

Disadvantaged Business Enterprise Plan  
City Transit Trust (CTT), Lawton, OK, operating as The Lawton  
Area Transit System (LATS)

**DBE PROGRAM**  
**POLICY STATEMENT**

**Section 26.1, 26.23                      Objectives/Policy Statement**

The City Transit Trust, Lawton, OK (CTT) 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 CTT has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the CTT has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the CTT to ensure that DBEs are defined in part 26, have an equal opportunity to receive and participate in DOT–assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT – assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-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 DOT assisted contracts;
6. To assist the development of firms that can compete successfully in the marketplace outside the DBE Program.

Ryan Landers of the Lawton Area Transit System (LATS) has been delegated as the DBE Liaison Officer. In that capacity, DBELO 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 CTT in its financial assistance agreements with the Department of Transportation.

The CTT has disseminated this policy statement to the Trustees of the CTT and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts by mail and publication of availability.

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Chairman Stan Booker

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Date

## **SUBPART A – GENERAL REQUIREMENTS**

### **Section 26.1 Objectives**

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

### **Section 26.3 Applicability**

The CTT is the recipient of federal transit funds authorized by Titles I, III, V, and VI of ISTEA, Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, II, and V of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), Pub. L. 105-178.

### **Section 26.5 Definitions**

The CTT will adopt the definitions contained in Section 26.5 for this program.

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

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

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

### **Section 26.11 Record Keeping Requirements**

#### Reporting to DOT: 26.11(a)

CTT will keep any records for 3 years

#### Reporting to DOT: 26.11(b)

CTT will report DBE participation, using the TrAMS reporting system. These reports will reflect payments actually made to DBEs on DOT-assisted contracts

#### Bidders List: 26.11(c)

The CTT will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidders' list approach to calculating overall goals. The bidder list will include the name, address, DBE non-DBE status, age, and annual gross receipts of firms.

We will collect this information in the following ways:

A contract clause requiring prime bidder to report the names/addresses, and possibly other information, of all firms who quote to them on subcontracts; a recipient-directed survey of a statistically sound sample of firms on a name/address list to get age/size information; a notice in all solicitations, and otherwise widely disseminated, request to firms quoting on subcontract to report information directly to the recipient, DBEs listed on the Oklahoma Department of Transportation Certification list.

### **Section 26.13 Federal Financial Assistance Agreement**

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

#### Assurance: 26.13(a)

CTT 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 recipient 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 recipient'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 CTT of its failure to carry out its approved program, the Department may impose sanction as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

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

#### Contract Assurance: 26.13b

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

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 the recipient deems appropriate.

## **SUBPART B - ADMINISTRATIVE REQUIREMENTS**

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

Since the CTT has received a grant of \$250,000 or more in FTA planning capital, and or operating assistance in a federal fiscal year, excluding transit vehicle funds: we will provide to DOT updates representing significant changes in the program.

### **Section 26.23 Policy Statement**

The Policy Statement is elaborated on the first page of this program.

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

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

Ryan Landers 611 SW Bishop Rd, PO Box 286, Lawton OK 73502, Phone 580-248-5252 ext. 101, and email [rlanders@ridelats.com](mailto:rlanders@ridelats.com)

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the CTT complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the CTT Liaison Officer concerning DBE program matters.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO is the staff to administer the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set 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 so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment and identifies ways to improve progress.
6. Analyzes CTT's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO/governing body on DBE matters and achievement.
9. Chairs the DBE Advisory Committee.
10. Participates in pre-bid meetings.
11. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
12. Plans and participates in DBE training seminars.
13. Certifies DBEs according to the criteria set by DOT and acts as liaison to the Uniform Certification Process in Oklahoma.
14. Provides outreach to DBEs and community organizations to advise them of opportunities.
15. Maintains the CTT's updated directory on certified DBEs.

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

It is the policy of the CTT 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 contract to make use of these institutions. We have identified City National Bank and Trust as being owned by a family with majority stock being held by the women of the family. LATS utilizes this institution for banking purposes. LATS will re-evaluate the number of financial institutions available for CTT's use every 2 years.

#### **Section 26.29 Prompt Payment Mechanisms**

The CTT will include the following clause in each DOT-assisted prime contract:

Prompt Payment and Retainage: 26.29(a) and (b)

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 contract receives from CTT. 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 CTT. This clause applies to both DBE and non-DBE subcontracts.

Monitoring and Enforcement 26-29(d)

CTT has established a formal enforcement mechanism to ensure prompt payments (within the 30-day timeframe) to DBE contractors and subcontractor by auditing of payments made by CTT or prime contractor to subcontractors by DEBLO. DTT may enforce sanctions against prime contractors for breach of prompt payment requirements after reviewing the contractor's lack of performance. Prime contractors will be given the opportunity to provide good and sufficient cause for the failure to perform; such justification must be provided in writing to the DEBLO within 15 days of date of notice of non-compliance. If the prime contractor cannot provide justification the

CTT may take breach of contract action, pursuant to the contract or breach of contract pursuant to state law. State law does provide for an arbitration process for disputes and CTT may decide to pursue this course prior to litigation.

### **Section 26.31 Directory**

The CTT maintains a directory identifying all firms eligible to participate as DBEs. The directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. We revise the Directory annually or sooner if the State of Oklahoma Department of Transportation makes revisions to its UCP List. We make the Directory available as follows Ryan Landers 611 SW Bishop Rd, PO Box 286, Lawton OK 73502, Phone 580-248-5252 ext. 101, and email [rlanders@ridelats.com](mailto:rlanders@ridelats.com)

The Directory may be found in Attachment 2 to this program document.

### **Section 26.33 Overconcentration**

CTT has not identified that overconcentration exists in the types of work that DBEs perform.

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

CTT has a business development program. However, CTT will refer any business who desires assistance in development of a business development program to the Great Plains Business and Technology Center, which such at little or no cost. Additionally, DBELO will assist any business who desires to be certified by referring them to the appropriate person for certification with ODOT. CTT will re-evaluate the need for a more formal business development programs every two years.

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

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

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. Attachment 3 lists the regulation, provisions, and contract remedies available to us in the events of non-compliance with the DBE regulation by a participant in our procurement activities.
3. We 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 inspection of records and job sites.
4. We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

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

CTT has incorporated the following non-discriminatory elements into its DEBP, in order to facilitate competition on DOT-assisted works projects by small business concerns (both DBE and non-DBE small businesses):

- Removal of unnecessary and unjustified bundling of contract requirement that may preclude small business enterprise (SBE) participation in procurement as prime contractors or subcontractors; and
- Letting prime contracts of a size that small businesses can reasonably complete for and perform.

LATS generally awards contracts up to \$100,000 annually. These contracts are suitable for small business participation and request for proposals/bid are sent to any DBE firm listed on the Directory. Our contracting opportunities are limited by the size of our operation so that contracts like annual insurance, audits, janitorial, and maintenance support service are available to small business each year.

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

### **Section 26.43 Set-asides or Quotas**

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

### **Section 26.45 Overall Goals**

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 4 to this program. This section of the program will be updated annually.

In accordance with Section 26.45(f) the CTT will submit its overall goal to DOT on August 1 of each year. Before establishing the overall goal each year, CTT will consult with other governmental contractors such as Fort Sill, US Army Installation, the Chamber of Commerce and Industry, Minority Interest Groups such as the NAACP, the Great Plains Business Development Center, trade/construction publications such as the Dodge Report to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the CTT efforts to establish a level playing field for the participation of DBEs.

Following this consultation, 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 your principal office for 30 days following the date of the notice, and informing the public that you and DOT will accept comments on the goals for 45 days from the date of the public hearing. Normally, we will issue this notice by June 1 of each year. The notice must include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed. The review period shall be at least 30 days for verbal comments and 45 days for written.

Our overall goal submission to DOT 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 1 of each year, unless we have received other instructions from DOT. If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

Methodology:

#### **Step 1: 26.45(c)**

Determine the base figure for relative availability of DBE's

Base figure =  $\frac{\text{Ready, willing and able DBE}}{\text{All firms ready and willing and able}}$

The data source for the numerator was: Oklahoma Unified Certification Program for DBEs

The data sources for the denominator was trade publications, past bidders' list, inquires of brokers, phone directories, and contact with minority interest groups, small business development centers.

When we divided the numerator by the denominator we arrived at the base figure for overall goal and that number was .74%.

## **Step 2: 26.45(d)**

After calculating a base figure of the relative availability of DBE's, evidence was examined to determine what adjustment was needed to the base figure in order to arrive at the overall goal. Weighting was used because of geographic breakdown of annual purchases and the restriction of FTA pre-approved sole source procurements required for equipment compatibility. Therefore, the base figure for LATS goal has been decreased by the weighting.

Race/Neutral and Race. Conscious Goal Split:

CTT Goal of **.74%** will be race neutral due to lack of past participation and the lack of subcontracting opportunities.

## **Step 2: 26.45(g)**

(g)(1) In establishing an overall goal, we provided for consultation and publication. We reached out to community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and your efforts to establish a level playing field for the participation of DBEs. Consultations that will be included will be scheduled, direct, interactive exchange (e.g., a face to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process. We will document a consultation and all info pertaining to the meeting.

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

Each contracting year prior to establishing a new goal CTT will analyze in detail the reason for the difference between the overall goal and the awards/commitments. CTT will attempt to establish steps to correct the problems identified in the analysis to expand DBE and SBE participation.

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

CTT will require each transit vehicle manufacturer, 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, CTT 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. CTT will provide this information to FTA within 30 days of making an award.

## **Section 26.51(a-c) Breakout of Estimated Race-Neutral & Race-Conscious Participation**

The breakout of estimated race-neutral and race-conscious participation can be found in **Attachment 5** to this program. This section of the program will be updated annually when the goal calculation is updated. CTT intends to utilize race-neutral participation. It shall be updated with the DBEP every three years. Bid solicitation documents offers assistance/guidance to contactors regarding how to complete DBE forms prior to bid opening, bonding requirements, how LATS counts DBE participation, information regarding where to find our Directory of DBEs, how to demonstrate good faith efforts, and what information must be included in the final bid/proposal to comply with DBE Policy statement. Technical assistance is also available through the pre-bid meeting with contractors.



## **Section 26.51(d-g) Contract Goals**

The CTT will use contract goals to meet any portion of the overall goal CTT 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.

We 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 adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work.)

We will express our contract goals as a percentage of the amount of DOT-assisted contract

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

### Demonstration of good faith efforts (26.53(a) & (c))

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

The following personnel are responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive: LATS DEBLO will allow 5 days for the submission of DBE documentation after bid opening.

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

### Information to be submitted (26.53(b))

CTT treats bidder/offers' compliance with good faith efforts' requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information:

1. 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 participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment and
6. If the contract goal is not met, evidence of good faith efforts.

### Administrative reconsideration (26.53(d))

Within 10 days of being informed by CTT that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: LATS General Manager, 611 Bishop Road, PO Box 286, Lawton, OK 73502, Phone 580-248-5252 ext. 101, and [rlanders@ridelats.com](mailto:rlanders@ridelats.com). The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have

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

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

CTT 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. We 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 CTT prior to the termination of a DBE subcontractor or the substitution of DBE subcontractor and to provide copies of new or amended subcontracts, or documentation of the good faith efforts.

Before termination a prime contractor must submit his request to terminate/substitute in writing to CTT setting out the "good cause" for the prime contractor's request prior to taking any action. CTT will advise the DBE of the notice to terminate and give the DBE 5 days to respond and advise CTT why it objects to the termination.

If CTT approves a termination/substitution of DBE all new documentation such as new contracts or amended contracts must be provided to CTT.

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 or civil action under the laws of the State of Oklahoma, see Attachment 3.

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the CTT 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 \_\_\_\_\_ 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 1), 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 participation 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.

**Section 26.55 Counting DBE Participation**

We will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

## **SUBPART D – CERTIFICATION STANDARDS**

### **Section 26.61 – 26.73 Certification Process**

CTT will use the certification standards of the State of Oklahoma Department of Transportation UCP in accordance with subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. We will make our certification decisions based on the facts as a whole.

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

Oklahoma Department of Transportation website, [www.okladot.state.ok.us](http://www.okladot.state.ok.us), as well as calling Regulatory Services Office at ODOT at 405-521-6046 or 1-800-788-4539.

Their certification application forms, and documentation requirements are available from the State of Oklahoma

Procedures for Certification Decisions 26.91

Although CTT utilizes the State of Oklahoma Department of Transportation UCP to determine eligibility: any firm or complaint any appeal any decision on a UCP decision in a certification matter to DOT. Such appeals may be sent to:

U.S. Department of Transportation  
Office of Civil Rights Certification Appeals Branch  
1200 New Jersey Ave. SE  
West Building, 7<sup>th</sup> Floor  
Washington D.C. 20590

## **SUBPART F – COMPLIANCE AND ENFORCEMENT**

### **Section 26.109 Information, Confidentiality, Cooperation**

We will safeguard from disclose to third party's information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. The Attorney for CTT will interpret the application of the Oklahoma Open Records Act or other state laws regarding disclosure of confidential business information.

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 DOT) without the written consent of the submitter.

#### **Monitoring Payments to DBEs**

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

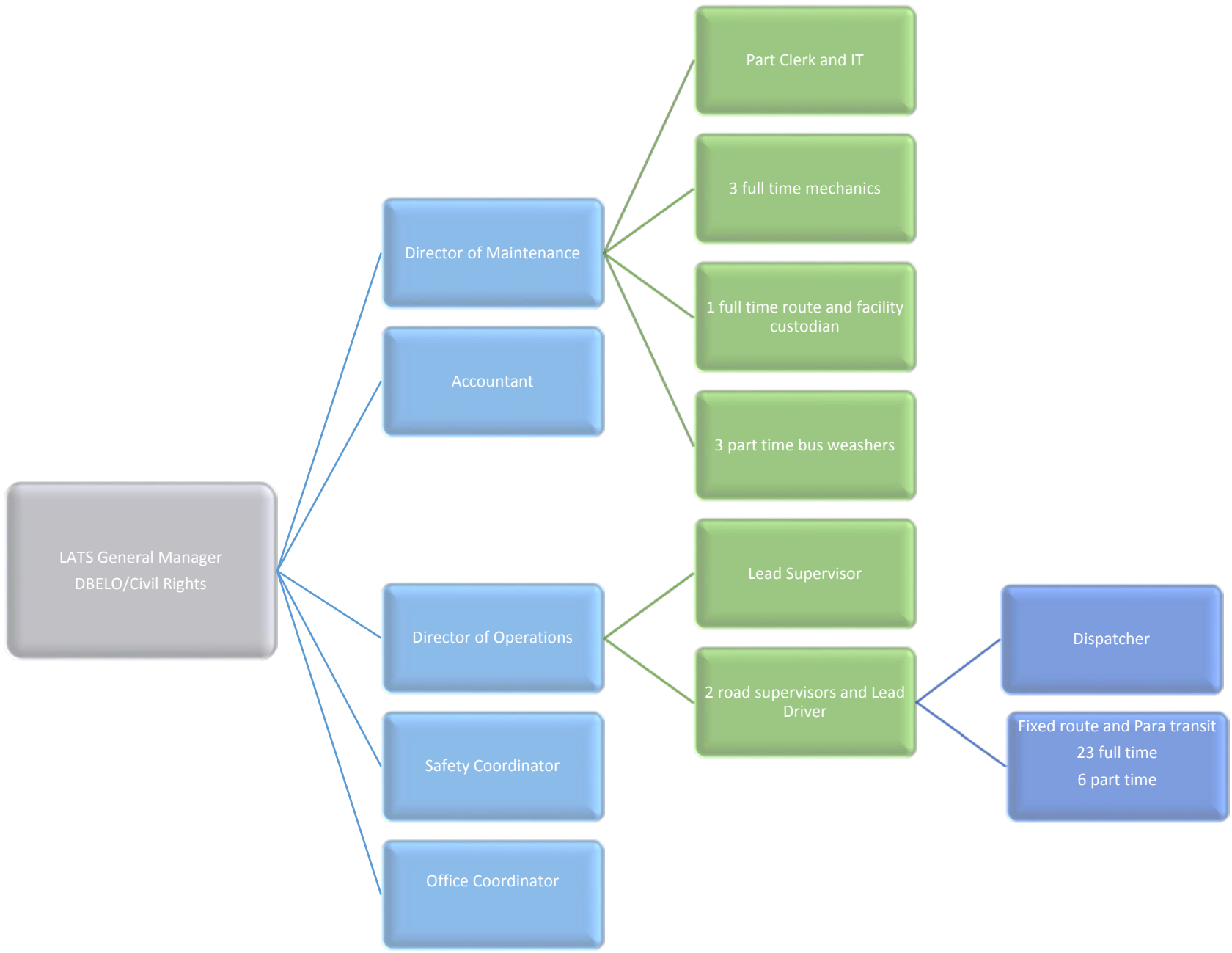
We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts states in the schedule of DBE participation.

## **ATTACHMENTS**

*[List and append; we recommend that a copy of part 26 be attached to the program so that public users to whom we send copies can have it handy]*

Attachment 1	Organizational Chart
Attachment 2	DBE Directory
Attachment 3	Monitoring and Enforcement Mechanisms
Attachment 4	Overall Goal Calculation
Attachment 5	Breakout of Estimated Race-Neutral & Race-Conscious Participation
Attachment 6	Form 1 & 2 for Demonstration of Good Faith Efforts
Attachment 7	Certification Application Forms
Attachment 8	Procedures for Removal of DBE's Eligibility
Attachment 9	Regulations: 49 CRR part 26

**Attachment 1**  
**Organizational Chart**



## **Attachment 2**

### **DBE Directory**

The DBE Directory for LATS may be viewed at <https://okdot.gob2g.com/Default.asp>. This directory is update annually.

## **Attachment 3**

### **Monitoring and Enforcement Mechanisms**

The CTT 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;
2. Breach of contract action, pursuant to applicable state law, Title 23, Oklahoma Statutes, Sections 21 et.seq.;
3. Action with Oklahoma UCP to cause de-certification.

In addition, the federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE problem, 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
3. Prosecution pursuant to 18 USC 1001.



## Attachment 4

### Section 26.45: Overall Goal Calculation

Overall Goal Calculation for FFY 2021-23:

1. CTT's overall goal for FFY 21-23 is .74% of the Federal Financial assistance we will expend in DOT-assisted contracts (exclusive of funds used to purchase transit vehicles)  
\$729,543 is the dollar amount of DOT-assisted contracts that CTT expects to award during each of the FFY
2. 2018-2020. This means CTT has set a goal of expending \$5,406.00 with DBEs during each of the fiscal years.

Methodology:

#### **Step 1:** 26.45(c)

Determine the base figure for relative availability of DBEs.

Base figure = Ready, willing and able DBEs

All firms ready willing and able

The data source for the numerator was: Oklahoma Unified Certification Program for DBEs

The data sources for the denominator were trade publications, past bidders' list, inquiries of brokers, phone directories, and contact with minority interest groups, small business development centers.

When we divided the numerator by the denominator we arrived at the base figure for overall goal and that number was .74%.

#### **Step 2:** 26.45(d)

After calculating a base figure of the relative availability of DBEs, evidence was examined to determine what adjustment was needed to the base figure in order to arrive at the overall goal.

Weighted Formula:

Base Figure= Project's percentage of total budget X (DBEs/ All firms)

Race/Neutral and Race/Conscious Goal Split:

CTT Goal of .74% will be race neutral due to lack of past participation.

## **Public Participation**

Letters to employers & organizations who may know DBE's of LATS contracting

Publication & certificate of posting in local newspaper – The Lawton Constitution

Summaries of these comments are as follows: (to be included after 45 days from publication)

Our responses to these comments are: (to be included after 45 days from publication)

Will contact known Minority groups in the region

Will contact known Women's groups in the region

Will make a better effort to reach out to general contractors in the region.

Will reach out to local and regional Chambers of Commerce

## **Attachment 5**

### **Section 26.51: Breakout of Estimated Race-Neutral & Race Conscious Participation**

CTT will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The CTT uses the following race-neutral means to increase DBE participation: contact and coordination with other governmental institutions who routinely utilize DBE, minority interest groups, the Chamber of Commerce, and Great Plains Business Development Center, which assists small business with business plan development including DBE certification.

We estimate that, in meeting our overall goal of .74%, we will obtain .74% from race-neutral participation and 0% through race-conscious measures.

In order to ensure that our DBE program will be narrowly tailored to overcome the effects of discrimination, if we use contract goals we will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)) and we will track and report race-neutral and race conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily 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 DBE goal; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

We will maintain data separately on DBE achievements in those contracts with and without contract goals, respectively.

**Attachment 6**

**Forms 1 & 2 for Demonstration of Good Faith Efforts**

[Forms 1 and 2 should be provided as part of the solicitation documents.]

**FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION**

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner (please check the appropriate space):

\_\_\_\_\_ The bidder/offeror is committed to a minimum of \_\_\_\_\_ % DBE utilization on this contract.

\_\_\_\_\_ The bidder/offeror (if unable to meet the DBE goal of \_\_\_\_\_%) is committed to a minimum of \_\_\_\_\_% DBE utilization on this contract a submits documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: \_\_\_\_\_

State Registration No. \_\_\_\_\_

By \_\_\_\_\_  
(Signature) Title

**FORM 2: LETTER OF INTENT**

Name of bidder/offeror's firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Name of DBE firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Description of work to be performed by DBE firm:

.....  
.....  
.....  
.....

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is \$ \_\_\_\_\_.

**Attachment 7**

Oklahoma Unified Certification Program

The certification program adopted by LATS is administered by the Oklahoma Department of Transportation and may be viewed at <https://okdot.gob2g.com/Default.asp>

**Attachment 8**

**Affirmation**

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By \_\_\_\_\_  
(Signature) (Title)

**If the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.**

(Submit this page for each DBE subcontractor.)

**Attachment 9**

49 CFR Part 26 governs this DBEP and the regulations may be viewed at <https://www.ecfr.gov/cgi-bin/text-idx?SID=53cd5c89e0e9bdcfc93bae3ae3efb10c&mc=true&node=pt49.1.26&rgn=div5>.