

**COUNTY OF ROCKLAND
DEPARTMENT OF PUBLIC TRANSPORTATION
DBE PROGRAM 2023 - 2025**

Definitions of Terms

Refer to 49 CFR 26.5 for definition of the terms used in this program

Objectives/Policy Statement (26.1), (26.23)

The County of Rockland's Department of Public Transportation (RCDPT) has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The County of Rockland's Department of Public Transportation has received Federal financial assistance from the U.S. Department of Transportation's Federal Transit Administration (FTA), and as a condition of receiving this assistance, the County of Rockland's Department of Public Transportation has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the Rockland County Department of Public Transportation (RCDPT) to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in FTA-assisted contracts.

It is also our policy:

- 1) To ensure nondiscrimination in the award and administration of FTA-assisted contracts;
- 2) To create a level playing field on which DBEs can compete fairly for FTA-assisted contracts;
- 3) To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
- 4) To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- 5) To help remove barriers to the participation of DBEs in FTA-assisted contracts; and
- 6) To assist the development of firms that can compete successfully in the marketplace outside the DBE Program.

Michael J. Shine, Jr., Grants Coordinator, has been delegated as the DBE Liaison Officer (DBELO). In that capacity, Michael Shine 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 the County of Rockland's Department of Public Transportation (RCDPT) in its financial assistance agreements with the U.S. Department of Transportation.

Michael Shine has disseminated this policy statement to the RCDPT staff, and all the components of our agency. DBE and non-DBE business communities have been notified via RCDPT's website that this policy statement is available for inspection at the Rockland County Department of Public Transportation offices.

Michael J. Slinger, Deputy Commissioner for

Commissioner of Public Transportation

6/30/22

Date

Objectives (26.1)

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

Definitions (26.5)

All the terms used in this program have their meaning defined in Section 26.5 of 49 CFR.

Non-discrimination Requirements (26.7)

The County of Rockland's Department of Public Transportation will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone regarding the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE Program, the County of Rockland's Department of Public Transportation 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 based upon race, color, sex, or national origin.

Record Keeping Requirements (26.11)

Reporting to DOT: 26.11 (a)&(b)

RCDPT will report DBE participation semi-annually by submitting a Uniform Report of DBE Awards or Commitments and Payments semi-annually via TRAMS by June 1 (for the period covering October 1 – March 31) and by December 1 (for the period covering April 1 – September 30).

Bidders List: 26.11(c)

The County of Rockland's Department of Public Transportation and Purchasing Division utilize a bidders list from the Empire State Purchasing Group's Bid Notification System as well as the New York State Unified Certification Directory and the New York State MWBE Directory to provide information on contracting opportunities to all DBE and non-DBE firms that bid or quote on FTA-assisted contracts.

The bidders list includes the name, address, phone number, fax number, e-mail address of the small business, as well as a contact person and a general description of goods and/or services available from each specific small business. In addition, the bidders list will include the DBE/ non-DBE status.

The DBELO or designee will collect this information by requiring any firm registering for its bidders list to submit proof of their certification as a DBE by NYS Unified Certification Program (UCP). The DBELO or designee will confirm the vendor's registration through the UCP. When researching potential bidders for related solicitations, the County of Rockland also utilizes the FREE AND INACTIVE LISTING in the BidNET Purchasing portal.

Federal Financial Assistance Agreement Assurance (26.13)(a)

RCDPT has signed the following assurance, applicable to all FTA-assisted contracts and their administration:

The County of Rockland's Department of Public Transportation 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. The County of Rockland shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The County of Rockland's DBE Program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the County of Rockland's 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.).

The above language will appear in all financial assistant agreements (attached with FTA clauses) with sub-recipients and contractors.

Required Contract Clauses (26.13)(b)

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

The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part26. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as the recipient deems appropriate.

DBE Program Updates (26.21)

Since the RCDPT anticipates on receiving \$250,000 or more in FTA planning capital, and or operating assistance (including in the form of Preventive Maintenance or Capital Cost of Contracting) in a federal fiscal year, RCDPT will continue to carry out this program until all funds from FTA financial assistance have been expended. We will provide to FTA updates representing significant changes in the program.

Policy Statement (26.23)

The Policy Statement is elaborated on the first page of this DBE Program

DBE Liaison Officer (DBELO) (26.25)

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

Michael J. Shine, Jr., Grants Coordinator
County of Rockland Department of Public Transportation
50 Sanatorium Road, Building T
Pomona, NY 10970
Email: Shinem@co.rockland.ny.us
Phone: (845) 364-2077

In that capacity, Michael Shine is responsible for implementing all aspects of the DBE Program and ensuring that the County of Rockland's Department of Public Transportation complies with all provisions of 49 CFR Part 26. Michael Shine does have direct, independent access to County Executive, Ed Day. An organizational chart displaying the DBELO's position in the organization is found in Attachment "C" to this program. The DBELO is responsible for developing,

implementing, and monitoring the DBE Program, in coordination with other appropriate officials and staff. Duties and responsibilities include the following:

- 1) Gathers and reports statistical data and other information as required by FTA.
- 2) Reviews third party contracts and purchase requisitions for compliance with this Program.
- 3) Determines RCDPT's overall annual goals.
- 4) Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
- 5) Identifies contracts and procurements that include DBE reporting when necessary.
- 6) Analyzes the County of Rockland Department of Public Transportation's progress toward goal attainment and identifies ways to improve progress.
- 7) Participates in pre-bid meetings.
- 8) Advises the Deputy Commissioner on DBE matters and achievement.
- 9) Determines contractor compliance with good faith efforts.
- 10) Provides DBEs with information and assistance in preparing bids.
- 11) Evaluates contractor's performance in achieving DBE goals and objectives.
- 12) Coordinates and provides outreach to DBEs and community organizations to advise them of opportunities.
- 13) Utilizes NYSDOT's UCP Directory to identify Certified DBEs.
- 14) The Public Transportation Procurement Coordinator, who supports all aspects of the DBE Program, has direct access to the County Procurement Director.

DBE Financial Institutions (26.27)

It is the policy of the County of Rockland's Department of Public Transportation 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 FTA-assisted contracts to make use of these institutions. We have made the efforts to identify and use such institutions. Through search of the Board of Governors Federal Reserve System, Division of Research and Statistics website (www.federalreserve.gov/releases/mob) we have determined no such institutions exist in Rockland County.

Prompt Payment Mechanisms (26.29)

We will include the following clauses in each FTA-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contractor receives from the County of Rockland's Department of Public Transportation. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractor's 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 the County of Rockland's Department of Public Transportation. This clause applies to both DBE and non-DBE subcontractors.

The contractor shall promptly notify RCDPT, whenever a DBE subcontractor performing work related to this contract is terminated or fails to complete its work and must make good faith efforts to engage another DBE subcontractor to perform at least the same amount of work. The contractor shall not terminate any DBE subcontractor and perform that work through its own forces or those of an affiliate without prior written consent RCDPT. Before transmitting a request to terminate, the Contractor shall give notice in writing to the DBE subcontractor of its intent to terminate and the reason for the request. The Contractor shall give the DBE five days to respond to the notice and advise of the reasons why it objects to the proposed termination. When a DBE subcontractor

is terminated or fails to complete its work on the Contract for any reason, the Contractor shall make good faith efforts to find another DBE subcontractor to substitute for the original DBE and immediately notify the AGENCY in writing of its efforts to replace the original DBE. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the Contract as the DBE that was terminated, to the extent needed to meet the Contract goal established for this procurement.

Directory (26.31)

The County of Rockland's Department of Public Transportation utilizes a directory maintained by NYSDOT's Unified Certification Process (UCP) identifying all firms eligible to participate as DBEs in the Hudson Valley and Metropolitan New York area. (See Section 26.61 for more details).

Over concentration (26.33)

The County of Rockland has not identified an over concentration element in the program.

Economic Development Program (26.35)

The Rockland County Department of Economic Development and Tourism fosters economic stability and growth by supporting a healthy business environment, developing partnerships, and identifying resources and initiatives. Structured as part of the County Executive's office, the department is effectively positioned to implement, respond, and act quickly to the changing economic climate. These economic development programs connect companies with financial incentives and services that encourage business attraction, retention, and expansion. Partnerships and collaborations are fostered between for profit businesses, not for profit organizations, educational institutions, and government agencies. These partnerships include the Rockland County Workforce Development Board and Rockland Works to meet the needs of job seekers and employers alike. The department collaborates with the Industrial Development Agency, NYS Empire State Development, and the U.S. Small Business Administration to assist organizations in obtaining financial assistance via incentives, grants, and loans. In addition, tourism and filming are promoted to strengthen the county's economic base.

Monitoring and Enforcement Mechanisms (26.37)

RCDPT will bring to the attention of the FTA any false, fraudulent, or dishonest conduct in connection with the program, so that FTA can take the proper steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the FTA Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.

RCDPT also will consider similar action under our own legal authorities, including responsibility determinations in future contracts. RCDPT will require contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. The DBELO will make these records available for inspection upon request. This reporting requirement also extends to any certified DBE subcontractor.

RCDPT will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

RCDPT will perform interim audits or request documentation 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.

RCDPT will also 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 utilization of site visits or requiring the prime contractor to forward journal entries or ledgers verifying such payment have been made to the DBE subcontractor.

To ensure compliance with 26.37 RCDPT will apply legal and contract remedies available under federal, state and local law. Contracts and payments made to DBEs will be monitored and enforced by Rockland County's DBELO.

Small Business Participation (26.39)

In accordance with the Procurement Policy of the County of Rockland, a "small business" shall refer to any commercial entity located physically within the geographic borders of the County of Rockland that employs from zero up to and including nine employees, including sole proprietorships, with a gross annual revenue of less than \$1,000,000.

The County of Rockland has enacted policies and practices to foster equal opportunities for small and disadvantaged businesses by reducing unnecessary obstacles that prevent growth and making a concerted effort to encourage participation by these businesses. The County of Rockland has adopted legislation titled **The Policy to Prioritize Rockland Businesses and the Small Business Stimulus Act**. The purpose of this policy is to prioritize purchasing goods and/or services whenever possible from businesses or commercial entities located physically within the geographic borders of the County of Rockland. The County follows this policy to promote small business participation regarding Rockland County solicitations, including those for RCDPT.

In addition, as part of this policy, the County of Rockland has established a Small Business Registry to inform small businesses of procurement opportunities. To register, at no charge, for the Small Business Registry, a business or commercial entity must complete a registration form located at the following link:

<https://rocklandgov.com/departments/purchasing/small-business-registry/small-business-registration-form/>

Furthermore, as part of this policy, the County of Rockland has included a notification of noncompetitive bidding opportunities for registered small businesses. The notification requires that the Director of Purchasing or his agent shall make reasonable efforts to inform registered small businesses of noncompetitive procurement opportunities for a period not to exceed three business days from the beginning of the process to obtain the item or service.

As per the policy, The Director of Purchasing or his agent need only make reasonable efforts to inform registrants whose goods and service description indicates appropriateness, as determined by the discretion of the Purchasing Department, and shall be applied to procurements as follows:

1. Purchases for commodities, equipment, supplies, materials and services equal to or less than \$3,000.
2. Purchases that are defined as public works projects, equal to or less than \$10,000.
3. Purchases and contracts defined as professional services equal to or less than \$10,000.

The County of Rockland has also adopted a Best Value policy for procurements, including those for RCDPT, to determine the best value for the County in the context of a particular purchase, including the status of the vendor as a Rockland County based small business.

To further encourage participation from small and disadvantaged businesses, the County of Rockland lists all formal bid and RFP solicitations on the New York State Contract Reporter, which is a free online service, and publishes solicitation advertisements in the Minority Commerce Weekly.

The Small Business Program established by the County of Rockland's Department of Public Transportation follows the policies and practices enacted by the County of Rockland to foster equal opportunities for small and disadvantaged businesses. While Rockland County is geographically a small County with a limited number of businesses and few opportunities for businesses, RCDPT has had success with its small business program. The Small Business Program is currently active for County procurements and is currently in effect for FTA funded procurements.

As part of this program, RCDPT, where feasible, may "unbundle" projects or separate large contracts into smaller contracts, which may be more suitable for small business participation. This determination will be made on a case-by-case basis and will consider the County's best interests in accordance with any economic or administrative burdens, which may be associated with unbundling. Similarly, staff will encourage its prime contractors or prime consultants to unbundle contracts to facilitate participation by small businesses.

When unbundling a project RCDPT will review contract requirements for the smaller project to allow for and encourage more small business participation. When unbundling is determined to be unfeasible, RCDPT will continue to encourage prime contractors to subcontract out portions of the work.

In its effort to foster small business participation, RCDPT shall maintain a bidders list (**see 26.11(c) -Bidders List**) and will utilize the resources available from the County of Rockland, including the Small Business Registry and the various established methods of advertising solicitations.

In addition, the County of Rockland's Department of Public Transportation currently operates in conjunction with the U.S. Small Business Administration (SBA) offering counseling sessions to introduce regional businesses to government contracting, identifying opportunities for selling to the government, help understanding of the solicitation process, provide product specifications and show how to apply for inclusion on government agencies bidders lists. SBA also offers several loan programs to qualifying businesses. The DBELO, or designee, has attended and/ or presented at Business Development workshops sponsored by SBA where in-person and on-line workshop topics fostered DBE's and MWBE's to become certified in the State of New York to help broaden their business opportunities.

Furthermore, RCDPT partners with the County of Rockland's Purchasing Division and Department of Economic Development and Tourism to promote the Small Business Program and resources and opportunities available from the County to help foster small businesses. This promotion includes public meetings and outreach for DBEs and small businesses that could possibly qualify as a DBE that provide education regarding the County's initiatives geared towards small businesses and resources available from the County, as well as from New York State, including those located at the link below:

Quotas (26.43)

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

Overall Goals (26.45)

Public Participation - Goals

The County of Rockland's Department of Public Transportation achieves consultation with minority, women's and general contractor groups, community organizations and other officials regarding the proposed DBE program and overall goal through advertised public notice of public meetings in official Rockland County publications and *Passenger Transport* magazine.

The proposed DBE program, overall goal and rationale is available for inspection for 30 days and acceptance of comments for 45 days as per advertised public notice in official Rockland County publications and *Passenger Transport* magazine.

For goals and methodology see Attachment "A".

Transit Vehicle Manufacturers (26.49)

The County of Rockland's Department of Public Transportation will require each transit vehicle manufacturer (TVM), as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, the County of Rockland's Department of Public Transportation may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program. See Attachment "B" as a sample for certification.

Breakout of Estimated Race-Neutral and Race-Conscious Participation (26.51a-c)

The County of Rockland's Department of Public Transportation will attempt to meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. RCDPT will make every effort to arrange bid, pre-bid conference and walk-thru times in ways that are more accessible, communicating contacting opportunities (and DBE goals) to minority/women owned and small business community and making the DBE directory available through whichever means preferred (print or electronic) to any and all who request a copy.

We will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE and Small Business participation. Additionally, we will track and report race-neutral and race-conscious participation separately, if the breakout is adjusted. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following:

1. DBE participation through a prime contract that a DBE obtains through customary competitive procurement procedures;
2. DBE participation through a subcontract on a prime contract that does not carry a DBE goal;
3. DBE participation on a prime contract exceeding a contract goal;
4. DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

Contract Goals (26.51d-g)

RCDPT will use contract goals only on those FTA-assisted contracts to meet any portion of the overall goal that RCDPT does not project being able to meet utilizing 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.

RCDPT will establish goals only on those FTA-assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every contract, and the size of contract goals will be adapted to the circumstances of each contract (e.g., type and location of work, availability of DBE's to perform the particular type of work)

RCDPT will express our contract goals as a percentage of the Federal share of FTA-assisted contracts.

Process

RCDPT will submit its overall goal to FTA by August 1st every three (3) years. The next goal due to the FTA is August 1, 2022, for FFY 2023-2025.

As a DBE participant, a firm must not only qualify as a DBE firm but must be ready, willing and able to participate on a FTA funded project.

An important element of setting the DBE goal is public participation. Before establishing the overall goal, RCDPT's DBELO will review and evaluate its prior goal against the accomplishment. Following this consultation, RCDPT will set a provisional goal and then publish a notice in the designated official county newspapers, trade publications, and mail notices to minority, women's, general contractor groups and community-based organizations of the overall goal, informing the public that the proposed goals and its rationale are available for inspection and comments during normal business hours at:

Rockland County Department of Public Transportation
50 Sanatorium Road
Building T,
Pomona, NY 10970
Attention: Michael J. Shine, DBELO

Following the consultation process, we will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at RCDPT for 30 days following the date of the notice, and informing the public that RCDPT will accept comments on the goals for 45 days from the date of the notice. Normally, we will issue this notice by June 1st of goal setting period. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed. If comments are received, they will be considered and if necessary, the provisional goal will be adjusted and adopted. Should no comments be received, the provisional goal will be adopted. Our overall goal submission to FTA will include a summary of information and comments received during this public participation process and our responses. We will begin using our overall goal on October 1st of goal setting year.

Good Faith Efforts Procedures (26.53)

The County of Rockland's Department of Public Transportation treats bidder/offers' compliance with good faith efforts requirements as a matter of responsiveness and responsibility. Each solicitation for which a contract goal has been established will require the bidders/offers' to submit the following information:

- 1) The names and addresses of DBE firms that will participate in the contract;
- 2) A description of the work that each DBE will perform;
- 3) The dollar amount of the participation of each DBE firm participation;
- 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.

Demonstration of Good Faith Efforts (26.53(a)&(c))

In those instances where a contract specific DBE goal is included in a procurement/solicitation, RCDPT will not award the contract to a bidder who does not: 1) meet the contract goal with verified DBE participation; or 2) documents it has made adequate good faith efforts to meet the DBE contracted goal, where the goal can't be met. It is the obligation of the bidder to demonstrate compliance with the bid's requirements.

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Attachment "B".

The DBELO is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive pertaining to the contract.

The DBELO will ensure that all information is complete and accurate and adequately documents the bidder/offers' good faith efforts before we commit to the performance of the contract by the bidder/offeror.

Administrative Reconsideration (26.53(d))

Within 10 days of being informed by the County of Rockland's Department of Public Transportation that it is not responsive or responsible because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offeror should make its request in writing to the following reconsideration official:

Paul Brennan, FNIGP, CPPO
Director of Purchasing
Dr. Robert L. Yeager Health Center
Building A, Sixth Floor
50 Sanatorium Road
Pomona, NY 10970
E-mail: BrennanP@co.rockland.ny.us
Phone:(845)364-3820

In that capacity, the reconsideration official will not have played any role in the original

determination that the bidder/offeror did not make document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. The DBELO will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the FTA.

Good Faith Efforts when a DBE is replaced on a Contract (26.53(f))

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

In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. If the contractor fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

Counting DBE Participation (26.55)

The DBELO will count DBE participation toward overall and contract goals as provided in 49 CFR Part 26.55 and only when payments are actually made to DBEs.

Certification (26.61)

The County of Rockland's Department of Public Transportation does not certify DBEs and will rely on NYSDOT's Unified Certification Program (UCP see details below) to certify DBEs and will accept all certification decisions made by NYSDOT's UCP. Any business wishing to be certified as a DBE business will be referred to NYSDOT.

For information about the certification process or to apply for certification, firms should contact NYSDOT

<https://www.dot.ny.gov/main/business-center/audit/dbe-certification>

Unified Certification Program (26.81)

New York State has a Unified Certification Program Committee to finalize the procedures for New York State Program. There are four certifying agencies, and all grantees will accept certification decisions made by the certifying agencies. The four NYS certifying agencies are:

1. New York State DOT (NYSDOT)
2. Metropolitan Transit Authority (MTA)
3. Port Authority of New York and New Jersey (PANYNJ)
4. Niagara Frontier Transportation Authority (NFTA)

Denials of Initial Requests for Certification (26.85)

For information about the certification process or to apply for certification, firms should contact NYSDOT. Information about the DBE Certification Program for New York State DOT can be found at:

<https://www.dot.ny.gov/doing-business>

If NYSDOT denies a firm's application or decertifies it, it may only reapply according to the procedures and timeframes set by NYSDOT.

Confidentiality

We will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. Notwithstanding any contrary provisions of state or local law, we will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than FTA) without the written consent of the submitter.

**COUNTY OF ROCKLAND
DEPARTMENT OF PUBLIC TRANSPORTATION
2023 - 2025 DBE GOAL**

**ATTACHMENT A TO DBE PROGRAM
Disadvantaged Business Enterprise Program Overall Goal
FFY 2023, FFY 2024 and FFY 2025**

OVERALL GOAL

The County of Rockland Department of Public Transportation's (RCDPT) overall goal for **FFY 2023– FFY 2025 is 1.18%** of the Federal financial assistance we will expend in Federal Transit Administration (FTA) assisted contracts and other services for the Transport of Rockland (TOR), and TRIPS paratransit bus systems. This goal is based upon RCDPT’s experience and projections that are relative to the availability of DBE’s that are willing and able to serve in the Local Market Area. RCDPT also wants to ensure that potential bidders do not consider this an obligation and place an undue burden on non-DBEs

PROPOSED PROGRAM OF PROJECTS

The Rockland County Department of Public Transportation’s (RCDPT’s) proposed DBE eligible, FTA-assisted contracts for Federal Fiscal years 2023, 2024 and 2025 are as follows:

| PROPOSED PROJECT | TOTAL ESTIMATED PROJECT AMOUNT | FEDERAL ASSISTANCE |
|--------------------------------|---------------------------------------|---------------------------|
| Purchase and Install ITS Equip | \$4,000,000.00 | \$3,200,000.00 |
| Bus Shelters | \$150,000.00 | \$120,000.00 |
| Consultant Services | \$500,000.00 | \$400,000.00 |
| Forensic Consultants | \$100,000.00 | \$80,000.00 |
| Roof Replacement | \$1,400,000.00 | \$1,120,000.00 |
| HVAC Replacement | \$500,000.00 | \$400,000.00 |
| New Facility | \$12,000,000.00 | \$9,600,000.00 |
| TOTAL | \$18,650,000.00 | \$14,920,000.00 |

The amount of FTA-assisted contracts the Rockland County Department of Public Transportation expects to execute during the fiscal years 2023, 2024, and 2025 is approximately \$14,920,000.00 of FTA funds. This means we have set a goal of expending \$176,056.00 of FTA funds with DBEs during the three fiscal years. Despite the fact that the economic climate is currently in a state of flux, the County is hoping to exceed our goal through vendor outreach, involvement and education.

To foster DBE participation, RCDPT will attempt to breakdown future bids. Taking steps to breakdown a project may not necessarily create new contracting opportunities, but RCDPT feels that taking a proactive approach may identify as many contracting prospects as possible.

**COUNTY OF ROCKLAND
DEPARTMENT OF PUBLIC TRANSPORTATION
2023 - 2025 DBE GOAL**

METHOD

The following is a summary of the method used to calculate this goal:

This document describes the calculation of the proposed overall goal of the Rockland County Department of Public Transportation ("RCDPT") for participation by Disadvantaged Business Enterprises (DBEs) in Federal Fiscal Years ("FFY") 2023, 2024 & 2025 (October 1, 2022 - September 30, 2025). The proposed DBE Base goal is **1.18%** of the Federal financial assistance that RCDPT will expend in FTA-assisted contracts. This goal is based upon RCDPT's experience and projections; the relative availability of relevant DBEs in our local market to the maximum extent feasible given the data available to us now; and avoiding imposing undue burdens on non-DBEs.

As in prior years, RCDPT will continue to seek to do business with DBEs and to make DBEs aware of contracting opportunities. The calculation of the goal is subject to revision due to the consideration of any necessary verifications and corrections of the data, comments received, changes in circumstances, etc.

The process used in determining the goal is outlined below:

Step 1 - Base Figure Calculation

The method used to calculate the relative availability of DBEs for "Step 1" was based on the available DBE lists (New York State BizNet UCP Directory as of 03/01/2022) and US Census Bureau Data (County Business Patterns-North American Industry Classification System as of December 15, 2021). RCDPT's Local Market Area information is defined as counties in New York that comprise Region 8 of the NYSDOT: Columbia, Dutchess, Orange, Putnam, Rockland, Ulster, Westchester, Bronx, New York, Kings, Queens and Richmond. The County also compiled data from the following Counties in NJ (Bergen, Morris, Passaic, Essex, and Hudson) for an analysis of all available businesses, the following NAICS codes were utilized:

| NAICS Code | NAICS Description |
|-------------------|---|
| 541611 | Computer Systems Design Services |
| 238130 | Framing contractors |
| 541614 | General Management, Distribution, and Logistics Consulting Services |
| 541211 | Offices of Certified Public Accountants, Forensic Consultants |
| 238220 | HVAC Replacement |
| 236210 | New Facility |
| 541611 | General Management Consulting Services |
| 423330 | Roof Replacement |

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These areas cover almost 100% of RCDPT contracts.

A "base figure" was calculated by comparing the number of ready, willing, and able DBE firms (NYSDOT UCP data) and the number of all firms (County Business Patterns Census Data) for the 2023, 2024 and 2025 program of projects:

| | |
|------------------------------|---------------|
| READY, WILLING AND ABLE DBEs | <u>152</u> |
| ALL FIRMS | <u>12,830</u> |

Relative Availability of DBEs for Rockland Department of Public Transportation = 1.18%

BASE FIGURE WEIGHTING

The "base figure" was adjusted by weighting the availability of DBE firms to the specific projects that are proposed over the next three years. As a result, the overall Base goal is **1.18%**. Please refer to the charts below for the weighting methodology.

TOTAL FUNDING PERCENTAGE BY NAICS CODE

The following chart shows the percentage of Federal funding proposed to be spent by NAICS code:

| Project | NAICS Code | Classification | Estimated Project Cost | Percent of Total Program Cost |
|--|------------|---|------------------------|-------------------------------|
| Purchase and Install ITS Equip | 541611 | Computer systems design services | \$3,200,000 | 21.45% |
| Bus Shelters | 238130 | Framing contractors | \$120,000 | 0.80% |
| Consultant Services | 541614 | Process, physical distribution, and logistics consulting services | \$400,000 | 2.68% |
| Forensic Consultants Roof Replacement | 541211 | Offices of certified public accountants | \$80,000 | 0.53% |
| Roof Replacement | 423330 | Asphalt roofing shingles merchant wholesalers | \$1,120,000 | 7.51% |
| HVAC Replacement | 238220 | Plumbing, Heating, and Air-Conditioning Contractors | \$400,000 | 2.68% |
| New Facility | 236210 | Industrial Building Construction | \$9,600,000. | 64.34% |
| Total | | | 14,920,000.00 | 100% |

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RELATIVE AVAILABILITY OF DBE'S IN THE MARKET AREA BY NAICS CODE

The following chart shows the percentage of DBE firms in the market area for each relevant NAICS code:

| NAICS Code | Classification | Number of All Firms | Number of DBE Firms | Relative Availability | Percent of Total Program Cost | Weighted Percentage |
|-------------------|---|----------------------------|----------------------------|------------------------------|--------------------------------------|----------------------------|
| 541611 | Purchase and Install ITS Equip | 4,615 | 48 | 1.04% | 21.45% | 0.22% |
| 423330 | Asphalt roofing shingles merchant wholesalers | 73 | 41 | 56.16% | 7.51% | 4.22% |
| 238130 | Framing contractors | 358 | 32 | 8.94% | 0.80% | 0.07% |
| 541614 | Process, physical distribution, and logistics consulting services | 340 | 12 | 3.53% | 2.68% | 0.09% |
| 541211 | Offices of certified public accountants | 2,503 | 2 | 0.08% | 0.53% | 0.0004% |
| 238220 | Plumbing, Heating, and Air-Conditioning Contractors | 4,850 | 9 | 0.19% | 2.68% | 0.01% |
| 236210 | Industrial Building Construction | 91 | 8 | 8.79% | 64.34% | 5.66% |
| Total | | 12,830 | 152 | 1.18% | 100% | 10.27% |

Rounded Weight Base Figure = 10.27%

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Step Two - Adjustments to Base Figure

Once the Step One Base Figure of **1.18%** was determined, RCDPT reviewed and assessed other available evidence and information to determine if an adjustment to this Base Figure should be made. We also considered the current capacity of willing, ready and able DBEs to perform the contracting work measured by the number of participating DBEs in the past.

If applicable, we consider any available disparity studies about the competitiveness of DBE in the Local Market Area. RCDPT is not aware of any applicable disparity studies or other information about barriers to entry or competitiveness of DBE in the Program.

If necessary, RCDPT will reserve the right to select a different methodology should the economic climate change.

Past Participation

The Rockland County Department of Public Transportation relied heavily on Race Neutral methods with a conscious effort to promote DBE, SBE, WBE, and VBE to meet and exceed the current Overall DBE Goal of 1.37%, despite the fact that there is a very limited availability of DBE firms in the Local Market Area. This Overall DBE Goal of 1.37% for Federal Fiscal Years 2020, 021 and 2022 was exceeded because the Construction Management consultant (HVEA) for a Park and Ride Lot construction project was a registered DBE and 100% of their work was DBE related. This is a very rare occurrence in Rockland County and does not happen often based on previous DBE Program experience. Prior to 2011, the Rockland County Department of Public Transportation relied heavily on Race Conscious methods to meet our Overall DBE Goal of 5.0%, but did not effectively reach this goal during this period, primarily due to very limited availability of firms in the Local Market Area. DBE participation was also limited because of the small number of contracts that the County awarded. RCDPT adjusted the “base figure” Overall Goal to 1.85% in 2011 and utilized Race Neutral methods. This method did not generate additional participation because of the limited availability of DBEs willing, ready and able to complete available project within the Local Market Area. In response to these limitations, RCDPT set a Race Neutral Overall Goal of 1.4% in 2014 which was successfully met due in large part to the fact that a primary DBE was awarded a contract for a D & E project in 2015. RCDPT adjusted the “base figure” Overall DBE Goal to 2.75% in 2017. Again, the method did not generate additional participation because of the limited availability of DBEs willing, ready and able to complete available projects was very limited in the Local market Area.

In this analysis Rockland County included neighboring counties in New Jersey because recent responses to procurements does include firms from New Jersey. The counties included Bergen, Morris, Passaic, Essex, and Hudson Counties in New Jersey. This analysis demonstrates that our DBE Goal and Weighted Base Goal is reduced. Prior to Inclusion of New Jersey Counties, Rockland County’s DBE Base Goal was 1.49%. The inclusion of counties in NJ have reduced Rockland County’s DBE Base Goal to 1.18%. The COVID pandemic throughout the years 2020

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and 2021 have hindered DBE involvement as many DBE, SBE, WBE, MBE, And VBE firms had to reduce their production and, in some instances, ceased to exist as a result of mandated shutdowns.

RCDPT's proposed program of projects for Federal Fiscal Years 2023, 2024 and 2025 has been determined based on the completion status of our current projects as well as the economic climate during this time frame. RCDPT will look to complete projects that were programmed in the previous triennial cycle that were not completed due to the need to focus on other more time-sensitive projects over the last three (3) years. Our current Bus Shelter Maintenance contractor is in the process of becoming a registered DBE in the state of New Jersey and New York through the Port Authority of New York and New Jersey and is in the process of obtaining their New York DBE Certificate. The COVID Pandemic of 2020 through 2021 has hindered progress for many firms in becoming certified DBE's

Despite the fact that RCDPT's proposed program of projects for Federal Fiscal Year 2023, 2024 and 2025 are similar to the previous triennial cycle and the median DBE participation over that triennial cycle was higher than the established DBE goal for that time period, RCDPT did not adjust its Step One Base Figure because of limitations regarding the availability of ready, willing and able DBE firms in the outreach area and because the DBE participation during the previous triennial cycle was adjusted by the economic climate during 2020 and 2021.

Disparity Study

RCDPT has not conducted a disparity study as part of the goal setting process. No other recent or relevant disparity studies were identified within the DBE Local Market Area.

Other Available Evidence

RCDPT is not in possession of other information that would have an impact on the DBE Goal assessment.

RCDPT will retain the "base figure" Overall Weighted Base goal is **1.18%** as there is no other evidence available suggesting that the base figure should be adjusted at this current time.

Step Three – Race Conscience vs. Race Neutral Split

RCDPT will continue to seek DBE participation utilizing a Race Neutral means. In 2015, the County Executive hired a Director of Economic Growth & Tourism. One of the primary responsibilities of this person is to conduct periodic outreach sessions within the county to promote small businesses in Rockland County. RCDPT has teamed up with this person to aid in this venture and educate them about the New York State UCP for DBE opportunities. There has been one (1) outreach seminar planned in the last 3 months, and more are planned for 2022. COVID restrictions Through 2020 and 2021 have limited SBE and DBE outreach and participation leading into 2022.

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Based on these increased outreach efforts and the potential for increased DBE participation, the RCDPT will use 100% Race Neutral methods with a conscious effort to include, inform and educate DBE (as well as WBE, SBE, MBE, and VBE) firms regarding the opportunities of participating in bidding on contracts advertised by the County of Rockland. However, this is subject to adjustment after more information is available on major contracting opportunities, the availability of Federal funding, and the degree of success of Race Neutral means.

The County's Department of Public Transportation will report any mandated Solicitation that requires a Race Conscious means of advertising (Set Aside Goal). For reporting purposes, Race Neutral participation includes, but is not limited to, the following:

- DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures.
- DBE participation through a subcontract on a prime contract that does not carry a DBE goal'
- DBE participation on a prime contract exceeding a contract goal
- DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

Public Notice and Consultation

The Rockland County Department of Public Transportation (RCDPT) has participated in outreach programs with the Rockland County Purchasing Division, The African American Coalition, and the County Executive's Office of Economic Development. Our goal is to promote, expand and educate DBE, SBE, MWBE, VBE firms about the opportunities available within Rockland County as well as other public agencies.

On March 15, 2022, RCDPT Participated a SB/DBE Outreach Event that was conducted via an on-line webinar. From the onset of COVID, restriction to all County Buildings was limited to the public unless necessary. Entrances around the Public Transportation building were secured and the public had to call from outside to gain entrance. A phone number was posted on the front door. During the Spring the County lifted the restriction for public access. Various methods will be applied to advertise future events hoping to reach out to the over 2,000 firms located in the New York State UCP database. With the hopes of COVID restrictions lightening, the County anticipates conducting Mini Matchmaker events to increase DBE participation. Those who attended our previous Mini Matchmaker events left with a positive attitude toward participating in future opportunities and a better understanding in how to participate.

The RCDPT format given by Rockland County's Director of Purchasing will be focused on local resources, such as Procurement Assistance, The County's DBE Requirements & RCDPT's DBE Goal will be explained to our participants how RCDPT achieves its goal through race-neutral means. Potential firms will be informed that all County contracts have a DBE/SB/MWBE/VBE goal even if not funded with FTA dollars. This presentation will also demonstrate upcoming Public Transportation projects that could offer contracting opportunities to a variety of DBE/SB/MWBE/VBE firms.

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This presentation will also include information how contracting opportunities become available through public notices from newspapers, the Empire State Purchasing Group Bid Notification System, The New York State Contract Reporter etc. Methods of Procurement, Assistance to Suppliers and Award of Contracts, will also be described during this presentation.

The County of Rockland outreach events will provide vendors the opportunity to submit a profile document identifying their firm as a DBE/SB/MWBE/VBE firm. These profiles are maintained by the Rockland County Purchasing Division and are provided to the County agencies, including the Department of Public Transportation, to assist them in identifying potential DBE/SB/MWBE/VBE firms for their projects and solicitations. The County of Rockland's Department of Public Transportation (RCDPT) has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. RCDPT has received Federal financial assistance from the U.S. Department of Transportation and as a condition of receiving this assistance, the County of Rockland's Department of Public Transportation has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the Rockland County Department of Public Transportation (RCDPT) to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in FTA-assisted contracts.

After the presentations, RCDPT will offer one-on-one consultations to all vendors interested. Vendors will be offered the opportunity and provide comments and questions regarding our presentations, including RCDPT's DBE Goal, during these consultations. Vendors will have the opportunity to have their voices heard regarding the County's procurement process including RCDPT's DBE Goal and the opportunities available to them as DBE/SB/MWBE/VBE firms, especially regarding potential contracts with RCDPT.

The County, in conjunction with RCDPT, will continue to participate in outreach initiatives throughout the remainder of 2022 and beyond regarding the County's procurement process, procurement resources and public transportation contracting opportunities. Future events, including a future meetings and on-line seminars as part of the process. RCDPT will share our goal development methodology, which will include an overview of the federally funded projects for which RCDPT anticipates awarding contracts. RCDPT will also aim to increase diverse participation in bidding by DBE/MWBE/VBE/SBE firms through the Empire State Purchasing portal in conjunction with the County's use of the Bonfire Purchasing software program. The Empire State Purchasing website in conjunction with the Bonfire Purchasing software program advertises Rockland County solicitations, as well as introduces them to solicitation opportunities for other counties and agencies. The Stakeholders meeting is anticipated to be conducted in summer of 2022 as the County expects increased participation following the summer months. We anticipate that through our Outreach programs, Stakeholder's meetings, and outreach initiatives to Minority agencies, as well as our updated website, RCDPT will promote our initiative of increased diversity and encourage DBE registration from firms, if acceptable, that are currently solely MBE, WBE, SBE, and VBE.

The County of Rockland's Department of Public Transportation shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any FTA-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of FTA-assisted contracts. The recipient's DBE Program, as required by 49 CFR Part 26 and as approved by FTA, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the County of Rockland's Department of Public Transportation 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 contract is subject to the requirements of Title 49, CFR, Part 26, Participation by the Disadvantage Business enterprises in the Department of Transportation Financial Assistance programs. The County overall goal for DBE participation is set on a Triannual basis, and is available upon request. No specific participation is required for this procurement, but the County of Rockland Department of Public Transportation will accord a DBE with appropriate consideration.

The contractor 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 FTA-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as the recipient deems appropriate.

Bidders/offerors are required to document sufficient DBE participation to meet these goals or alternatively, document adequate good faith efforts to do so, as provided for in 49 CFR 26.53. Award of this contract is conditioned on the submission of the following sealed bid or initial proposal, prior to award:

1. The names and addresses of the DBE firms that will participate in the contract;
2. A description of the work each DBE will perform;
3. The Agency that has approved the DBE's Certification. (DBE Certification must be from one of the following four agencies: New York State DOT, MTA, Port Authority of NY & NJ, or The Niagara Frontier Transportation Authority. Copies of Certification must be submitted).
4. The dollar amount of the participation of each DBE firm participation;
5. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet the DBE requirement;
6. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and
7. If there is no DBE participation, evidence of good faith efforts.

The successful bidder/offer will be required to report its DBE participation through race-neutral means throughout the period of performance.

The contractor is required to pay its subcontractors performing the work related to this contract for satisfactory performance of that work no later than 30 days after the contractor's receipt of payment for that work from the County of Rockland. In addition, the contractor may not hold retainage from its subcontractors.

The contractor must promptly notify the County of Rockland, whenever a DBE subcontractor performing work related to this contract is terminated or fails to complete its work, and must make good faith efforts to engage another DBE subcontractor to perform at least the same amount of work. The contractor may not terminate any DBE subcontractor and perform that work through its own forces or those of an affiliate without written consent of the County of Rockland Public Transportation Department.

Vehicle Award Report

49 CFR 26.49(a)(4) requires FTA recipients to report vehicle procurement awards

Please submit the following information within 30 days of the award:

Question Title

* 1. Recipient Name

Question Title

* 2. Recipient ID #

Question Title

* 3. Please select the FTA Regional Office that serves your transit agency

Question Title

* 4. Select the Transit Vehicle Manufacturer (TVM) awarded the contract

Question Title

* 5. Contract Award Dollar Amount (No commas, No dollar signs)

Question Title

* 6. Contract Award Date

Please enter a valid date

Date

Question Title

* 7. Provide recipient point of contact

Name

Phone Number

Email Address

Question Title

8. Additional Information (Optional)

NOTE:

Before selecting Done, please print a copy of this report for your agency's records.

Done

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See how easy it is to [create a survey](#).

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DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION

I hereby certify that I intend to meet the DBE Participation goal as detailed in the Bid Document and have complied with the requirements of: *(must check one or both)*

49 CFR 26.49 (TVM Certification for Bus Purchases Only. Sign certification below)

49 CFR 26 Participation by Disadvantaged Business Enterprises in USDOT Programs, and that our goals have not been disapproved by the Federal Transit Administration.

Please submit written and signed documentation of commitment to use a DBE subcontractor to meet the DBE requirement, as well as written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment.

DBE Name _____

DBE Dollar Amount _____

DBE Address _____

Describe the work the DBE will perform _____

Please check below which agency approved the DBE's Certification: DBE Certification **must be** from one of the following agencies: Please submit a copy of the certification and provide DBE certification number _____

- _____ New York State Department of Transportation (NYSDOT)
- _____ Metropolitan Transit Authority (MTA)
- _____ Port Authority NY & NJ (PANYNJ)
- _____ Niagara Frontier Transportation Authority (NFTA).

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 14 days from the receipt of each payment for such work from the County of Rockland's Department of Public Transportation (RCDPT). The prime contractor agrees further to return retainage payments to each subcontractor within 14 days after the subcontractor's 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 RCDPT. This clause applies to both DBE and non-DBE subcontractors.

The prime contractor may not terminate or substitute a DBE subcontractor listed on a contract with a DBE goal without good cause and prior written consent from RCDPT. Details on what constitutes good cause is contained in 49 CFR Part 26.53(f). RCDPT's written consent can only be given after the contractor notifies the DBE (with a copy of the notice to RCDPT) in writing of its intent to request substitution or termination and allows the DBE five days to respond. RCDPT also requires the prime contractor to make good faith efforts to find another DBE subcontractor to substitute for the original DBE.

_____ Signature of Offeror's Authorized Official

_____ Name & Title of Offeror's Authorized Official

_____ Date

I hereby certify that I cannot meet the DBE Participation goals as detailed and I **have submitted** evidence of good faith efforts toward meeting the DBE participation. (Please describe "good faith efforts".) _____

_____ Signature of Offeror's Authorized Official

_____ Name & Title of Offeror's Authorized Official

_____ Date

Department of Public Transportation –2022

