLARATION OF SURPLUS REAL PROPERTY – GILLESPIE AVENUE:** Staff recommended the Board officially declare the Gillespie Avenue parcel as surplus and eligible for disposal through public sale or transfer to other governmental agencies. The parcel is identified as a portion of the Duval County Property Appraiser's Real Estate Numbers 107559-0000 and 107561-0000 comprised of 1.46 acres.

**Mr.** Ferguson shared that FDOT has expressed some interest in this parcel as has another local company.

Director Holzendorf asked how the JTA originally acquired this property. Mr. Ferguson responded that it was a part of the Better Jacksonville Projects but was not needed.

**MOTION** (Wallace/Buckland) Approval of Declaration of Surplus for Real Property – Gillespie Avenue. Motion Approved (5-0).

**3. DECLARATION OF SURPLUS REAL PROPERTY – TRANSIT ORIENTED DEVELOPMENT PARCELS**; Staff recommended the Board officially declare the certain properties for Transit Oriented Development (TOD) as surplus and eligible for disposal through public sale or transfer to other governmental agencies. There parcels are known as Rosa Parks 074141-0010; Kings Avenue Garage 080660-1500 (partial), 080660-1510, and 080660-1520.

**MOTION** (Wallace/Buckland) Approval of Declaration of Surplus for Real Property – TOD Parcels. Motion Approved (5-0).

**N. OLD BUSINESS**: There was no old business.

**O. NEW BUSINESS**: There was no new business.

Chair Jolly thanked the Board for their attendance and staff for the stellar job.

There being no further business, the meeting adjourned at 4:02 p.m.

  
G. Ray Driver, Secretary

  
Arezou Jolly, Chair