



CAPE COD REGIONAL TRANSIT AUTHORITY

**Cape Cod Regional Transit Authority
DBE Program and Policies**

FFY2024 – FFY2026

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PURPOSE

Pursuant to Title 49 CFR Section 26.3 and 26.21, Cape Cod Regional Transit Authority (CCRTA), a recipient of federal financial assistance from the Federal Transit Administration (FTA) of the United States Department of Transportation (U.S. DOT), is required to implement a DBE Program in accordance with Title 49 CFR Part 26 e-CFR (Regulations). The requirements of the Regulations are incorporated by reference. In the event of any conflicts or inconsistencies between the Regulations and the DBE Program with respect to U.S. DOT - assisted contracts, the Regulations shall prevail.

SCOPE

The DBE (Disadvantaged Business Enterprise) Program and Policies of the Cape Cod Regional Transit Authority (CCRTA) are set forth in this document to outline the standards the CCRTA will hold itself to which ensures compliance with Federal Law Title 49 CFR Part 26 e-CFR. These standards are furnished to ensure that materials, equipment, construction and services are obtained in a manner that respects the parameters of federal, state, and CCRTA statutory or regulatory requirements. The DBE Program outlined herein applies to all CCRTA contracts that are funded, in whole or in part, by U.S. DOT federal financial assistance.

BACKGROUND

In 1983, Congress enacted the first Disadvantaged Business Enterprise (DBE) statutory provision. This provision required the Department to ensure that at least 10% of the funds authorized for the highway and transit Federal financial assistance programs be expended with DBEs. In 1987, Congress re-authorized and amended the statutory DBE program. In the transportation legislation of that year, Congress, among other changes, added women to the groups presumed to be disadvantaged. Since 1987 DOT has established a single DBE goal, encompassing both firms owned by women and minority group members.

Primarily three major DOT Operating Administrations (OAs) are involved in the DBE program. They are the Federal Highway Administration, the Federal Aviation Administration and the Federal Transit Administration. The DOT DBE program is carried out by state and local transportation agencies under the rules and guidelines in the Code of Federal Regulations. (Title 49, Part 26).

CAPE COD REGIONAL TRANSIT AUTHORITY
DBE PROGRAM POLICY STATEMENT

Section 26.1, 26.23 - Objectives/Policy Statement

The Cape Cod Regional Transit Authority (CCRTA) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26 e-CFR. The CCRTA has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the CCRTA has signed an assurance that it will comply with 49 CFR Part 26 e-CFR.

It is the policy of the CCRTA to ensure that DBEs as defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also CCRTA policy:

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

The CCRTA Director of Grants, Debra Shores, has been delegated as the DBE Liaison Officer. In that capacity, she 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 CCRTA in its financial assistance agreements with the Department of Transportation.

CCRTA has disseminated this policy statement to its Board of Directors and all of the components of the organization. CCRTA has distributed this statement to DBE and non-DBE business communities that perform work for CCRTA on DOT-assisted contracts by posting it on the CCRTA website, using CCRTA social media, newspaper advertisements, and making this policy part of the CCRTA contractual documents (before, during, and after award).



Thomas S. Cahir
Administrator

12/13/23
Date

Subpart A—General Requirements

Section 26.1 Objectives

The objectives are defined in the DBE PROGRAM POLICY STATEMENT of this program.

Section 26.3 Applicability

The CCRTA 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 TEA-21, Pub. L. 105-178.

Section 26.5 Definitions

The CCRTA will adopt the definitions contained in Section 26.5 for this program. See Section 26.5 Definitions (Exhibit A).

Section 26.7 Non-discrimination Requirements

The CCRTA 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 this part on the basis of race, color, sex, or national origin.

In administering its DBE program, the CCRTA 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 program with respect to individuals of a particular race, color, sex, or national origin.

Section 26.11 Recordkeeping Requirements

CCRTA will report DBE participation on semi-annual basis, via DOT's "Uniform Report of DBE Awards or Commitments and Payments", found in Appendix B. These reports will reflect payments made to DBEs on DOT-Assisted contracts.

CCRTA will create and maintain a bidders list. The purpose of this list is to provide as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on CCRTA DOT-assisted contracts for use in helping you set your overall goals. The list of bidders will include the name, address, DBE/non-DBE status, age of firms, annual gross receipts of the firm.

The CCRTA will use the Commonwealth of Massachusetts' Unified Certification Program (UCP). The Massachusetts UCP is a federally recognized entity responsible for certification of small businesses owned and controlled by socially and economically disadvantaged individuals such as DBEs. The UCP certifies and shares information regarding DBEs across all Massachusetts agencies receiving Federal DOT funding. The UCP is administered through the Massachusetts Supplier Diversity Office (SDO), [Supplier Diversity Office \(SDO\) | Mass.gov](#). The SDO provides robust outreach and certification activities to the business community. This agency also maintains a searchable database of all recognized DBEs to assist federal funding recipients in goal setting, advertising and identifying DBE vendors.

Section 26.13 Federal Financial Assistance Agreement

The CCRTA 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 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 recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

(b) Each contract CCRTA signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance: *The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:*

- (1) Withholding monthly progress payments;*
- (2) Assessing sanctions;*
- (3) Liquidated damages; and/or*
- (4) Disqualifying the contractor from future bidding as non-responsible.*

Subpart B—Administrative Requirements for DBE Programs for Federally-Assisted Contracting

Section 26.21 Who must have a DBE program?

Since the CCRTA has received a grant of \$250,000 or more in FTA planning, capital, and/or operating assistance in a federal fiscal year, CCRTA will continue to carry out this program until all funds from DOT financial assistance have been expended. CCRTA will provide updates to DOT representing significant changes in the program.

Section 26.23 What is the requirement for a policy statement?

The Policy Statement is elaborated on page 2 of this program.

Section 26.25 What is the requirement for a liaison officer?

The CCRTA has designated the following individual as the DBE Liaison Officer:

Debra Shores
Director of Grants
CCRTA
215 Iyannough Road, Hyannis, MA 02601
dshores@capecodrta.org

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the CCRTA complies with all provision of 49 CFR Part 26 e-CFR. The DBELO

has direct, independent access to the Administrator concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment A to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials and the Program and Compliance Manager. 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 CCRTA's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Administrator on DBE matters and achievement.
9. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
10. Plans and participates in DBE training seminars.
11. Requests certification assurance of DBEs according to the criteria set by DOT and acts as liaison to the Uniform Certification Process in Massachusetts.
12. Provides outreach to DBEs and community organizations to advise them of opportunities.
13. Maintains the CCRTA's updated directory on certified DBEs.

Note: Although it is suggested that a procurement person should not be the DBELO, CCRTA is a small Transit Authority with a limited number of positions. All procurements are administered by the DBELO and CCRTA finds that this is the best person to ensure all DBE clauses and outreach are included and completed as part of the Bid Request. Additionally, all procurements are reviewed by the Administrator and Chief Financial Officer, and the DBELO is never the only approving official of contract award.

Section 26.27 DBE Financial Institutions

It is the policy of the CCRTA to investigate, annually, the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions. CCRTA is a member of the Massachusetts Unified Certification Program (UCP), which conducts outreach to financial institutions and assists with the certification activities. These banking institutions listed above are invited to participate in the CCRTA's Revenue Anticipation Note bid, if applicable. To date CCRTA has identified the following institutions:

Company Name: One United Bank
Address: 100 Franklin Street, Suite 600
City, State & Zip: Boston, MA. 02110
Contact: Mr. Kevin Cohee
Phone: (617) 457-4400 Fax: (617) 457-4430
Email: tpatel@oneunited.com
Home Page: <http://www.oneunited.com>
Business Type: Business Enterprise (for-profit)
SOMWBA Certification(s): 07/01/1998 MBE

SDO Description: *Full Service Commercial Bank*
ACDBE Description: *N/A*

Company Name: National Capital Resources, LLC
Address: 100 Federal Street
City, State & Zip: Boston, MA. 02110
Contact: Mr. Rodney D. Jones
Phone: (215) 962-4626 Fax: (267) 858-6185
Email: rjones@nationalcap.org
Home Page: <http://www.nationalcap.org>

Business Type: Business Enterprise (for-profit)
SOMWBA Certification(s): 02/13/2003 MBE

SDO Description: *Financial Advisor and Investment Banking; Specializing in Tax-exempt, Privately Placed Bonds, Financing for Equipment Leases, Bonds for Business and Non-profit Organizations*
ACDBE Description: *N/A*

Section 26.29 - Prompt Payment Mechanisms

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

The prime contractor agrees to pay each subcontractor under the prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contractor receives from CCRTA. The prime contractor agrees further to ensure prompt and full payment of retainage, if allowed under the contract, 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 CCRTA. This clause applies to both DBE and non-DBE subcontracts. Non-compliance with the prompt payment clause will cause prime contractors to be removed from CCRTA eligible bidders' list for any future procurements and will be put on a non-eligible bidders' list for a period of three years: CCRTA Prime contracts which use sub-contractors will be reviewed by the DBELO and Financial Office for prompt payment to sub-contractors; both for 30-day payment and return of retainages. All prime contractors agree to supply documentation upon request of CCRTA to sufficiently document this requirement and/or other Federal requirements. CCRTA's policy is to pay all vendors in less than 30 days; its AP office traditionally pays invoices 15 days after receipt of invoice. CCRTA's policy on retainages is to hold the payments in a separate account until such time as the work is the percentage completed and accepted and then to immediately release the retainage to the contractor. In the event the prime contractor can show justification for failing to meet the provisions of this clause they may appeal to the Administrator of CCRTA for an alternate dispute resolution. This appeal must be in writing and must be received by the CCRTA DBE representative within 30 days of being notified of future non-eligibility.

Section 26.3 Directory

The CCRTA maintains a bidder's list identifying all previous and present CCRTA DBE contractors. For all future procurements, the CCRTA subscribes to the Massachusetts Unified Certified Program (UCP) (DBE) Supplier Diversity Office (SDO) web site which maintains a directory of all certified DBEs and acts as the DBE Certifying agency for the CCRTA. As the state designated agency for DBE certification and certain compliance functions, the SDO is fully responsive in meeting DBE certification standards and criteria as outlined in the above-mentioned sections of 49 CFR part 26. 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. The UCP updates the directory on a rolling basis. The directory is revised at least

annually and, for recertification purposes, will determine if the firm is within the criteria of a small business as specified in 13 CFR 121, by SIC Code/NAICS codes.

The directory is available at: [SDO \(mass.gov\)](http://SDO.mass.gov)

Section 26.33 Overconcentration

CCRTA has not identified that overconcentration exists in the types of work that DBEs perform. An annual review is conducted of the CCRTA DBE Goal and its attainment or shortfall prior to issuance of the next fiscal year's capital plan and solicitation of bids. Up to this point, there has been no identification that there are too many DBE/SBE firms available to bid on CCRTA's capital work. However, "overconcentration" reviews will take place every year during the preparation of the Capital Plan (Attachment C), listing of eligible DBE/SBEs to bid on the work, and the reviewing/editing of the bidder's list for procurement invitations. If overconcentration were found, CCRTA would attempt to cull the bidders' list by holding a pre-bidders' conference whereby specific requirements would be communicated to the bidder so they would know more completely what was required. CCRTA would also communicate this fact to the UCP to ensure that they were categorizing the DBE's in as wide a variety of NAICS codes as possible. This would assist the DBE's in bidding on other work rather than just a few categories and CCRTA would be able to request bids from those whose NAICS category most closely related to the work being proposed.

Section 26.35 Business Development Program

The CCRTA has not established a business development program; however, the Massachusetts Unified Certification Program (UCP) actively recruits and supports DBE businesses. CCRTA actively encourages women and minority-owned businesses to apply for certification by discussing program benefits and encouraging initiatives with existing contractors and the business community as a whole.

Section 26.37 Monitoring and Enforcement Mechanisms

The CCRTA will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26 e-CFR (See Attachment C).

1. CCRTA 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. CCRTA will consider similar action under CCRTA's own legal authorities, including responsibility determinations in future contracts. Reference section 26.29 above for provisions and contract remedies available to CCRTA in the event of non-compliance with the DBE regulation by a participant in CCRTA's procurement activities.
3. CCRTA will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.
4. CCRTA 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 direct observation by a duly appointed Observer. The Observer will visit the work site to observe workers, inquire of their affiliation and identity, and review payee information for reconciliation

of workers on site to workers on payroll. Following is an example of a field report that will be used to monitor the subcontractor's work:

CERTIFICATION OF DBE CONTRACTOR

This is to certify that I have reviewed contracting records to determine that _____, a subcontractor to _____, has submitted invoices for the work specified in the contract award. Invoices and payments were reviewed as a means of comparing attainments to commitments for the purpose of DBE reports to the FTA.

On June 30, 20__, I visited the Hyannis Transit Center (HTC) for the purpose of monitoring the worksite to ensure that work committed to the DBE at contract award was actually being performed by the DBE contractor to which the work was committed. The _____ worksite manager was interviewed and several workers were asked who they worked for as further proof that the onsite contractor was the DBE stated in the contract.

This certification complies with the requirements of [64 FR 5126, Feb. 2, 1999, as amended at 65 FR 68951, Nov. 15, 2000; 68 FR 35554, June 16, 2003; 76 FR 5097, Jan. 28, 2011].

Signed

Date

Following is an example of a financial record audit that will be used to monitor the subcontractor's work:

FURTHER MONITORING OF DBE CONTRACTOR

My initial letter certified that _____ (contractor) is performing work as a DBE on the contracted work as specified. That certification complied with the DBE regulation's requirement for

- (1) contract assurance and
- (2) on-site monitoring

These requirements were certified based on a visit to the HTC on June 30, 20____, as well as document reviews.

Proof of the final requirement, (3) prompt payment of the sub-contractor by the prime contractor, is contained in the attached documentation provided by _____ (Prime Contractor) and obtained from the CCRTA Accounts Payable office.

This documentation shows that the sub-contractor, _____, invoiced the Prime Contractor on [Date _____] and was subsequently paid on [Date _____]. The Prime has paid the sub-contractor within thirty (30) days which is considered prompt payment.

Also reviewed were the Payroll sheets submitted to CCRTA by (Prime) for (Subcontractor). The pay rates for _____ complied with Prevailing Wage Rates in effect for the contract as specified by the Massachusetts Department of Labor.

Copies of the prompt payment documents as well as the Payroll Sheets are attached. This certification complies with the requirements of [64 FR 5126, Feb. 2, 1999, as amended at 65 FR 68951, Nov. 15, 2000; 68 FR 35554, June 16, 2003; 76 FR 5097, Jan. 28, 2011].

Section 26.39 Fostering small business participation

For purposes of CCRTA's DBE Program, a small business enterprise (SBE) is defined as a Small Business Concern seeking to participate as a DBE or SBE in U.S. DOT - assisted contracts, as defined by section 3 of the Small Business Act and the Small Business Administration regulations implementing it (13 CFR Part 121) whose average annual gross receipts for the previous three years do not exceed the SBA business size standard and the dollar cap as adjusted for inflation by the Secretary of U.S. DOT pursuant to 49 CFR §26.65(b).

One method of providing race-neutral efforts for DBE participation will be through CCRTA's small business element, which is incorporated into this DBE Program. The small business element is intended to facilitate compliance with the two objectives in 49 CFR 26.51: (1) To meet the maximum feasible portion of the overall goal by using race - neutral means of obtaining DBE participation and (2) to establish DBE contract goals to meet any portion of the overall goal CCRTA is unable to meet using race - neutral methods alone.

An important part of CCRTA's small business element is its outreach activities. These outreach efforts include active, effective steps to increase small business participation, such as soliciting bids/proposals from DBEs and SBEs, responding to requests for information, participating at pre-bid and pre-proposal meetings, and participating at outreach events for DBEs and small businesses. Examples of outreach activities include:

- Annually providing small business contractors information which would allow them to participate in joint venture opportunities and/or as a prime contractor. This information is distributed at the CCRTA's request by the Cape Cod Chamber of Commerce and the Hyannis Area Chamber of Commerce, major advertisers and disseminators of contracting requirements in the region.
- When the fiscal year capital plan is developed, the DBELO employs a strategy to create contracting opportunities for small businesses if possible.
- Annually, the CCRTA hosts a joint meeting with the Chamber of Commerce to invite all small businesses in the Cape Cod and nearby markets to discuss opportunities in contracting. The forum will solicit in-person input from the small businesses as to ways to encourage their participation in CCRTA contracts.
- The Commonwealth of Massachusetts Office of Diversity which maintains the DBE vendor database in Massachusetts hosts regular events to foster DBE participation and offers seminars on how to become a DBE. CCRTA participates at these forums with lists of available procurements and projects for the upcoming year and as well as staff to answer questions.
- On a regular basis, the Administrator and Director of Grants travel to the communities within the CCRTA service area for the purpose of assessing capital needs, added services and customer service. During these meetings with the Selectpersons/administrators representing these towns they bring any opportunities which the CCRTA may have for Small Businesses to discuss and provide written material as well as the social media contact information.

Other strategies that CCRTA will consider as a part of its small business element include unbundling contracts and setting SBE contract - specific goals when subcontracting opportunities are available for multi-year design-build contracts or other large contracts. This will be accomplished by requiring bidders on the prime contract to specify elements of the contract or specific subcontracts that are of a size that small businesses, including DBEs, can reasonably perform rather than self-performing all the work involved.

CCRTA uses its DBE goal as part of its goal for small business participation set-aside.

The award of a contract to a small business is based on its size, not race and/or gender.

Qualification and Verification

CCRTA does not allow firms to self-certify as small businesses.

A currently certified DBE is presumed eligible to participate in the small business element of CCRTA's DBE Program.

CCRTA requires all prime or sub-contractors bidding or proposing on U.S. DOT - assisted contracts and claiming SBE status to submit additional documents, as necessary, to verify their eligibility. That information will include but not be limited to the following: the firm's name, address, status as a DBE or non-DBE, age of the firm, annual gross receipts, description of work to be performed or type of materials/supplies to be furnished on the contract, and dollar amount of that prime or subcontract.

Subpart C—Goals, Good Faith Efforts, and Counting

Section 26.43 Set-asides or Quotas

The CCRTA does not use set-asides or quotas in any way in the administration of this DBE program.

Section 26.45 Goal Setting

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

In accordance with Section 26.45(f) the CCRTA will submit its overall goal to DOT on August 1 of each year. Before establishing the overall goal each year, CCRTA will consult with the Massachusetts Supplier Diversity Office and the Cape Cod Chamber of Commerce to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the CCRTA's efforts to establish a level playing field for the participation of DBEs.

CCRTA in cooperation with the Cape Cod Chamber of Commerce will hold an annual meeting inviting all minority, women's and general contractor groups, and community organizations, with the intent of disbursing information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and CCRTA's efforts to establish a level playing field for the participation of DBEs. This annual meeting will allow for a scheduled, direct, and interactive exchange with as many interested stakeholders as possible focused on obtaining formation relevant to the goal setting process. This meeting will occur before CCRTA submits its goal to the FTA and will be documented in the goal submittal.

Following this consultation, CCRTA will publish a notice of the proposed overall goals in the Cape Cod Chamber's e-newsletter, on CCRTA's website, and through CCRTA's social media outlets, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at CCRTA's principal office for 30 days following the date of the notice, and informing the public that CCRTA and DOT will accept comments on the goals for 45 days from the date of the notice. Normally, CCRTA will issue this notice by June 1 of each year. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

CCRTA's overall goal submission to DOT will include a summary of information and comments received during this public participation process and the responses.

CCRTA will begin using the overall goal on October 1 of each year, unless CCRTA has received other instructions from DOT. If CCRTA establishes a goal on a project basis, CCRTA will begin using the goal by the time of the first solicitation for a DOT-assisted contract for the project.

Section 26.49 Goal Setting for transit vehicle manufacturers?

CCRTA will ensure that only those transit vehicle manufacturers (TVM's) certified by the FTA at the time of procurement, be eligible to bid. CCRTA will further require each TVM who chooses to bid to certify, in writing, that it has complied with the requirements of 49 CFR Part 26. CCRTA recognizes that FTA is the entity that sets DBE goals for the TVMs and that FTA must be notified within 30 days of the date of award of any TVM's purchased with the inclusion of Federal Funds.

For all CCRTA transit vehicle purchases, the CCRTA's Director of Grants is responsible for submitting the name of the successful bidder, and the total dollar value of the contract in the manner prescribed in the grant agreement to the Civil Rights Officer within 30 days of making an award utilizing the prescribed "Survey Monkey" link.

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 G to this program. This section of the program will be updated annually when the goal calculation is updated.

26.51(d-g) Contract Goals Section

The CCRTA will use contract goals to meet any portion of the overall goal CCRTA 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 the overall goal that is not projected to be met through the use of race-neutral means.

CCRTA will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. CCRTA 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.).

CCRTA will express the contract goals as a percentage of the Federal share of a DOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures

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 Appendix B of 49 CFR Part 26 e-CFR and spelled out in Attachment I of this document.

The CCRTA Director of Grants 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 (See Attachment I).

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

Section 26.53(b) Information to be Submitted

CCRTA 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.

Section 26.53(d) Administrative Reconsideration

Within 10 days of being informed by CCRTA 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 CCRTA Administrator, Thomas S. Cahir, reconsideration official: Hyannis Transportation Center, 215 Lyannough Rd, Hyannis, MA, 02601; (800) 352-7155; tcahir@capecodrta.org. 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 the reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. CCRTA 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.

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

CCRTA 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. CCRTA 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. The Prime may only remove a DBE firm with prior written approval from CCRTA and for good cause. The Prime's contract must stipulate an appeal procedure for the sub-contractor which allows them to give reasons for non-fulfillment of their contract and requires the Prime to explain remediation efforts available to the DBE. When the DBE has exhausted its appeal rights and has still not provided a plan to get on schedule to fulfill the contract the Prime will document all findings, including the appeal, and send a written request to CCRTA requesting they be allowed to terminate the DBE.

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

If the contractor fails or refuses to comply in the time specified, the 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.

Sample Bid Specification

The requirements of 49 CFR Part 26 e-CFR, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the CCRTA to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of 2.27 percent has been established for this contract. The

bidder/offeror shall make good faith efforts, as defined in Attachment I, 49 CFR Part 26 e-CFR (Attachment B), 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.

Note: The sample bid specification above is intended for use in both non-construction and construction contracts for which a contract goal has been established. It can be included in invitations for bid for construction, in requests for proposals for architectural/engineering and other professional services, and in other covered solicitation documents. A bid specification is required only when a contract goal is established.

Section 26.55 Counting DBE Participation

CCRTA 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

CCRTA will use the certification standards of 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. CCRTA will make the certification decisions based on the facts as a whole.

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

<https://www.mass.gov/unified-certification-program-ucp>

Certification forms can be found in Attachments L and M.

Subpart E—Certification Procedures

Section 26.81 Requirements for Unified Certification Programs

CCRTA is the member of a Unified Certification Program (UCP) administered by the Commonwealth of Massachusetts Supplier Diversity Office (SDO) and meets all of the requirements of this section (see Attachment E). The following is a description of the UCP:

Supplier Diversity Program Overview (effective October 1, 2013)

In 1994, the Commonwealth of Massachusetts, through the Executive Office of Transportation and Construction, initiated the creation of a DBE transportation certification unit at the Supplier Diversity Office (SDO) (Formerly State Office of Minority and Women Business Assistance (SOMWBA)). Under this program, the state's major transportation agencies and authorities dedicated funding to institute efficient certification services needed by DBE firms operating in the transportation industry and in other related

industries. Under contract with the state's major transportation agencies and authorities, SDO provided certification services required by federal regulation and state executive orders. SDO is a state regulatory agency within the Department of Economic Development that certifies and promotes businesses for state funded M/WBE programs. A committee of agency representatives was established to monitor operations, refine procedures, address various issues, make adjustments to practices, and provide oversight and other assistance.

For any questions on the Commonwealth's Supplier Diversity Program please contact their office:

The MA Supplier Diversity Office (SDO)
The McCormack Building
One Ashburton Place, Room 1017
Boston, MA 02108
Phone - (617) 502-8831
Email - webmaster.sdo@mass.gov

- The Massachusetts UCP will utilize definitions as outlined in 49 CFR Part 26 e-CFR, including the following, to ensure full participation in the UCP and to determine eligibility.
- Recipient: Any entity to which U.S. DOT financial assistance is extended from programs of the Federal Aviation Administration (FAA), Federal Highway Administration (FHWA) and/or Federal Transit Administration (FTA), whether directly as the primary recipient or indirectly as a subrecipient through a primary recipient, or which entity has applied for such assistance.
- Subrecipient: Any entity to which U.S. DOT financial assistance is extended through a primary Recipient.
- Disadvantaged Business Enterprise DBE: A for-profit small business concern, at least 51 % owned by one or more individuals who are socially and economically disadvantaged, or, in the case of a corporation, at least 51 % of the stock of which is owned by one or more such individuals; and the management and daily business operations of such business are controlled by one or more of the socially and economically disadvantaged individuals who own it.
- Socially and Economically Disadvantaged Individuals: Any individual who is a citizen or lawfully admitted permanent resident of the United States and who is:
 - Any individual who is found to be a socially and economically disadvantaged individual on a case-by-case basis
 - Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:
 - (i) "Black Americans" which includes persons having origins in any of the Black racial groups of Africa;
 - (ii) "Hispanic Americans" which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
 - (iii) "Native Americans" which includes persons who are American Indians, Eskimos, Aleuts or Native Hawaiians;
 - (iv) "Asian-Pacific Americans" which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), The Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, Federated States of Micronesia, or Hong Kong;
 - (v) "Subcontinent Asian Americans" which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;

- (vi) Women;
- (vii) Any additional groups whose members are designated as socially and economically disadvantaged by the Small Business Administration (SBA) at such time as the SBA designation becomes effective.
- Small Business Concern: With respect to firms seeking to participate as DBEs in U.S. DOT -assisted contracts, a small business concern is as defined in Section 3 of the Small Business Act and in the Small Business Administration (SBA) regulations 13 CFR Part 121; which business does not exceed the cap on average annual gross receipts specified in U.S. DOT regulation 49 CFR Section 26.65(b).
- Personal Net Worth (Attachment M): Means the net value of an individual's assets remaining after total liabilities are deducted. As used herein, the personal net worth of each individual owner of a DBE applicant firm must not exceed \$750,000, excluding the individual's ownership interest in the applicant firm and the individual's equity in his or her personal, primary residence.

Vendor Certification

Supplier Diversity Office (SDO) certification qualifies businesses to participate in the Supplier Diversity Program.

The Supplier Diversity Office (SDO) is an agency within the Operational Services Division which promotes the development of certified minority-owned (MBE), women-owned (WBE) and minority-women-owned (M/WBE) business enterprises, including minority-controlled (M/NPO), women-controlled (W/NPO) and minority-women-controlled (W/NPO) non-profit organizations. It does this by facilitating their participation in Massachusetts business and economic development opportunities. Specifically, SDO offers services in certification, enforcement, business assistance and advocacy.

Certification is the process by which SDO reviews and investigates applicants who seek to participate in affirmative business opportunities to determine that they meet the requirements of state and federal statutes and regulations. SDO certification is a *marketing tool* used to enhance a firm's ability to do business in public markets. Although certification does not guarantee that a business will be successful every time it bids, it may add a competitive edge to firms seeking contracts with the government.

Finally, SDO maintains a directory of certified minority- and women-owned business enterprises and certified minority- and women-controlled non-profit organizations on its website. The website also lists information on how to become certified and provides a calendar of workshops held around the state.

Section 26.83 Procedures for Certification Decisions

Section 26.83(a) & (c) Re-certification

The SDO reviews the eligibility of DBEs that they certified under former part 23, to make sure that they will meet the standards of Subpart E of Part 26. They will complete this review no later than three years from the most recent certification date of each firm.

Section 26.83(a) & (c) "No Change" Affidavits and Notices of Change

The SDO requires all DBEs to inform them, in a written affidavit, of any change in its circumstances affecting its ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR Part 26 e-CFR or of any material changes in the information provided with their application.

SDO also requires all owners of all DBEs they have certified to submit, on the anniversary date of their certification, a “no change” affidavit meeting the requirements of 26.83(j). The test of this affidavit is the following:

I swear (or affirm) that there have been no changes in the circumstances of [*name of DBE firm*] affecting its ability to meet the size, disadvantaged status, ownership, or control requirements of 49 CFR Part 26 e-CFR. There have been no material changes in the information provided with [*name of DBE*]’s application for certification, except for any changes about which you have provided written notice to the CCRTA under 26.83(j). [*Name of firm*] meets Small Business Administration (SBA) criteria for being a small business concern and its average annual gross receipts (as defined by SBA rules) over the firm’s previous three fiscal years do not exceed \$16.6 million.

The SDO requires DBEs to submit with this affidavit documentation of the firm’s size and gross receipts. SDO notifies all currently certified DBE firms of these obligations. If a firm’s owner knows or should know that he or she, or the firm, fails to meet a part 26 eligibility requirement (e.g., personal net worth), the obligation to submit a notice of change applies.

Section 26.85 Denials of Initial Requests

If the SDO denies a firm’s application or decertifies it, it may not reapply until twelve months have passed from their action.

Section 26.87 Removal of a DBE’s Eligibility

In the event the SDO proposes to remove a DBE’s certification, they will follow procedures consistent with 26.87. See SDO procedures at [DBE_EligibilityRemovalProcess.pdf | Mass.gov](#).

Section 26.89 Summary suspension of certification

- (a) (1) If you are a firm that is denied certification or whose eligibility is removed by a recipient, including SBA-certified firms, you may make an administrative appeal to the Department.
(2) If you are a complainant in an ineligibility complaint to a recipient (including the concerned operating administration in the circumstances provided in [Section 26.87\(c\)](#)), you may appeal to the Department if the recipient does not find reasonable cause to propose removing the firm's eligibility or, following a removal of eligibility proceeding, determines that the firm is eligible.
(3) Send appeals to the following address: U.S. Department of Transportation, Departmental Office of Civil Rights, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- (b) Pending the Department's decision in the matter, the recipient's decision remains in effect. The Department does not stay the effect of the recipient's decision while it is considering an appeal.
- (c) If you want to file an appeal, you must send a letter to the Department within 90 days of the date of the recipient's final decision, including information and setting forth a full and specific statement as to why the decision is erroneous, what significant fact that the recipient failed to consider, or what provisions of this Part the recipient did not properly apply. The Department may accept an appeal filed later than 90 days after the date of the decision if the Department determines that there was good cause for the late filing of the appeal or in the interest of justice.
- (d) When it receives an appeal, the Department requests a copy of the recipient's complete administrative record in the matter. If you are the recipient, you must provide the administrative record, including a hearing transcript, within 20 days of the Department's request. The Department may extend this time period on the basis of a recipient's showing of good cause. To facilitate the Department's review of a recipient's decision, you must ensure that such administrative records are

well organized, indexed, and paginated. Records that do not comport with these requirements are not acceptable and will be returned to you to be corrected immediately. If an appeal is brought concerning one recipient's certification decision concerning a firm, and that recipient relied on the decision and/or administrative record of another recipient, this requirement applies to both recipients involved.

- (e) The Department makes its decision based solely on the entire administrative record as supplemented by the appeal. The Department does not make a de novo review of the matter and does not conduct a hearing. The Department may also supplement the administrative record by adding relevant information made available by the DOT Office of Inspector General; Federal, State, or local law enforcement authorities; officials of a DOT operating administration or other appropriate DOT office; a recipient; or a firm or other private party.
- (f) As a recipient, when you provide supplementary information to the Department, you shall also make this information available to the firm and any third-party complainant involved, consistent with Federal or applicable state laws concerning freedom of information and privacy. The Department makes available, on request by the firm and any third-party complainant involved, any supplementary information it receives from any source.
 - (1) The Department affirms your decision unless it determines, based on the entire administrative record, that your decision is unsupported by substantial evidence or inconsistent with the substantive or procedural provisions of this part concerning certification.
 - (2) If the Department determines, after reviewing the entire administrative record, that your decision was unsupported by substantial evidence or inconsistent with the substantive or procedural provisions of this part concerning certification, the Department reverses your decision and directs you to certify the firm or remove its eligibility, as appropriate. You must take the action directed by the Department's decision immediately upon receiving written notice of it.
 - (3) The Department is not required to reverse your decision if the Department determines that a procedural error did not result in fundamental unfairness to the appellant or substantially prejudice the opportunity of the appellant to present its case.
 - (4) If it appears that the record is incomplete or unclear with respect to matters likely to have a significant impact on the outcome of the case, the Department may remand the record to you with instructions seeking clarification or augmentation of the record before making a finding. The Department may also remand a case to you for further proceedings consistent with Department instructions concerning the proper application of the provisions of this part.
 - (5) The Department does not uphold your decision based on grounds not specified in your decision.
 - (6) The Department's decision is based on the status and circumstances of the firm as of the date of the decision being appealed.
 - (7) The Department provides written notice of its decision to you, the firm, and the complainant in an ineligibility complaint. A copy of the notice is also sent to any other recipient whose administrative record or decision has been involved in the proceeding (*see paragraph (d)* of this section). The Department will also notify the SBA in writing when DOT takes an action on an appeal that results in or confirms a loss of eligibility to any SBA-certified firm. The notice includes the reasons for the Department's decision, including specific references to the evidence in the record that supports each reason for the decision.
 - (8) The Department's policy is to make its decision within 180 days of receiving the complete administrative record. If the Department does not make its decision within this period, the Department provides written notice to concerned parties, including a statement of the reason for the delay and a date by which the appeal decision will be made.
- (g) All decisions under this section are administratively final and are not subject to petitions for reconsideration.

Subpart F—Compliance and Enforcement

Section 26.109 Information, Confidentiality, Cooperation, and Intimidation or Retaliation

CCRTA will safeguard from disclosure to third parties' information that may reasonably be regarded as confidential business information, consistent with Federal and state law.

Monitoring Payments to DBEs

CCRTA will require subrecipients and 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 CCRTA or DOT. This reporting requirement also extends to any certified DBE subcontractor. (See above for monitoring examples of workers and payments.)

CCRTA will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation. In addition, subrecipients are required to submit a DBE procedural policy to the CCRTA for review and approval. Currently, the only CCRTA subrecipient of FTA funding is the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority (SSA). The SSA's DBE procedural policy was submitted to the CCRTA for review and was approved in December of 2022. The CCRTA subrecipient monitoring plan was submitted to FTA as part of the Triennial Review and will be used to monitor the SSA's participation and adherence to the DBE plan.

ATTACHMENTS & EXHIBITS

Attachment A CCRTA DBE Organizational Chart

Attachment B Regulations: 49 CFR Part 26 e-CFR

Attachment C Shortfall Analysis Submission

Attachment D Monitoring and Enforcement Mechanism

Attachment E Supplier Diversity Office Agreement

Attachment F Overall Goal Calculation

Attachment G Breakout of Estimated Race-Neutral & Race-Conscious Participation

Attachment H CCRTA Goal Setting Calculations (FY 2024 – FY 2026)

Attachment I Guidance Concerning Good Faith Efforts

Attachment J Legal Notice Verbiage

Attachment K Timely & Accurate DBE Reporting

Attachment L Uniform Certification Application Form

Attachment M Personal Net Worth Statement

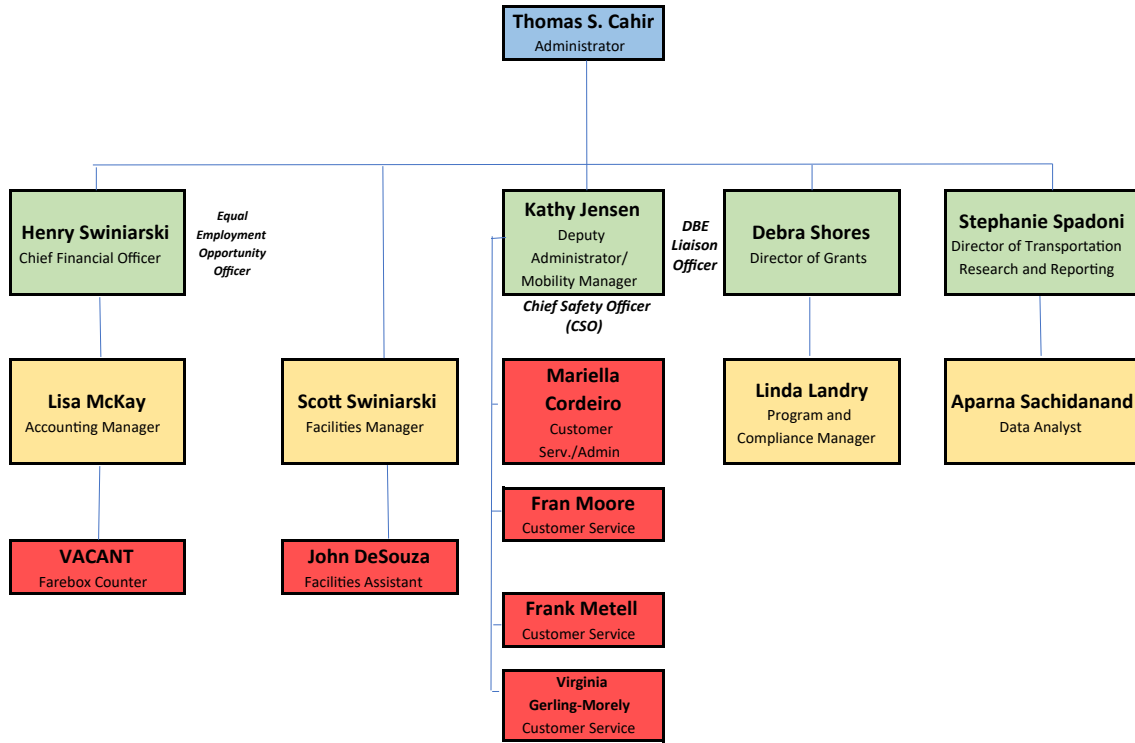
Exhibit A Section 26.5 - Definitions

Exhibit B Uniform Report of DBE Awards or Commitments and Payments Form INSTRUCTIONS FOR COMPLETING THE UNIFORM REPORT OF DBE AWARDS/COMMITMENTS AND PAYMENTS

Cape Cod Regional Transit Authority

Organization Chart

9/29/2023



Attachment B - Regulations: 49 CFR Part 26 e-CFR

e-CFR Data is current as of September 27, 2023

TITLE 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

PART 26—PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS

Subpart A—GENERAL

- §26.1 What are the objectives of this part?
 - §26.3 To whom does this part apply?
 - §26.5 What do the terms used in this part mean?
 - §26.7 What discriminatory actions are forbidden?
 - §26.9 How does the Department issue guidance and interpretations under this part?
 - §26.11 What records do recipients keep and report?
 - §26.13 What assurances must recipients and contractors make?
 - §26.15 How can recipients apply for exemptions or waivers?
-

Subpart B—ADMINISTRATIVE REQUIREMENTS FOR DBE PROGRAMS FOR FEDERALLY-ASSISTED CONTRACTING

- §26.21 Who must have a DBE program?
- §26.23 What is the requirement for a policy statement?
- §26.25 What is the requirement for a liaison officer?
- §26.27 What efforts must recipients make concerning DBE financial institutions?
- §26.29 What prompt payment mechanisms must recipients have?
- §26.31 What information must you include in your DBE directory?

- §26.33 What steps must a recipient take to address overconcentration of DBEs in certain types of work?
- §26.35 What role do business development and mentor-protégé programs have in the DBE program?
- §26.37 What are a recipient's responsibilities for monitoring the performance of other program participants?
- §26.39 Fostering small business participation.
-

Subpart C—GOALS, GOOD FAITH EFFORTS, AND COUNTING

- §26.41 What is the role of the statutory 10 percent goal in this program?
- §26.43 Can recipients use set-asides or quotas as part of this program?
- §26.45 How do recipients set overall goals?
- §26.47 Can recipients be penalized for failing to meet overall goals?
- §26.49 How are overall goals established for transit vehicle manufacturers?
- §26.51 What means do recipients use to meet overall goals?
- §26.53 What are the good faith efforts procedures recipients follow in situations where there are contract goals?
- §26.55 How is DBE participation counted toward goals?
-

Subpart D—CERTIFICATION STANDARDS

- §26.61 How are burdens of proof allocated in the certification process?
- §26.63 What rules govern group membership determinations?
- §26.65 What rules govern business size determinations?

- [§26.67](#) What rules determine social and economic disadvantage?
- [§26.69](#) What rules govern determinations of ownership?
- [§26.71](#) What rules govern determinations concerning control?
- [§26.73](#) What are other rules affecting certification?
-

Subpart E—CERTIFICATION PROCEDURES

- [§26.81](#) What are the requirements for Unified Certification Programs?
- [§26.83](#) What procedures do recipients follow in making certification decisions?
- [§26.85](#) Interstate certification.
- [§26.86](#) What rules govern recipients' denials of initial requests for certification?
- [§26.87](#) What procedures does a recipient use to remove a DBE's eligibility?
- [§26.88](#) Summary suspension of certification.
- [§26.89](#) What is the process for certification appeals to the Department of Transportation?
- [§26.91](#) What actions do recipients take following DOT certification appeal decisions?
-

Subpart F—COMPLIANCE AND ENFORCEMENT

- [§26.101](#) What compliance procedures apply to recipients?
- [§26.103](#) What enforcement actions apply in FHWA and FTA programs?
- [§26.105](#) What enforcement actions apply in FAA programs?

- [§26.107](#) What enforcement actions apply to firms participating in the DBE program?
- [§26.109](#) What are the rules governing information, confidentiality, cooperation, and intimidation or retaliation?
- [Appendix](#) [Appendix A to Part 26](#)—Guidance Concerning Good Faith Efforts
- [Appendix](#) [Appendix B to Part 26](#)—Uniform Report of DBE Awards or Commitments and Payments Form
- [Appendix](#) [Appendix C to Part 26](#)—DBE Business Development Program Guidelines
- [Appendix](#) [Appendix D to Part 26](#)—Mentor-Protégé Program Guidelines
- [Appendix](#) [Appendix E to Part 26](#)—Individual Determinations of Social and Economic Disadvantage
- [Appendix](#) [Appendix F to Part 26](#)—Uniform Certification Application Form

Attachment C - CCRTA Procedure: Shortfall Analysis Submission

When it is determined that a DBE Shortfall Analysis is required, the CCRTA will follow the FTA’s guidelines under 49 C.F.R. 26.47(c). The Director of Grants and Title VI Analyst will monitor DBE performance throughout the fiscal year and to the greatest extent possible, propose and implement adjustments to the DBE program to achieve the stated performance goal. The CCRTA’s Director of Grants will make the DBE shortfall determination at the end of the fiscal year by comparing actual DBE performance against the DBE participation goal. When a shortfall analysis is required, reasons will be identified for the failure to meet the DBE goals and identify means to increase DBE participation to achieve the DBE goal in the next fiscal year.

Attachment D - Monitoring and Enforcement Mechanisms

The Cape Cod Regional Transit Authority has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

Breach of contract action, pursuant to the terms of the contract;

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

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

EXAMPLES OF FIELD REPORTS AND AUDITING MONITORING STATEMENTS

FIELD REPORT CERTIFICATION OF DBE CONTRACTOR

This is to certify that I have reviewed contracting records to determine that _____, a subcontractor to _____, has submitted invoices for the work specified in the contract award. Invoices and payments were reviewed as a means of comparing attainments to commitments for the purpose of DBE reports to the FTA.

On [date], 20__, I visited the Hyannis Transit Center (HTC) for the purpose of monitoring the worksite to ensure that work committed to the DBE at contract award was actually being performed by the DBE contractor to which the work was committed. The _____ worksite manager was interviewed and several workers were asked who they worked for as further proof that the onsite contractor was the DBE stated in the contract.

This certification complies with the requirements of [64 FR 5126, Feb. 2, 1999, as amended at 65 FR 68951, Nov. 15, 2000; 68 FR 35554, June 16, 2003; 76 FR 5097, Jan. 28, 2011].

Signed

Date

FURTHER MONITORING OF DBE CONTRACTOR

My initial letter certified that _____ (contractor) is performing work as a DBE on the contracted work as specified. That certification complied with the DBE regulation's requirement for

- (3) contract assurance and
- (4) on-site monitoring

These requirements were certified based on a visit to the HTC on June 30, 20____, as well as document reviews.

Proof of the final requirement, (3) prompt payment of the sub-contractor by the prime contractor, is contained in the attached documentation provided by _____ (Prime Contractor) and obtained from the CCRTA Accounts Payable office.

This documentation shows that the sub-contractor, _____, invoiced the Prime Contractor on [Date _____] and was subsequently paid on [Date _____]. The Prime has paid the sub-contractor within thirty (30) days which is considered prompt payment.

Also reviewed were the Payroll sheets submitted to CCRTA by (Prime) for (Subcontractor). The pay rates for _____ complied with Prevailing Wage Rates in effect for the contract as specified by the Massachusetts Department of Labor.

Copies of the prompt payment documents as well as the Payroll Sheets are attached. This certification complies with the requirements of [64 FR 5126, Feb. 2, 1999, as amended at 65 FR 68951, Nov. 15, 2000; 68 FR 35554, June 16, 2003; 76 FR 5097, Jan. 28, 2011].

Attachment E - Supplier Diversity Office Agreement

AGREEMENT

by and between the
COMMONWEALTH OF MASSACHUSETTS
OPERATIONAL SERVICES DIVISION (OSD)
On behalf of the
SUPPLIER DIVERSITY OFFICE
and the
Cape Cod Regional Transit Authority

For the purpose of implementing the Unified Certification Program

See imbedded fully executed document, MA_CCRTA UCP 2014, below:



MA_CCRTA UCP
2014.pdf

Attachment F - Overall Goal Calculation - Section 26.45

Amount of Goal

CCRTA's overall goal for FY 2024 – FY 2026 is the following: 2.27% of the Federal Financial assistance. CCRTA will expend in DOT-assisted contracts *exclusive of FTA funds to be used for the purchase of transit vehicles*. (NOTE: CCRTA will revisit the Goal Calculation for applicability in FY 2025 and 2026 once the Capital Plan for those years is developed and approved by the Advisory Board. Barring unusual changes in the capital plans, the 2.27% calculation will remain unchanged for those fiscal years.)

Methodology used to Calculate Overall Goal

Step 1: 26.45(c)

CCRTA used a weighted base figure for the relative availability of DBEs.

The weighted base figure for the relative availability of DBE's was calculated as follows:

Project's Percentage of Total Budget x (RWA DBE's / All RWA Firms) = Weighted Base Figure

The data source used to derive the RWA DBE's was:

Computer search of Directory of Certified Businesses in the Massachusetts Operational Services Division (OSD) Supplier Diversity Office database for all categories of capital procurements planned by CCRTA for FY 2024 – FY 2026.

The data source used to derive the All RWA Firms was:

Computer search of American Fact Finder Database maintained by the US Census Bureau, for all categories of capital procurements planned by CCRTA for FY 2024 – FY 2026.

See Attachments F for calculations.

Using this methodology, CCRTA arrived at a weighted base figure for the overall goal and that number was 2.27%.

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.

Past Participation was considered but rejected as non-contributory. A significant portion of the previous three year goals were met by a single vendor performing a highly specialized task associated with CCRTA's bus overhaul program. Both the program and this particular contract have ended.

No other known evidence contributed evidence to support a change in the proposed goal.

In order to reflect as accurately as possible, the DBE participation CCRTA would expect in the absence of discrimination CCRTA has adjusted the base figure by 0 %.

From this data, CCRTA has adjusted the base figure to: No Change – adjusted figure is 2.27%

DBE Goal Setting Expenditures by Year 2024 - 2026

		Qty	Unit Price	Total Cost	NAICS Code	Ready, Willing, Able DBE's (not unique)	Massachusetts	Alabama	Percent - RWA Vendors	Percentage of spending	Weighted Percentage	
FY24	New vessel Modifications and Retrofits*	1	\$39,072	\$39,072	339							
FY25	New vessel Modifications and Retrofits	1	\$26,048	\$26,048	339	\$65,120	0	0	252	0.00%	0.07%	0.000%
FY24	New vessel Modifications and Retrofits*	1	\$104,407	\$104,407	562							
FY25	New vessel Modifications and Retrofits*	1	\$69,605	\$69,605	562	\$174,012	23	0	274	8.39%	0.18%	0.015%
FY24	New vessel Modifications and Retrofits*	1	\$69,953	\$69,953	8112							
FY25	New vessel Modifications and Retrofits*	1	\$46,635	\$46,635	8112	\$116,588	6	0	162	3.70%	0.12%	0.004%
FY24	New vessel Modifications and Retrofits*	1	\$382,634	\$382,634	23822							
FY25	New vessel Modifications and Retrofits*	1	\$255,090	\$255,090	23822	\$637,724	23	0	1435	1.60%	0.66%	0.011%
FY24	Renovate Bus Stations*	1	\$135,500	\$135,500	236220							
FY24	Replace - Bus Shelters	1	\$12,000	\$12,000	236220							
FY25	Rehab/Renovate - Bus Terminal*	1	\$2,396,400	\$2,396,400	236220							
FY25	Replace - Bus Shelters	1	\$20,000	\$20,000	236220							
FY25	Construct Security Building	1	\$80,000	\$80,000	236220							
FY26	Rehab/Renovate Maintenance Facility	1	\$33,000	\$33,000	236220							
FY26	Renovate - Bus Terminal*	1	\$122,500	\$122,500	236220							
FY26	Replace - Bus Shelters	1	\$30,000	\$30,000	236220							
FY26	Rehab/Renovate Maintenance Facility	1	\$760,500	\$760,500	236220	\$3,589,900	29	740	0	3.92%	3.70%	0.145%
FY24	New vessel Modifications and Retrofits*	1	\$746,560	\$746,560	236220							
FY25	New vessel Modifications and Retrofits*	1	\$497,706	\$497,706	236220	\$1,244,266	58	0	602	9.63%	1.28%	0.124%
FY24	Construction of EV Infrastructure	1	\$389,000	\$389,000	237130							
FY25	Construction of EV Infrastructure	1	\$1,856,939	\$1,856,939	237130							
FY26	Construction of EV Infrastructure	1	\$645,000	\$645,000	237130	\$2,890,939	3	89	0	3.37%	2.98%	0.101%
FY24	Nantucket Transfer Bridge	1	\$800,000	\$800,000	237990							
FY24	Vineyard Haven Dock Repairs	1	\$800,000	\$800,000	237990							
FY24	Vineyard Haven Transfer Bridge	1	\$800,000	\$800,000	237990							
FY25	Vineyard Haven Dock Repairs	1	\$2,240,000	\$2,240,000	237990							
FY26	Vineyard Haven Dock Repairs	1	\$200,000	\$200,000	237990	\$4,840,000	37	166	0	22.29%	4.99%	1.113%
FY24	New vessel Modifications and Retrofits*	1	\$554,774	\$554,774	238210							
FY25	New vessel Modifications and Retrofits*	1	\$369,850	\$369,850	238210	\$924,624	42	0	873	4.81%	0.95%	0.046%
FY24	Annual Vessel Drydocks and Repairs	1	\$242,714	\$242,714	238220							
FY25	Annual vessel drydocks and repairs	1	\$281,869	\$281,869	238220							
FY26	Annual vessel drydocks and repairs	1	\$242,714	\$242,714	238220	\$767,297	19	597	0	3.18%	0.79%	0.025%
FY24	New vessel Modifications and Retrofits*	1	\$535,314	\$535,314	238220							
FY25	New vessel Modifications and Retrofits*	1	\$356,876	\$356,876	238220	\$892,190	25	0	1435	1.74%	0.92%	0.016%
FY24	Miscellaneous Equipment	1	\$436,450	\$436,450	238290							
FY25	Miscellaneous Equipment	1	\$189,000	\$189,000	238290							
FY26	Misc Support Equipment	1	\$664,500	\$664,500	238290	\$1,289,950	2	160	0	1.25%	1.33%	0.017%
FY24	New vessel Modifications and Retrofits*	1	\$265,391	\$265,391	238290							
FY25	New vessel Modifications and Retrofits*	1	\$176,927	\$176,927	238290	\$442,318	10	0	104	9.62%	0.46%	0.044%
FY24	Annual Vessel Drydocks and Repairs	1	\$804,274	\$804,274	238320							
FY25	Annual vessel drydocks and repairs	1	\$743,842	\$743,842	238320							
FY26	Annual vessel drydocks and repairs	1	\$804,274	\$804,274	238320	\$2,352,390	63	1744	0	3.61%	2.43%	0.088%
FY24	Annual Vessel Drydocks and Repairs	1	\$935,240	\$935,240	332710							
FY25	Annual vessel drydocks and repairs	1	\$932,818	\$932,818	332710							
FY26	Annual vessel drydocks and repairs	1	\$935,240	\$935,240	332710	\$2,803,298	6	358	0	1.68%	2.89%	0.048%
FY24	Acquire - ADP Hardware	1	\$43,200	\$43,200	334111							
FY24	Acquire - ADP Software	1	\$80,000	\$80,000	334111							
FY25	Acquire - ADP Software	1	\$115,000	\$115,000	334111	\$238,200	0	16	0	0.00%	0.25%	0.000%
FY24	Annual Vessel Drydocks and Repairs	1	\$1,953,907	\$1,953,907	336611							
FY25	Annual vessel drydocks and repairs	1	\$2,004,467	\$2,004,467	336611							
FY26	Annual vessel drydocks and repairs	1	\$1,953,907	\$1,953,907	336611	\$5,912,281	0	11	0	0.00%	6.10%	0.000%
FY24	New vessel Modifications and Retrofits*	1	\$13,492,060	\$13,492,060	336611							
FY25	New vessel Modifications and Retrofits*	1	\$8,994,706	\$8,994,706	336611	\$22,486,766	0	0	21	0.00%	23.20%	0.000%
FY24	Buy Replacement <30-ft Bus	1	\$1,513,408	\$1,513,408	4231202							
FY25	Buy Replacement <30-ft Bus	1	\$4,632,500	\$4,632,500	4231202							
FY26	Buy Replacement <30-ft Bus	1	\$1,260,000	\$1,260,000	4231202	\$7,405,908	2	116	0	1.72%	7.64%	0.132%
FY25	Acquisition Support Vehicles	1	\$40,000	\$40,000	441110							
FY26	Acquisition Support Vehicles	1	\$40,000	\$40,000	441110	\$80,000	0	35	0	0.00%	0.08%	0.000%
FY24	Acquire 30-ft Buses - Gillig	1	\$1,467,497	\$1,467,497	485113							
FY25	Acquire 30-ft Buses - Gillig	1	\$20,544,955	\$20,544,955	485113							
FY26	Acquire 30-ft Buses - Gillig	1	\$4,891,656	\$4,891,656	485113	\$26,904,108	0	0	0	0.00%	27.76%	0.000%
FY24	Training Electric Bus	1	\$10,000	\$10,000	611519							
FY25	Training Electric Bus	1	\$20,000	\$20,000	611519							
FY26	Training Electric Bus	1	\$20,000	\$20,000	611519	\$50,000	0	107	0	0.00%	0.05%	0.000%
FY24	Annual Vessel Drydocks and Repairs	1	\$63,864	\$63,864	811310							
FY25	Annual vessel drydocks and repairs	1	\$37,004	\$37,004	811310							
FY26	Annual vessel drydocks and repairs	1	\$63,864	\$63,864	811310	\$164,732	1	230	0	0.43%	0.17%	0.001%
FY24	New vessel Modifications and Retrofits	1	\$129,527	\$129,527	811310							
FY25	New vessel Modifications and Retrofits	1	\$86,351	\$86,351	811310	\$215,878	3	0	352	0.85%	0.22%	0.002%
FY25	Acquire Land	1	\$1,200,000	\$1,200,000	N/A	\$1,200,000	0	0	0	0.00%	1.24%	0.000%
* Projects with asterisks have identified subcontract opportunities						\$87,688,489	352	4,369	5,510	3.56%		

math check

9,879

From the Operating Budget		ANNUAL		
Contracted Services (Printing)	3	\$16,500	\$49,500	323111
Tires	3	\$9,166	\$27,498	423130
Fuel/Lubricants	3	\$1,423,627	\$4,270,881	424720
Misc Automotive Parts/Supplies	3	\$159,161	\$477,483	441310
Misc Office Supplies	3	\$120,257	\$360,771	453210
Insurance	3	\$1,122,589	\$3,367,767	524126
Contracted Services (IT Contracted)	3	\$48,000	\$144,000	541512
Contracted Services (Security)	3	\$180,000	\$540,000	561612
			\$9,237,900	
TOTAL		\$96,926,389		

15	395	0	3.80%	0.05%	0.001%		
0	27	0	0.00%	0.03%	0.000%		
4	37	0	10.81%	4.41%	0.291%		
1	290	0	0.34%	0.49%	0.009%		
0	42	0	0.00%	0.37%	0.006%		
0	66	0	0.00%	3.47%	0.008%		
86	1011	0	8.51%	0.15%	0.010%		
5	109	0	4.59%	0.56%	0.010%		
TOTAL		463	6346	5510	3.91%	100.00%	2.27%

Massachusetts Vendor Data gathered from US Census 2020 Data at: <https://data.census.gov/all?q=massachusetts+businesses>
 NAICS Code Data gathered from US Census 2022 Data at: <https://www.census.gov/naics/>

Attachment G - Section 26.51: Breakout of Estimated Race-Neutral & Race Conscious Participation

CCRTA will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The CCRTA uses the following race-neutral means to increase DBE participation:

Increase public awareness of all contracting opportunities, especially Federal contracts, to ensure the widest participation possible on contract bids. Publishes its DBE goal on the CCRTA website, all social media, and in the newspaper; speaks to the Cape Cod Chamber of Commerce and encourages the distribution of CCRTA contract opportunities; distributes the DBE goal and contract opportunities to the Board of Directors who represent all the towns in the CCRTA service area.

CCRTA extracts the list of all registered DBE's from the Directory of Certified Businesses in the Massachusetts Operational Services Division (OSD) Supplier Diversity Office whenever an RFP is posted that contains opportunities for DBE participation and directly invites by email, all listed DBE's that provide service in the NAICS code matching the requested service.

CCRTA estimates that, in meeting the overall goal of 2.27 percent, CCRTA will obtain 2.27 percent from race-neutral participation and zero percent through race-conscious measures.

The following is a summary of the basis of the estimated breakout of race-neutral and race-conscious DBE participation:

For the past five years CCRTA has met or exceeded its DBE goal through race-neutral methods on an annual basis, even when CCRTA has fallen short on a semiannual basis. CCRTA proactively seeks out DBE companies as Prime contractors and through discussions with Prime contractors who are not DBE's CCRTA encourages them to make use of subcontractors who are DBE's. CCRTA advertises the DBE goal on all printed materials having to do with procurements; all outreach materials, and all printed publications including the CCRTA website.

In order to ensure that the DBE program will be narrowly tailored to overcome the effects of discrimination, if CCRTA uses contract goals CCRTA will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see Section 26.51(f)) and CCRTA 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.

Attachment H - CCRTA Goal Setting Calculations

CCRTA started by identifying the capital projects and operating expenses which we expect to incur for FY 2024 – FY 2026.

Capital projects are those that have been programmed on the Massachusetts Statewide Transportation Improvement Program. The CCRTA along with its subrecipient, expects to spend \$96,926,389 on capital projects for FY 2024 - 2026. We expect to spend those funds in the following categories:

NAICS Code	Ready, Willing, Able DBE's	Massachusetts Vendor Pool	Alabama Vendor Pool (SSA)	Dollar Value
339	0		252	\$ 65,120
562	23		274	\$ 174,012
8112	6		162	\$ 116,588
23822	23		1,435	\$ 637,724
236220	29	740		\$ 3,589,900
236220	58		602	\$ 1,244,266
237130	3	89		\$ 2,890,939
237990	37	166		\$ 4,840,000
238210	42		873	\$ 924,624
238220	19	597		\$ 767,297
238220	25		1,435	\$ 892,190
238290	2	160		\$ 1,289,950
238290	10		104	\$ 442,318
238320	63	1,744		\$ 2,352,390
323111	15	395		\$ 49,500
332710	6	358		\$ 2,803,298
334111	0	16		\$ 238,200
336611	0	11		\$ 5,912,281
336611	0		21	\$ 22,486,766
4231202	2	116		\$ 7,405,908
423130	0	27		\$ 27,498
424720	4	37		\$ 4,270,881
441110	0	35		\$ 80,000
441310	1	290		\$ 477,483
453210	0	42		\$ 360,771
485113	0	42		\$ 26,904,108
524126	0	66		\$ 3,367,767
541512	86	1,011		\$ 144,000
561612	5	190		\$ 540,000
611519	0	107		\$ 50,000
811310	1	230		\$ 164,732
811310	3		352	\$ 215,878
N/A				\$ 1,200,000
TOTAL	463	6,469	5,510	\$ 96,926,389
			11,979	

In these categories, we have identified 463 vendors that are ready, willing and able to perform the services out of a pool of 11,979 vendors. The pool of ready, willing and able was determined by use of the Supplier Diversity Office vendor listing of qualified businesses in Massachusetts and the Alabama Department of Transportation Unified Certification Program. The pool of “all available” businesses in was determined from the U.S. Census Bureau’s American Fact Finder database of businesses. See attached spreadsheet for breakdown.

The **Step One Base Figure** (unweighted) for DBE effort for the CCRTA for CAPITAL projects is 3.56%. See attached spreadsheet for actual calculations.

Operating expenses have been taken from the budget for 2024 and extrapolated into categories of spending. All non-salaried expenses have been further broken down into percentages of the overall amount and NAICS codes assigned. The resulting computations were evaluated the same as the methodology used for the Capital projects above. See attached spreadsheet for breakdown.

Finally, the two lists were merged, using a weighted evaluation which considers the individual project's percentage of the total budget, given that a large percentage of spending is concentrated in one large project. With this adjustment, the weighted base figure is 2.27%.

Step two: Base Figure Adjustment

The base figure itself is an approximation of the general availability of DBEs and potential DBEs. Federal regulations allow the CCRTA to adjust the base figure to refine, and better reflect the actual availability of DBEs and prospective DBEs that are ready, willing, and able to perform work on FTA-funded contracts made available through the CCRTA. Under USDOT regulations, while an adjustment is not mandated, the CCRTA can consider all evidence available to determine whether such an adjustment is warranted. In order to determine whether such an adjustment is appropriate, CCRTA considered several relevant factors. None of the available options for adjustment recognized by the FTA were relevant or significantly documented to justify modifying the base figure. Given the lack of adjustment, CCRTA is committed to spending 1.28 percent (1.28%) of the FFY23 non-payroll Federal spending with DBE's.

Step three: "Race/Gender-Neutral and Race/Gender-Conscious Split"

CCRTA expects to meet the maximum feasible portion of our overall goal with 100% race/gender neutral means. All procurements of products and services that CCRTA distributes during any year includes a direct appeal to all DBE's registered with the Commonwealth of Massachusetts with an invitation to bid (see example email). Further, with rare exceptions, CCRTA does not require Bid Bonds to encourage more DBE's to submit proposals. This lowers the cost of responding to a bid for all bidders but DBE's welcome the lighter requirements. It is worth noting that CCRTA has met with mixed results seeking participation from DBE's. Many have declined because of the geographic remoteness of Cape Cod and others have been too busy when we needed their services. Nevertheless, CCRTA remains committed to meeting our goal by race neutral means.

Attachment I - Guidance Concerning Good Faith Efforts

- I. When, as a recipient, you establish a contract goal on a DOT-assisted contract for procuring construction, equipment, services, or any other purpose, a bidder must, in order to be responsible and/or responsive, make sufficient good faith efforts to meet the goal. The bidder can meet this requirement in either of two ways. First, the bidder can meet the goal, documenting commitments for participation by DBE firms sufficient for this purpose. Second, even if it doesn't meet the goal, the bidder can document adequate good faith efforts. This means that the bidder must show that it took all necessary and reasonable steps to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not fully successful.
- II. In any situation in which you have established a contract goal, Part 26 requires you to use the good faith efforts mechanism of this part. As a recipient, you have the responsibility to make a fair and reasonable judgment whether a bidder that did not meet the goal made adequate good faith efforts. It is important for you to consider the quality, quantity, and intensity of the different kinds of efforts that the bidder has made, based on the regulations and the guidance in this Appendix. The efforts employed by the bidder should be those that one could reasonably expect a bidder to take if the bidder were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE contract goal. Mere pro forma efforts are not good faith efforts to meet the DBE contract requirements. We emphasize, however, that your determination concerning the sufficiency of the firm's good faith efforts is a judgment call. Determinations should not be made using quantitative formulas.
- III. The Department also strongly cautions you against requiring that a bidder meet a contract goal (*i.e.*, obtain a specified amount of DBE participation) in order to be awarded a contract, even though the bidder makes an adequate good faith effort showing. This rule specifically prohibits you from ignoring bona fide good faith efforts.
- IV. The following is a list of types of actions which you should consider as part of the bidder's good faith efforts to obtain DBE participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.
 - A. (1) Conducting market research to identify small business contractors and suppliers and soliciting through all reasonable and available means the interest of all certified DBEs that have the capability to perform the work of the contract. This may include attendance at pre-bid and business matchmaking meetings and events, advertising and/or written notices, posting of Notices of Sources Sought and/or Requests for Proposals, written notices or emails to all DBEs listed in the State's directory of transportation firms that specialize in the areas of work desired (as noted in the DBE directory) and which are located in the area or surrounding areas of the project.
 - (2) The bidder should solicit this interest as early in the acquisition process as practicable to allow the DBEs to respond to the solicitation and submit a timely offer for the subcontract. The bidder should determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.
 - B. Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units (for example, smaller tasks or quantities) to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces. This may include, where possible, establishing flexible timeframes for

- performance and delivery schedules in a manner that encourages and facilitates DBE participation.
- C. Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation with their offer for the subcontract.
 - D. (1) Negotiating in good faith with interested DBEs. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional Agreements could not be reached for DBEs to perform the work.
 - (2) A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.
 - E. (1) Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal. Another practice considered an insufficient good faith effort is the rejection of the DBE because its quotation for the work was not the lowest received. However, nothing in this paragraph shall be construed to require the bidder or prime contractor to accept unreasonable quotes in order to satisfy contract goals.
 - (2) A prime contractor's inability to find a replacement DBE at the original price is not alone sufficient to support a finding that good faith efforts have been made to replace the original DBE. The fact that the contractor has the ability and/or desire to perform the contract work with its own forces does not relieve the contractor of the obligation to make good faith efforts to find a replacement DBE, and it is not a sound basis for rejecting a prospective replacement DBE's reasonable quote.
 - F. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.
 - G. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
 - H. Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, State, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.
- V. In determining whether a bidder has made good faith efforts, it is essential to scrutinize its documented efforts. At a minimum, you must review the performance of other bidders in meeting the contract goal. For example, when the apparent successful bidder fails to meet the contract goal, but others meet it, you may reasonably raise the question of whether, with additional efforts, the apparent successful bidder could have met the goal. If the apparent successful bidder fails to meet

the goal, but meets or exceeds the average DBE participation obtained by other bidders, you may view this, in conjunction with other factors, as evidence of the apparent successful bidder having made good faith efforts. As provided in [Section 26.53\(b\)\(2\)\(vi\)](#), you must also require the contractor to submit copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract to review whether DBE prices were substantially higher; and contact the DBEs listed on a contractor's solicitation to inquire as to whether they were contacted by the prime. Pro forma mailings to DBEs requesting bids are not alone sufficient to satisfy good faith efforts under the rule.

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

Attachment J – Legal Notice Verbiage

**CAPE COD REGIONAL TRANSIT AUTHORITY
NOTICE OF PROPOSED DBE GOAL FOR FY 2024 – FY 2026**

The Cape Cod Regional Transit Authority (CCRTA) proposed overall DBE goal for FFY 2024 – FFY 2026 is 2.27% of DOT assisted contracts. This goal and its rationale have been developed in accordance with the Federal Transit Administration's DBE program under the guidelines of 49 CFR Part 26 e-CFR. The goal and rationale are available for review for 30 calendar days from the date of this notice.

Comments will be accepted for 45 calendar days from the same date. Comments, requests to review or for copies of the proposed goal and its rationale, should be addressed to Debra Shores, DBE Liaison Officer, CCRTA, PO Box 1988, Hyannis, MA 02601, telephone (508) 775-8504, or by e-mail at: dshores@capecodrta.org

Thomas S. Cahir
Administrator
Cape Cod Regional Transit Authority
January 31, 2024

Appendix K - CCRTA Procedure: Timely & Accurate DBE Reporting

The CCRTA places great importance on the timely and accurate reporting of DBE information in conformance with all DBE reporting requirements. On a monthly basis, the Title VI Analyst is responsible for DBE reporting and will work with the CCRTA's Accounting Manager; Director of Grants; and Chief Financial Officer to secure the required DBE information from the CCRTA's accounting system. The information will include all vendor expenses and timing of payments, which will be used to calculate DBE vendors share of total payments. This information will be used to complete the required DBE forms and electronic submission in conformance with mandated reporting deadlines.

Appendix L - Uniform Certification Application Form

The application can be found at [Uniform DBE Certification Application Form](#)

Appendix M - Personal Net Worth Statement

The Personal Net Worth Statement can be found at [Personal Net Worth Statement for DBE Application](#)

Exhibit A - Definitions

Affiliation has the same meaning the term has in the Small Business Administration (SBA) regulations, 13 CFR part 121.

- (1) Except as otherwise provided in 13 CFR part 121, concerns are affiliates of each other when, either directly or indirectly:
 - (i) One concern controls or has the power to control the other; or
 - (ii) A third party or parties controls or has the power to control both; or
 - (iii) An identity of interest between or among parties exists such that affiliation may be found.
- (2) In determining whether affiliation exists, it is necessary to consider all appropriate factors, including common ownership, common management, and contractual relationships. Affiliates must be considered together in determining whether a concern meets small business size criteria and the statutory cap on the participation of firms in the DBE program.

Alaska Native means a citizen of the United States who is a person of one-fourth degree or more Alaskan Indian (including Tsimshian Indians not enrolled in the Metlaktla Indian Community), Eskimo, or Aleut blood, or a combination of those bloodlines. The term includes, in the absence of proof of a minimum blood quantum, any citizen whom a Native village or Native group regards as an Alaska Native if their father or mother is regarded as an Alaska Native.

Alaska Native Corporation (ANC) means any Regional Corporation, Village Corporation, Urban Corporation, or Group Corporation organized under the laws of the State of Alaska in accordance with the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, et seq.).

Assets mean all the property of a person available for paying debts or for distribution, including one's respective share of jointly held assets. This includes, but is not limited to, cash on hand and in banks, savings accounts, IRA or other retirement accounts, accounts receivable, life insurance, stocks and bonds, real estate, and personal property.

Business, business concern or business enterprise means an entity organized for profit with a place of business located in the United States, and which operates primarily within the United States or which makes a significant contribution to the United States economy through payment of taxes or use of American products, materials, or labor.

Compliance means that a recipient has correctly implemented the requirements of this part.

Contingent Liability means a liability that depends on the occurrence of a future and uncertain event. This includes, but is not limited to, guaranty for debts owed by the applicant concern, legal claims and judgments, and provisions for federal income tax.

Contract means a legally binding relationship obligating a seller to furnish supplies or services (including, but not limited to, construction and professional services) and the buyer to pay for them. For purposes of this part, a lease is considered to be a contract.

Contractor means one who participates, through a contract or subcontract (at any tier), in a DOT-assisted highway, transit, or airport program.

Days mean calendar days. In computing any period of time described in this part, the day from which the period begins to run is not counted, and when the last day of the period is a Saturday, Sunday, or

Federal holiday, the period extends to the next day that is not a Saturday, Sunday, or Federal holiday. Similarly, in circumstances where the recipient's offices are closed for all or part of the last day, the period extends to the next day on which the agency is open.

Department or *DOT* means the U.S. Department of Transportation, including the Office of the Secretary, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the Federal Aviation Administration (FAA).

Disadvantaged business enterprise or *DBE* means a for-profit small business concern—

(1) That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and

(2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

DOT-assisted contract means any contract between a recipient and a contractor (at any tier) funded in whole or in part with DOT financial assistance, including letters of credit or loan guarantees, except a contract solely for the purchase of land.

Good faith efforts means efforts to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement.

Home state means the state in which a DBE firm or applicant for DBE certification maintains its principal place of business.

Immediate family member means father, mother, husband, wife, son, daughter, brother, sister, grandfather, grandmother, father-in-law, mother-in-law, sister-in-law, brother-in-law, and domestic partner and civil unions recognized under State law.

Indian tribe means any Indian tribe, band, nation, or other organized group or community of Indians, including any ANC, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or is recognized as such by the State in which the tribe, band, nation, group, or community resides. See definition of "tribally-owned concern" in this section.

Joint venture means an association of a DBE firm and one or more other firms to carry out a single, for-profit business enterprise, for which the parties combine their property, capital, efforts, skills and knowledge, and in which the DBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.

Liabilities mean financial or pecuniary obligations. This includes, but is not limited to, accounts payable, notes payable to bank or others, installment accounts, mortgages on real estate, and unpaid taxes.

Native Hawaiian means any individual whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

Native Hawaiian Organization means any community service organization serving Native Hawaiians in the State of Hawaii which is a not-for-profit organization chartered by the State of Hawaii, is controlled by Native Hawaiians, and whose business activities will principally benefit such Native Hawaiians.

Noncompliance means that a recipient has not correctly implemented the requirements of this part. *Operating Administration* or *OA* means any of the following parts of DOT: the Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA). The “Administrator” of an operating administration includes his or her designees.

Personal net worth means the net value of the assets of an individual remaining after total liabilities are deducted. An individual's personal net worth does not include: The individual's ownership interest in an applicant or participating DBE firm; or the individual's equity in his or her primary place of residence. An individual's personal net worth includes only his or her own share of assets held jointly or as community property with the individual's spouse.

Primary industry classification means the most current North American Industry Classification System (NAICS) designation which best describes the primary business of a firm. The NAICS is described in the North American Industry Classification Manual—United States, which is available on the Internet at the U.S. Census Bureau Web site: <http://www.census.gov/eos/www/naics/>.

Primary recipient means a recipient which receives DOT financial assistance and passes some or all of it on to another recipient.

Principal place of business means the business location where the individuals who manage the firm's day-to-day operations spend most working hours. If the offices from which management is directed and where the business records are kept are in different locations, the recipient will determine the principal place of business.

Program means any undertaking on a recipient's part to use DOT financial assistance, authorized by the laws to which this part applies.

Race-conscious measure or program is one that is focused specifically on assisting only DBEs, including women-owned DBEs.

Race-neutral measure or program is one that is, or can be, used to assist all small businesses. For the purposes of this part, *race-neutral* includes gender-neutrality.

Recipient is any entity, public or private, to which DOT financial assistance is extended, whether directly or through another recipient, through the programs of the FAA, FHWA, or FTA, or who has applied for such assistance.

Secretary means the Secretary of Transportation or his/her designee.

Set-aside means a contracting practice restricting eligibility for the competitive award of a contract solely to DBE firms.

Small Business Administration or *SBA* means the United States Small Business Administration. *SBA certified firm* refers to firms that have a current, valid certification from or recognized by the SBA under the 8(a) BD or SDB programs.

Small business concern means, with respect to firms seeking to participate as DBEs in DOT-assisted contracts, a small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in Section 26.65(b).

Socially and economically disadvantaged individual means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who has been subjected to racial or ethnic prejudice or cultural bias within American society because of his or her identity as a members of groups and without regard to his or her individual qualities. The social disadvantage must stem from circumstances beyond the individual's control.

(1) Any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis. An individual must demonstrate that he or she has held himself or herself out, as a member of a designated group if you require it.

(2) Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:

- (i) "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;
- (ii) "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
- (iii) "Native Americans," which includes persons who are enrolled members of a federally or State recognized Indian tribe, Alaska Natives, or Native Hawaiians;
- (iv) "Asian-Pacific Americans," which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), Republic of the Northern Marianas Islands, Samoa, Macao, Fiji, Tonga, Kirbati, Tuvalu, Nauru, Federated States of Micronesia, or Hong Kong;
- (v) "Subcontinent Asian Americans," which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;
- (vi) Women;
- (vii) Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

(3) Being born in a particular country does not, standing alone, mean that a person is necessarily a member of one of the groups listed in this definition.

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

Transit vehicle manufacturer means any manufacturer whose primary business purpose is to manufacture vehicles specifically built for public mass transportation. Such vehicles include, but are not limited to: Buses, rail cars, trolleys, ferries, and vehicles manufactured specifically for paratransit purposes. Producers of vehicles that receive post-production alterations or retrofitting to be used for public transportation purposes (e.g., so-called cutaway vehicles, vans customized for service to people with disabilities) are also considered transit vehicle manufacturers. Businesses that manufacture, mass-produce, or distribute vehicles solely for personal use and for sale "off the lot" are not considered transit vehicle manufacturers.

Tribally-owned concern means any concern at least 51 percent owned by an Indian tribe as defined in this section.

You refers to a recipient, unless a statement in the text of this part or the context requires otherwise (i.e., 'You must do XYZ' means that recipients must do XYZ).

Exhibit B - Uniform Report of DBE Awards or Commitments and Payments Form

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

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

1. Indicate the DOT (OA) that provides your Federal financial assistance. If assistance comes from more than one OA, use separate reporting forms for each OA. If you are an FTA recipient, indicate your Vendor Number in the space provided.
2. If you are an FAA recipient, indicate the relevant AIP Numbers covered by this report. If you are an FTA recipient, indicate the Grant/Project numbers covered by this report. If more than ten attach a separate sheet.
3. Specify the Federal fiscal year (*i.e.*, October 1–September 30) in which the covered reporting period falls.
4. State the date of submission of this report.
5. Check the appropriate box that indicates the reporting period that the data provided in this report covers. For FHWA and FTA recipients, if this report is due June 1, data should cover October 1–March 31. If this report is due December 1, data should cover April 1–September 30. If the report is due to the FAA, data should cover the entire year.
6. Provide the name and address of the recipient.
7. State your overall DBE goal(s) established for the Federal fiscal year of the report being submitted to and approved by the relevant OA. Your overall goal is to be reported as well as the breakdown for specific Race Conscious and Race Neutral projections (both of which include gender-conscious/neutral projections). The Race Conscious projection should be based on measures that focus on and provide benefits only for DBEs. The use of contract goals is a primary example of a race conscious measure. The Race Neutral projection should include measures that, while benefiting DBEs, are not solely focused on DBE firms. For example, a small business outreach program, technical assistance, and prompt payment clauses can assist a wide variety of businesses in addition to helping DBE firms.

Section A: Awards and Commitments Made During This Period

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

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

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

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

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

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

8(E&F). This field is closed for data entry. Except for the very rare case of DBE-set asides permitted under [49 CFR part 26](#), all prime contracts awarded to DBEs are regarded as race-neutral.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 –17. Further breakdown the contracting activity with DBE involvement. The Total Dollar Amount to DBEs in 17(C) should equal the Total Dollar Amount to DBEs in 10(C). Likewise the total number of contracts to DBEs in 17(F) should equal the Total Number of Contracts to DBEs in 10(D).

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

Section C: Payments on Ongoing Contracts

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

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

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

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

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

18 (E). Provide the total number of DBE firms that received payment during this reporting period. For example, while 3 contracts may be active during this period, one DBE firm may be providing supplies or services on all three contracts. This field should only list the number of DBE firms performing work.

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

Section D: Actual Payments on Contracts Completed This Reporting Period

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

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

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

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

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

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

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

20(C). This field is closed.

21(A)–21(D). Calculate the totals for each column by adding the race conscious and neutral figures provided in each row above.

21(C). This field is closed.

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

23. Name of the Authorized Representative preparing this form.

24. Signature of the Authorized Representative.

25. Phone number of the Authorized Representative.

**Submit your completed report to your Regional or Division Office.

UNIFORM REPORT OF DBE COMMITMENTS/AWARDS AND PAYMENTS
 Please refer to the instructions sheet for directions on filling out this form

1. FAARWA [] PFA [] FA []
 2. SIP Number (FAA Recipients): Grant Number (PFA Recipients)
 3. Federal fiscal year in which reporting period falls
 4. Date This Report Submitted: [] FAARWA annual report due Dec. 31 [] PFA annual report due Dec. 31
 5. Reporting Period [] Report due June 1 (for period Oct 1-Mar. 31) [] Report due Dec. 1 (for period April 1-Sept. 30)
 6. Name and address of Recipient: [] Race Conscious Projections [] Race Neutral Projections
 7. Award DBE Code(s): [] Race Conscious Projections [] Race Neutral Projections

OVERALL Goal

Awards/Commitments this Reporting Period

AWARDS/COMMITMENTS MADE DURING THIS REPORTING PERIOD <small>(Date contracts and subcontracts committed during this reporting period)</small>	A		B		C		D		E		F	
	Total Dollars	Total Number	Total Dollars (dollars)	Total to DBEs (number)	Total to DBEs (dollars)	Total to DBEs /Race Conscious (dollars)	Total to DBEs /Race Conscious (number)	Total to DBEs/Race Neutral (dollars)	Total to DBEs/Race Neutral (number)	Total to DBEs/Race Neutral (dollars)	Total to DBEs/Race Neutral (number)	Percentage of total dollars to DBEs
8. Prime contracts awarded this period												
9. Subcontracts awarded/committed this period												
10. TOTAL												

BREAKDOWN BY ETHNICITY & GENDER

	A		B		C		D		E		F	
	Total to DBE (dollar amount)	Total to DBE (number)	Women	Men	Total	Women	Men	Total	Women	Men	Total	
11. Black American												
12. Hispanic American												
13. Native American												
14. Asian-Pacific American												
15. Subcontinent Asian Americans												
16. Non-Minority												
17. TOTAL												

Payments Made this Period

C	A		B		C		D		E		F	
	Total Number of Contracts	Total Dollars Paid	Total Number of Contracts with DBEs	Total Payments to DBE firms	Total Number of DBE firms Paid	Total to DBEs	Total to DBEs/Race Neutral	Total to DBEs/Race Neutral	Total to DBEs/Race Neutral	Total to DBEs/Race Neutral	Total to DBEs/Race Neutral	Percent to DBEs
18. Prime and sub contracts currently in progress												

TOTAL PAYMENTS ON CONTRACTS COMPLETED THIS REPORTING PERIOD

D	A		B		C		D		E		F	
	Number of Contracts Completed	Total Dollar Value of Contracts Completed	Total Number of Contracts with DBEs	DBE Participation Needed to Meet Goal (Dollars)	Total DBE Participation (Dollars)	Total Number of DBE firms Paid	Total to DBEs	Total to DBEs/Race Neutral	Total to DBEs/Race Neutral	Total to DBEs/Race Neutral	Total to DBEs/Race Neutral	Percent to DBEs
19. Race Conscious												
20. Race Neutral												
21. Totals												
22. Submitted By:											25. Phone Number:	