



CitrusConnection

**Disadvantaged Business Enterprise
(D B E)
Program**

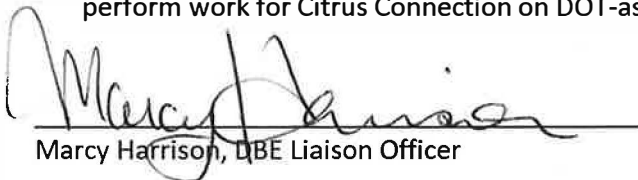
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DBE PROGRAM STATEMENT

1. The Lakeland Area Mass Transit District, d.b.a. the Citrus Connection, as a recipient of Federal Transit funds authorized by Titles I, III, V and VI (or SAFETEA-LU), Pub. L. 102-240 or by Federal transit laws in title 49, U.S. Code, or Titles I, III and V of the TEA-21 Pub. L. 105-178 shall have and implement a Disadvantaged Business Enterprise (DBE) Program in accordance with 49 C.F.R. Part 26. As such, Citrus Connection shall never exclude any person from participating in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by Citrus Connection's DBE Program on the basis of race, color, sex or national origin.
2. It is the policy of Citrus Connection to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:
 - To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
 - To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
 - To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
 - To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
 - To help remove barriers to the participation of DBEs in DOT assisted contracts;
 - To assist in the development of firms that can compete successfully in the market place outside the DBE Program.
3. Marcy Harrison, Executive Assistant, has been delegated as the DBE Liaison Officer (DBELO). In that capacity, Ms. Harrison is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by Citrus Connection in its financial assistance agreements with DOT. Ms. Harrison's office is located at 1212 George Jenkins Blvd., Lakeland, FL 33815, (863) 327-1302, mharrison@ridecitrus.com.
4. Tom Phillips, Executive Director, shall be, for the DBE Program purposes, the Reconsideration Official. Mr. Phillips office is located at 1212 George Jenkins Blvd., Lakeland, FL 33815, (863) 327-1300, tphillips@ridecitrus.com.
5. Citrus Connection will disseminate this policy to the Board of Directors of Citrus Connection and all of the components of the organization. This statement will be distributed to DBE and non-DBE business entities that perform work for Citrus Connection on DOT-assisted contracts.


 Marcy Harrison, DBE Liaison Officer

7/9/2015
 Date

Citrus Connection has disseminated this policy statement to the Citrus Connection's Board of Directors and all of the components of the organization. This statement will be distributed to DBE and non-DBE business communities that perform work for Citrus Connection on DOT-assisted contracts during each pre-bid conference.


 Tom Phillips, Executive Director
 Lakeland Area Mass Transit District d/b/a Citrus Connection

7/9/15
 Date



1 GENERAL REQUIREMENTS

1.1 Objectives [26.1]

It is the objective of Citrus Connection to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in DOT—assisted contracts. It is also Citrus Connection's objective:

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

1.2 Applicability [26.3]

The Lakeland Area Mass Transit District (LAMTD) d/b/a Citrus Connection receives Federal financial assistance from the US Department of Transportation (DOT) and, as a condition of receiving this financial assistance, Citrus Connection has signed an assurance that it will comply with 49 CFR Part 26. In accordance with these regulations, Citrus Connection has established a DBE Program.

1.3 Definitions (26.5)

Citrus Connection will adopt the definitions contained in Section 26.5 of 49 CFR Part 26 for this program.

1.4 Non-discrimination Requirements [26.7]

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

In administering the DBE program, Citrus Connection will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

1.5 Record Keeping Requirements [26.11(a)]

Citrus Connection will report DBE participation to FTA using the uniform report of DBE Awards or Commitments and Payments. See Attachment 2.

Specifically, Citrus Connection will maintain records showing:

- (a) Procedures which have been adopted to comply with Citrus Connection's requirements;
- (b) Specific efforts to identify and award contracts to Disadvantaged Business Enterprises and Small Business Enterprises; See Attachment 3
- (c) Pre-bid conference information as it relates to Citrus Connection's Disadvantaged Business Enterprise and Small Business Enterprise provisions; See Attachment 4.



- (d) Requests for assistance from DBEs and SBEs interested in bidding/proposing on Citrus Connection contracts and subcontracts. See Attachment 4a.
- (e) Awards to Disadvantaged Business Enterprises and Small Business Enterprises, including names of contractors and subcontractors, nature of the work/services to be performed, and the percentage of DBE or SBE participation per contract. See Attachment 5.

1.6 Bidders List [26.11 (c)]

Citrus Connection shall create and maintain a bidders list, consisting of all firms bidding on prime contracts and bidding or quoting subcontracts on DOT assisted projects. The list will include the name, address, firm status as a SBE, DBE, or non-DBE, age of the firm, and annual gross receipts of firms. Citrus Connection shall collect this information through the insertion of a contract clause requiring that prime bidders will report names / addresses, and other information, of all firms that submit quotes on subcontracts.

1.7 Federal Financial Assistance Agreement [26.13]

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

1.7.1 Assurance

Citrus Connection shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. Citrus Connection shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. Citrus Connection's DBE program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to Citrus Connection of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986. [31 U.S.C. 3801 et seq.]

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

1.7.2 Contract Assurance

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

2 ADMINISTRATIVE REQUIREMENTS

2.1 DBE Program Updates [26.21]

Given that Citrus Connection receives a grant of \$250,000 or more in FTA planning, capital and/or operating assistance in a federal fiscal year, this program will be carried out until all funds from DOT financial assistance have been expended. Updates representing significant changes in the program will be provided to FTA.

2.2 Policy Statement [26.23]

Citrus Connection will issue a signed and dated policy statement that expresses its commitment to the DBE Program, states its objectives, and outlines the 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 Citrus Connection DOT-assisted contracts.

2.3 DBE Liaison Officer [DBELO] [26.25]

The Executive Director has designated, Marcy Harrison, DBE Liaison Officer (DBELO). In that capacity, the DBELO is responsible for implementing all aspects of the DBE program. The DBELO shall have adequate staff to administer the Program. The duties and responsibilities include the following to be administered:

- Has direct, independent access to the Transit Executive Director concerning DBE matters.
- An organizational chart displaying the DBELO's position in the organization is found in Attachment 1 to this program document.
- Gathers and reports statistical data and other information required by FTA.
- Reviews third party contracts and purchase requisitions for compliance.
- Works with all departments to set overall annual goals.
- Ensures solicitation notices are available to DBEs and SBEs in a timely manner.
- Identify contracts and procurements so that DBE goals are included in solicitations for race neutral methods and contract specific goals and monitors results.
- Analyze progress toward goal attainment and identifies ways to improve progress.
- Participates in pre-solicitation conferences.
- Act as Liaison to the Uniform Certification Program in the State of Florida.
- Advises Transit Executive Director and Board of Directors on DBE matters and achievement.
- Participates with applicable project manager to determine contractor compliance.
- Monitor payments to DBEs for work committed to them at the time of contract award.
- Plans and participates in DBE training.

2.4 DBE Financial Institutions [26.27]

It is the policy of Citrus Connection to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted 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 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 http://www.fms.treas.gov/mdbdp/current_list.html.

Citrus Connection re-evaluates the availability of DBE financial institutions every three (3) years.

2.5 Prompt Payment Mechanisms [26.29]

Prompt Payment [26.29 (a)]

Citrus Connection ensures that the following clause is placed in every DOT-assisted contract and subcontract:

The prime contractor agrees to pay each subcontractor under the prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contractor receives from Citrus Connection. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of Citrus Connection. This clause applies to both DBE and non-DBE subcontractors. The Contractor shall submit with each invoice a report of DBE expenditures.

The report shall show each DBE, the amount of their subcontract, the amount earned to date, the amount earned for that respective invoice and the amount remaining to be earned. The report shall also have each DBE subcontractor to certify relative to the amounts earned and paid to date

Retainage [26.29 (b)]

Citrus Connection is required to mandate and enforce prompt payment of subcontractor, including the payment of “retainage” from the prime contractor to the subcontractor, no later than 30 days from the receipt of each payment the prime contractor receives from Citrus Connection. (i.e., all tasks called for in the subcontract have been accomplished and documented as required by Citrus Connection.) Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of Citrus Connection. This prompt payment provision is intended to apply to subcontractors at all tiers.

Monitoring and Enforcement [26.29 (d)]

Citrus Connection has established the following to monitor and enforce that prompt payment and return of retainage is in fact occurring:

1. Require prime contractors to provide subcontractors with all contract provisions, including the prompt payment provision. This will ensure that subcontractors are knowledgeable of the prompt payment requirement.
2. If Citrus Connection is contacted by a subcontractor regarding possible violation of the prompt payment clause by the prime contractor Citrus Connection will make inquiries to the prime contractor.

Any delay or postponement of payment may occur only for good cause following written approval from Citrus Connection. This language applies to both DBE and non-DBE subcontracts. Failure to satisfy prompt payment to subcontractors no later than thirty days from the receipt of payment from Citrus Connection may constitute a breach of contract and may result in termination of the contractor for default or such other remedy Citrus Connection may deem appropriate.

2.6 Directory [26.31]

Citrus Connection 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 website <http://www.dot.state.fl.us/equalopportunityoffice/>. Citrus Connection will make available to interested persons a directory identifying all firms eligible to participate as DBEs in Citrus Connection’s program.

2.7 Overconcentration [26.33]

Citrus Connection has not identified that overconcentration exists in the types of work that DBEs perform and will re-evaluate for overconcentration every year. If Citrus Connection determines that DBE and SBE firms are so over concentrated in a certain type of work as to unduly burden the opportunity of non-DBE firms to participate in this type of work. Appropriate measures to address overconcentration may include the use of incentive, technical assistance, business development program, mentor-protégé programs, and other appropriate measures designed to assist DBEs and SBEs in performing work outside of the specific field in which it has determined that non-DBEs are unduly burdened.

2.8 Business Development Programs [26.35]

Citrus Connection is not required to establish a formal business development program. The following activities are designed to ensure the DBEs and SBEs have the equal opportunity to participate in contracts:

- Participate in training seminars and community outreach activities for the purpose of informing potential contractors of available business opportunities.
- Email procurement advertisements to businesses that have been identified as certified DBEs and SBEs, which are likely to participate on the contract.
- Encourage DBE and SBE attendance at solicitation conferences.
- Citrus Connection will reevaluate this program every three (3) years.

2.9 Monitoring and Enforcement Mechanisms [26.37]

Citrus Connection will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26:

1. Citrus Connection will bring to the attention of the DOT any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (i.e. referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109
2. Citrus Connection will consider similar action under our own legal authorities, including responsibility determinations in future contracts, removal of firms from the prequalified bidders and consultants lists. (Attachment 9) lists the regular, provisions, and contract remedies available to Citrus Connection in the event of non-compliance with a DBE regulation by a participant involved in procurement activities.
3. Citrus Connection will provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by on site visits. DBE Participation Documentation Form will be filled out to verify that the DBE is actually performing the work identified on contract documents (Attachment 6).
4. Citrus Connection will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award and will require prime contracts 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 Citrus Connection or DOT. This reporting requirement also extends to any certified DBE subcontractor. See Vendor Payment Form (Attachment 8).

2.10 Small Business Element [26.39]

Citrus Connection has incorporated the following non-discriminatory elements into its DBE program. In order to facilitate competition on DOT-assisted public works projects by small business concerns (both DBEs and non-DBE small businesses):

- Removal of unnecessary and unjustified bundling of contract requirements that may preclude SBE participation in procurement as prime contractors or subcontractors.
- Letting prime contracts of a size that small businesses can reasonable compete for and perform.
- Require prime contract to identify small business subcontracts on large procurement as part of its small business element strategy.

Small Business Administration defines a small business concern as one that is independently owned and operated, is organized for profit, and is not dominant in its field of operations, as defined pursuant to section 3 of the Small



Business Act and Small Business Administration regulations implementing it (13 CFR par 121) that also does not exceed the cap on average annual gross receipts specified in 26.65(b). “Bundling of contract requirements” means consolidating two or more procurement requirements for goods or services previously provided or performed under separate smaller contracts into a solicitation of offers for a single contract that is likely to be unsuitable for award to a small-business concern due to the following:

1. Diversity, size, or specialized nature of the elements of the performance specified;
2. Aggregate dollar value of the anticipated award;

On prime contracts not having DBE contract goals, Citrus Connection will require the prime contractor to provide subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform. In addition, Citrus Connection will ensure that a reasonable number of prime contracts are of a size that small Businesses, including DBEs, can reasonably perform.

Citrus Connection will implement the Small Business Program within nine months of FTA approval of its DBE Program. Citrus Connection will verify business size through the DBE directory of Florida’s UCP directory, maintained by the FDOT.

3 GOALS, GOOD FAITH EFFORTS, AND COUNTING

3.1 Set-asides or Quotas [26.43]

Citrus Connection will not permit the use of quotas for DBEs on DOT-assisted contracts subject to this part. Citrus Connection will not set-aside contracts for DBEs on DOT- assisted contracts subject to this part. Citrus Connection cannot be penalized or treated by the Department as being in noncompliance with this rule because Citrus Connection’s DBE participation falls short of its overall goal unless Citrus Connection has failed to administer its program in good faith.

3.2 Overall Goals [26.45]

As a recipient of DOT financial assistance through the Federal Transit Administration (FTA) Citrus Connection is required to set an overall goal for DBE participation in DOT assisted contract. The overall goal will provide for participation by all certified DBEs and will not be subdivided into group specific goals, or established as a quota system. The methodology used to calculate overall goal can be found in Attachment 7.

Citrus Connection’s overall goal is based on verifiable evidence of the availability of ready, willing and able DBEs available to participate on U.S. DOT assisted contracts. Citrus Connection intends to meet those goals to the maximum extent feasible through the race neutral measures described in the 49 CFR Part 26 Section 26.45 (f).

Citrus Connection will publish a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at Citrus Connection’s office for 30 days following the date of the meeting notice. Historically, by averaging the previous three years DBE participation, Citrus Connection’s overall goal is 2%.

3.3 Failure to meet Overall Goals [26.47]

If Citrus Connection does not have an approved DBE program or overall goal, or if Citrus Connection fails to implement the program in good faith, Citrus Connection is in noncompliance with its failure and corrective action(s) must be documented. The analysis does not have to be transmitted to DOT the program. If Citrus Connection fails to meet its overall goals in a given year, a determination of the reason(s) or unless Citrus Connection is notified by DOT of the required analysis, the analysis and corrective action(s) will be retained for three (3) years and it will be made available to the FTA upon request for their review.

3.4 Transit Vehicle Manufacturers Goals [26.49]

A transit vehicle manufacturer or dealer must provide certification of manufacturer compliance for those vehicles the distributor or dealer seeks to offer. Transit vehicle manufacturers are required to submit separate annual percentage overall goals for the utilization of DBEs to the FTA Administrator.

3.5 Breakout of Estimated Race-Neutral & Race-Conscious Participation [26.51(a-c)]

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 7 of this program document. This section of the program will be updated annually when the goal calculation is updated.

Citrus Connection shall meet the maximum feasible portion of the annual goal through the use of race-neutral means of facilitating DBE participation. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE and other small business participation.

Citrus Connection has determined its Race Neutral Goal by the contracts that were awarded in the previous year to DBEs through customary competitive procurement procedures and subcontract on a prime contract that does not carry a goal.

3.6 Contract Goals [26.51]

Citrus Connection will use contract goals to meet any portion of the overall goal Citrus Connection does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means. The methodology used to calculate contract goal, as it relates to the overall goal, can be found in Attachment 3.

Citrus Connection will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every such contract, and the size of contract goals will be tailored to the circumstances of each such contract (i.e. type and location of work, availability of DBEs to perform the particular type of work.)

For all contracts for which contract goals have been established, Citrus Connection shall in the solicitation inform competitors that the competitors will be required to submit Disadvantaged Business Enterprise participation information to Citrus Connection and that the award of the contract will be conditioned upon satisfaction of the requirements established by Citrus Connection. The apparent successful competitor shall submit, at the time of the bid opening or proposal review, the following information:

- The name and address of Disadvantaged Business Enterprise firms that will participate in the contract;
- The description of the work each named Disadvantaged Business Enterprise will perform; and
- The dollar amount of participation by each named Disadvantaged Business Enterprise firm.

Citrus Connection will express their contract goals as a percentage of the federal share of a DOT assisted contract.

3.7 Good Faith Efforts Procedures [26.53]

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

The Project Manager 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.

Citrus Connection will ensure that all information is complete and accurate and adequately documents the offeror's good faith efforts before Citrus Connection commits to the performance of the contract by the offeror. See Attachment 5a.

Each solicitation, for which a contract goal has been established, will require the offeror to submit the following information:

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

3.7.1 Administrative Reconsideration

Within 3 days of being informed by Citrus Connection that the offeror is not responsible 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: Tom Phillips, Citrus Connection, Executive Director, 1212 George Jenkins Blvd., Lakeland, FL, 33815, 863-327-1300, tphillips@ridecitrus.com. The Executive Director will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the offeror will have the opportunity to provide written documentation or information concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The offeror will have the opportunity to meet in person with the DBELO to discuss the issue of whether it met the goals or made adequate good faith efforts to do so. Citrus Connection 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 to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

3.7.2 Good Faith Efforts when a DBE is terminated or substituted on a contract [26.53] (f)

Citrus Connection requires that prime contractors not terminate a DBE subcontractor listed on a bid/contract with a DBE contract goal without Citrus Connection's prior written consent. Prior written consent will only be provided where there is "good cause" for termination of the DBE firm as established by Section 26.53(f)(3) of the DBE regulation.

Before transmitting to Citrus Connection its request to terminate or substitute, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to Citrus Connection, of its intent to do so. The prime contractor must give the DBE five (5) days to respond to the prime contractor's notice and advise Citrus Connection and the contractor of the reason(s), if any, why it objects to the proposed termination and why Citrus Connection should not approve the prime contractor's action.

Citrus Connection shall require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. Citrus Connection will require the prime contractor to notify Citrus Connection's project manager or DBELO immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.



In this situation, Citrus Connection will require the prime contractor to obtain prior written 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 project manager or DBELO may issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the project manager or DBELO may issue a termination for default proceeding.

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the US DOT, apply to this contract. It is the policy of Citrus Connection to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders / offerors, including those who qualify as a DBE. A DBE contract goal of 2 percent has been established for this contract. The bidder / offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 10), to meet the contract goal for DBE participation in the performance of this contract.

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

3.8 Counting DBE Participation [26.55]

Citrus Connection will count DBE participation toward overall goal and contract goals as provided in 49 CFR 26.55. DBE participation will be counted as follows:

- (a) Once a firm is determined to be an eligible Disadvantaged Business Enterprise, in accordance with this policy, the total dollar value of the contract awarded to the Disadvantaged Business Enterprise is counted toward the applicable Disadvantaged Business Enterprise goals.
- (b) Citrus Connection or a contractor may count toward its Disadvantaged Business Enterprise goals a portion of the total dollar value of a contract with an eligible joint venture equal to the percentage of the ownership and contract of the Disadvantaged Business Enterprise partner in the joint venture.
- (c) Citrus Connection or a contractor may count toward its Disadvantaged Business Enterprise goal only expenditures to Disadvantaged Business Enterprises that perform a commercially useful function in the work of a contract. A Disadvantaged Business Enterprise is considered to perform a commercially useful function when it is responsible for execution of a distinct element of the work of a contract and carrying out its responsibilities by actually performing, managing and supervising the work involved. To determine whether a Disadvantaged Business Enterprise is performing a commercially useful function, Citrus Connection or a contractor shall evaluate the amount of work subcontracted, industry practices and other relevant factors.
- (d) Consistent with normal industry practices, a Disadvantaged Business Enterprise may enter into subcontracts. If a Disadvantaged Business Enterprise contractor subcontracts a significantly greater portion of the work of the contract than would be expected on the basis of normal industry practices, the Disadvantaged Business Enterprise shall be presumed not to be performing a commercially useful function. The Disadvantaged Business Enterprise may present evidence to rebut this presumption to Citrus Connection.

- (e) Citrus Connection or a contractor may count toward its Disadvantaged Business Enterprise goals 60 percent of its expenditures for materials and supplies obtained from Disadvantaged Business Enterprise regular dealers and 100 percent of such expenditures to a manufacturer, provided that the Disadvantaged Business Enterprise assumes the actual and contractual responsibility for the provision of the materials and supplies as follows:

For the purposes of this section, a manufacturer is a firm that operates or maintains a store, warehouse or other establishment in which the materials or supplies required for the performance of the contract are bought, kept in stock and regularly sold to the public in the normal course of business.

To be a regular dealer, the firm must engage in, as its principal business, and in its own name, the purchase and sale of the products in question. A regular dealer in such bulk items as steel, cement, gravel, stone and petroleum products need not keep such products in stock, if it owns or operates distribution equipment. Brokers and packagers shall not be regarded as manufacturers or regular dealers within the meaning of this section.

- (f) Citrus Connection or a contractor may count toward its Disadvantaged Business Enterprise goals the following expenditures to Disadvantaged Business Enterprise firms that are not manufacturers or regular dealers:
- (1) The fees or commissions charged for providing bona fide service, such as professional, technical, consultant or managerial services and assistance in the procurement of essential personnel, facilities, equipment, materials or supplies required for the performance of the contract, provided that the fee or commission is determined by Citrus Connection to be reasonable and not excessive as compared with fees customarily allowed for similar services.
 - (2) The fees charged for delivery of materials and supplies required on a job site (but not the cost of the materials and supplies themselves) when the hauler, trucker or delivery service is not also the manufacturer of or a regular dealer in the materials and supplies, provided that the fee is determined by Citrus Connection to be reasonable and not excessive as compared to fees customarily allowed for similar services.
 - (3) The fees or commissions charged for providing any bonds or insurance specifically required for the performance of the contract, provided that the fee or commission is determined by Citrus Connection to be reasonable and not excessive as compared with fees customarily allowed for similar services.
 - (4) If a contractor does not meet an established contract goal they may nevertheless be eligible for award by demonstrating that they had made a good faith effort to attain the stated contract goal. Good faith efforts are those as defined in 49 CFR Part 26 Appendix A - Guidance Concerning Good Faith Efforts. If there is a preliminary determination that the bidder has not made good faith efforts, LAMTD shall, before award, provide the bidder an opportunity for Administrative Reconsideration [26.53(d)].

4 CERTIFICATION STANDARDS [26.61 – 26.73]

Citrus Connection is a non-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.

Citrus Connection will ensure that only firms certified as eligible DBEs under this section participate as DBEs in Citrus Connection's program. Citrus Connection will take all the following steps in determining whether a DBE firm meets the standards of subpart D of 49 CFR Part 26.

1. Citrus Connection will perform an on-site visit to the offices of the firm. Citrus Connection will interview the principal officers of the firm and review their resumes and/or work histories. Citrus Connection will also perform an on-site visit to job sites if there are such sites on which the firm is working at the time of the eligibility investigation in its jurisdiction or local area. Citrus Connection may rely upon the site visit report of any other recipient with respect to a firm applying for certification;
2. If the firm is a corporation, Citrus Connection will analyze the ownership of stock in the firm;
3. Citrus Connection will analyze the bonding and financial capacity of the firm;
4. Determine the work history of the firm, including contracts it has received and work it has completed;
5. Obtain a statement from the firm of the type of work it prefers to perform as part of the DBE program and its preferred locations for performing the work; if any;
6. Obtain or compile a list of the equipment owned by or available to the firm and the licenses the firm and its key personnel possess to perform the work it seeks to do as part of the DBE program;
7. Citrus Connection will require potential DBEs to complete and submit an appropriate application form.

5 CERTIFICATION PROCEDURES [26.81]

Citrus Connection is a non-certifying member of the Unified Certification Program (UCP) administered by the Florida Department of Transportation Equal Opportunity Office, 605 Suwannee St, MS 65, Tallahassee, Florida 32399. The EEO Office can be contacted by telephone: (850) 414-4747, fax: (850) 414-4879, and their website at www.dot.state.fl.us/equalopportunityoffice/. The Florida UPC will meet all the requirements of certification procedures.

6 DENIAL OF DBE STATUS AND APPEALS [26.83 – 26.91]

Any firm or complainant may appeal a Florida UCP's decision in a certification matter to DOT such appeals are mailed to the following address:

U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Ave. SE
West Building, 7th Floor
Washington, DC 20590.

Citrus Connection will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for its DOT-assisted contracts.

7 COMPLIANCE AND ENFORCEMENT [26.109]

Citrus Connection will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, State, and local law. Citrus Connection will require all DBE firms to complete the Release of Confidential Information form that is a component of the FDOT's submission process.

Notwithstanding any contrary provisions of state or local law, Citrus Connection will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

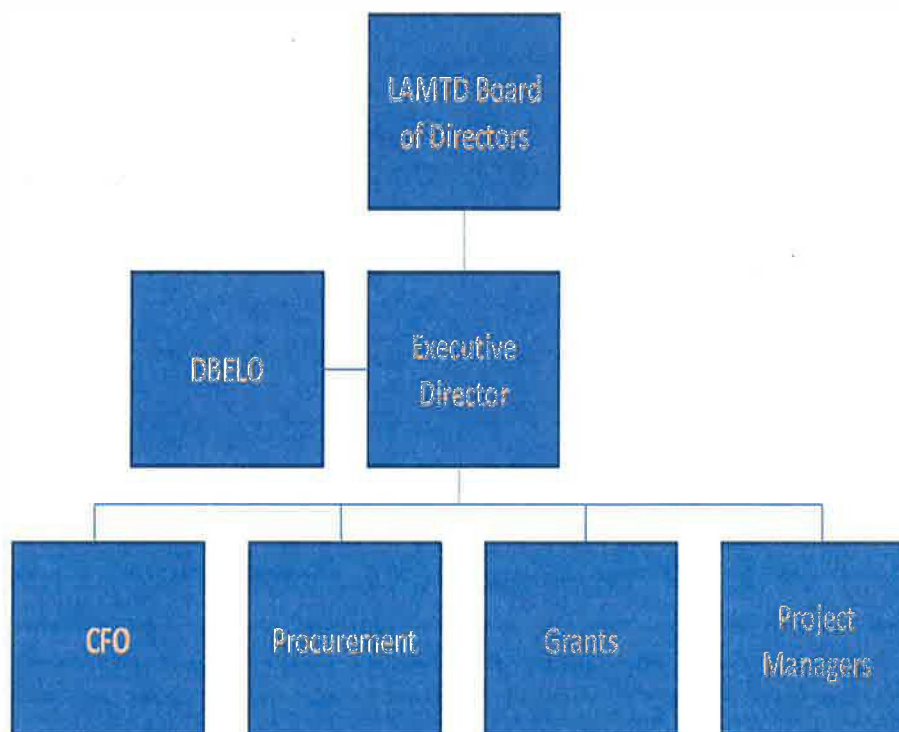
Monitoring Payments to DBEs

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

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

Attachment 1 - Organizational Chart

Lakeland Area Mass Transit District d/b/a Citrus Connection



Attachment 2 – DBE Directory

Attachment 3 – Monitoring and Enforcement Mechanisms

Citrus Connection has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

1. Breach of contract action, pursuant to the terms of the contract; and/or
2. FTA 49 CFR Part 26.

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

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

Attachment 4 – Solicitation DBE Goal Calculation

DBE GOAL CALCULATIONS								
RFP xx-xxx (SAMPLE)								
A	B	C	D = C/Total Project Cost	E	F	G = E+F	H = E/G	I = D*H
Elements of Work	NAICs	Est Cost per Element	% of Tot Work (Weight)	# of DBE Providers	# of Census Providers	# of All Providers	Relative Availability	DBE Goal Percentage by Work Element
project description	xxxxxxx	\$ 5,000.00	0.62500	7	101	108	0.065	0.0405093
element description (concrete)	xxxxxxx	\$ 3,000.00	0.37500	2	57	59	0.034	0.0127119
			-	0	1	1	0.000	-
			-	0	1	1	0.000	-

Total Project Cost =	\$ 8,000.00
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(this amount should match your ICE)

Total DBE Goal =	5.32%
Total DBE Funds =	\$ 425.77

Goals to be recalculated on a per task order basis if applicable

DBE Goals that return less than 1% shall be considered 0%

Notes:

"A"	to obtain DBE goals for the requested project or solicitation through discussions with the PM, determine all elements of work (goods, services, labor disciplines, etc)
"B"	through discussions with the PM, determine all relevant NAIC codes for the requested project or solicitation (list them in column B)
"C"	based on the ICE and through discussions with the PM, determine the estimated cost for each element
"D"	this is a calculated field , element cost ÷ total project cost
"E"	number of DBE's found with the designated NAIC code: http://www.bipincwebapps.com/biznetflorida/srch_nigp.asp
"F"	number of Non-DBE's found with the designated NAIC code: http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?ref=ib&refresh=t
"G"	this is a calculated field , total of DBE providers and Census providers
"H"	this is a calculated field , DBE providers ÷ total number of providers
"I"	this is a calculated field , percent of work times the available providers

Attachment 5 – Breakout of Estimated Race-Neutral & Race Conscious Participation

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 7 of this program document. This section of the program will be updated annually when the goal calculation is updated.

Citrus Connection shall meet the maximum feasible portion of the annual goal through the use of race-neutral means of facilitating DBE participation. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE and other small business participation.

Citrus Connection has determined its Race Neutral Goal by the contracts that were awarded in the previous year to DBEs through customary competitive procurement procedures and subcontract on a prime contract that does not carry a goal.



Use additional sheets as necessary.

Project Name: _____ CITRUS CONNECTION Solicitation _____ Name of Prime Contractor: _____

Print Name/Title of Person completing this form: _____ Signature _____ Date _____

An electronic version of the Code of Federal Regulations can be found: http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl

Attachment 7- Certification Application Forms

Attachment 8 – Procedures for Removal of DBE’s Eligibility