



ESCAMBIA COUNTY AREA TRANSIT

**DISADVANTAGED BUSINESS
ENTERPRISE PROGRAM
ESCAMBIA COUNTY, FLORIDA**

**BY
ESCAMBIA COUNTY AREA TRANSIT
1515 WEST FAIRFIELD DRIVE
PENSACOLA, FLORIDA 32501
(850) 595-3224**

Revised: August 17, 2015

POLICY STATEMENT

Objectives/Policy Statement Section 26.1, 26.23

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

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

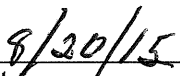
1. To ensure nondiscrimination in the award and administration of DOT – assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only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

The Grant Manager, Colette Wiedeman has been designated as the DBE Liaison Officer. In that capacity, Ms. Wiedeman 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 Escambia County Area Transit in its financial assistance agreements with the Department of Transportation.

Escambia County Area Transit has disseminated this policy statement to the Board of County Commissioners of Escambia County and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts through legal notices published in local and national publications.



Mike Crittenden, General Manager



Date

SUBPART A – GENERAL REQUIREMENTS

Section 26.1, Objectives

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

Section 26.3 Applicability

Escambia County Area Transit 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 Teas-21, Pub. L. 105-178.

Section 26.5 Definitions

Escambia County Area Transit will adopt the definitions contained in Section 26.5 of Part 26 for this program.

Section 26.7 Non-discrimination Requirements

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

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

Section 26.11 Record Keeping Requirements

Uniform Report of DBE Awards or Commitments and Payments: 26.11(a)
Escambia County Area Transit will report DBE participation to the FTA using the Uniform Report of DBE Awards or Commitments and Payments actually made to DBE's.

Bidders List: 26.11(c)

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

We will collect this information in the following way: A survey of firms on a name/address list to get age/size information.

Section 26.13 Federal Financial Assistance Agreements

Assurance: 26.13(a)

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

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

Contract Assurance: 26.13(b)

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

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

SUBPART B – ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

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

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

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

Colette Wiedeman, 1515 West Fairfield Drive, Pensacola, Florida, 32501, 850-595-3224.
cjwiedeman@co.escambia.fl.us

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that Escambia County Area Transit complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the General Manager, Mike Crittenden concerning DBE program matters.

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

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 Escambia County Area Transit's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the General Manager 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. Acts as liaison to the Uniform Certification Process in Florida.
12. Provides outreach to DBEs and community organizations to advise them of opportunities.
13. Monitors the Uniform Certification Program directory on certified DBEs.

Section 26.27 DBE Financial Institutions

It is the policy of Escambia County Area Transit to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contract to make use of these institutions. We have made the following efforts to identify and use such institutions: Escambia County Area Transit will contact the Pensacola Chamber of Commerce and will also re-evaluate the availability of DBE financial institutions annually.

To date we have identified the following such institutions: N/A

Information on the availability of such institutions can be obtained from the DBE Liaison Officer.

Section 26.29 Prompt Payment Mechanisms

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

Escambia County Area Transit will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contract receives from Escambia County Area Transit. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of Escambia County Area Transit. This clause applies to both DBE and non-DBE subcontracts.

Failure to comply with the prompt payment provision will result in Escambia County Area Transit withholding all subsequent payment to the prime contractor until the contractor submits proof that compliance with the provision has been satisfactorily met.

Monitoring and Enforcement: 26.29 (d)

Escambia County Area Transit will establish a complaint process for any subcontractor that has not been paid in a timely manner. Once the complaint is received, the County will conduct a review of the work status, payments made to the prime contractor, payments made to the subcontractor, document compliance, and the allegations put for the by the complainant. A written response will be prepared and provided to the prime contractor and the subcontractor.

Escambia County will continue to monitor the situation. When the prime contractor submits final payment documentation, if the payment remains outstanding, the justification must be noted as an amendment to the assurance of satisfaction of all claims. If there is no amendment and the claim remains outstanding, the prime contractor will not receive final payment until satisfactory justification has been submitted.

All contractors and subcontractors must retain records of all payments, made or received, for 3 years from the date of the final payment and must be available for inspection, upon request, by any authorized representative of Escambia County.

Escambia County may perform random audits of contract payments to firms. The audits will review payment to all subcontractors to ensure that payments were made and that the actual amount paid to DBE subcontractors equals or exceeded the dollar amounts stated in the contractor's final affidavit of DBE participation.

A contract clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are

promptly paid for the work they have performed. Other mechanisms, consistent with this part and applicable state and local law, may be utilized as needed to ensure that DBE's and other contractors are paid promptly.

Section 26.31 Directory

Escambia County Area Transit uses the Uniform Certification Program (UCP) directory in identifying all eligible DBE firms. The (UCP) 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 State of Florida revises the UCP Directory at least annually. The UCP Directory is available at this website:

<http://www3b.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/Home.aspx>

Section 26.33 Over Concentration

Escambia County Area Transit has identified that over concentration does not exist in the types of work that DBE's perform. During January, 2013 Escambia County Area Transit developed it's DBE goal (Attachment 3). During this process it was identified that only 5 DBE's were available to perform the work in the areas where Escambia County Area Transit will be contracting work. We will perform a similar analysis every year going forward.

Section 26.35 Business Development Programs

Escambia County Area Transit has not established a business development program. We will re-evaluate the need for such a program on a yearly basis going forward.

Section 26.37 Monitoring and Enforcement Mechanisms

Escambia County Area Transit will utilize the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
2. We will consider similar action under our won legal authorities, including responsibility determinations in future contracts
3. We will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by monitoring work through on-site interviews.
4. We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

Section 26.39 - Small Business Participation

Escambia County Area Transit is committed to fair and open competition for contracting opportunities among all businesses, and will implement strategies to encourage small business participation in contracting opportunities no later than 9 months following FTA approval of Escambia County Area Transit's DBE program.

In order to facilitate competitions and encourage participation by small businesses, Escambia County Area Transit has adopted reasonable steps to eliminate obstacles to participation by these entities. These steps include implementation of the following strategies:

1. Escambia County Area Transit will un-bundle large contracts to make them more accessible to small businesses or will include language in the project RFP requiring prime contractors to specify elements of the contract that small businesses, including DBE's, can reasonably perform.
2. When smaller contracts are being contracted, Escambia County Area Transit will send notice of such opportunities, to local small business development organizations such as the local Chamber of Commerce.

For the purpose of this provision, Escambia County Area Transit accepts the Small Business Administration's definition of a small business concern. In order to ensure that a firm is, in fact, a small business concern and to minimize fraud and abuse, Escambia County Area Transit will use the applicable trade standards as outlined in the U. S. Small Business Administration's web-site at www.sba.gov.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

Escambia County Area Transit does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 3 to this program. This section of the program will be updated as required by the FTA and FDOT.

In accordance with Section 26.45(f) Escambia County Area Transit will submit its overall goal to DOT when determined by the operating administration. Before establishing the overall goal, Escambia County Area Transit will consult with the persons or groups including: Pensacola Area Chamber of Commerce and the City of Pensacola to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and Escambia County Area Transits efforts to establish a level playing field for the participation of DBEs.

Following this consultation, we will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at our principal office for 30 days following the date of the notice, and informing the public that you and DOT will accept comments on the goals for 45 days from the date of the notice. Normally, we will issue this notice by June 1 of each year in the Pensacola News Journal. The notice will include addresses to which comments may be sent and addresses (including offices and web sites) where the proposal may be reviewed.

Our overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses.

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

Section 26.47 Goal Setting and Accountability

If the awards shown on Escambia County Area Transit's Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall applicable to that fiscal year, we will:

1. Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments; and
2. Establish specific steps and milestones to correct the problems identified in the analysis.
3. Retain the analysis and correction actions for 3 years and make it available to the Federal Transit Administration upon request for their review.

Section 26.49 Transit Vehicle Manufacturers Goals

Escambia County Area Transit will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, Escambia County Area Transit may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

Section 26.51(d-g) Contract Goals

Escambia County Area Transit will meet the maximum feasible portion of its overall goal using race-neutral means of facilitating DBE participation. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting

any portion of our overall goal that is not projected to be met through the use of race-neutral means.

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

Section 26.53 Good Faith Efforts Procedures

Award of Contracts with a DBE Contract Goal: 26.53(a)

In those instances where a contract-specific DBE goal is included in a procurement/solicitation, Escambia County Area Transit will not award the contract to a bidder who does not either: (1) meet the contract goal with verified, countable DBE participation; or (2) documents it has made adequate good faith efforts to meet the DBE contract goal, even though it was unable to do so. It is the obligation of the bidder to demonstrate it has made sufficient good faith efforts prior to submission of its bid.

Evaluation of Good Faith Efforts: 26.53(a) & (c)

The following personnel are responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive: DBE Liaison Officer – Colette Wiedeman, 1515 West Fairfield Drive, Pensacola, Florida, 32501, 850-595-3224. cjwiedeman@co.escambia.fl.us

The process used to determine whether good faith efforts have been made by a bidder is as follows: DBELO examines the documentary evidence provided by the bidder and determines whether or not the efforts made are consistent with examples of good faith efforts as found in Appendix A of 49 CFR Part 26, as follows:

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. *Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified DBEs who have the capability to perform the work of the contract. The bidder must solicit this interest within sufficient time to allow the DBEs to respond to the solicitation. The bidder must 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 to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.*
- 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.*
- 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. 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 employee status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal.*
- 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 [Appendix A of 49 CFR Part 26]

Information to be submitted: 26.53(b)

Escambia County Area Transport 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/offers to submit the following information:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm 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 contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts.

Administrative Reconsideration: (26.53(d))

Within 15 days of being informed by Escambia County Area Transit that it is not *responsible* because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: Mike Crittenden, 1515 West Fairfield Drive, Pensacola, Florida, 32501, 850-595-3221. mcrittenden@co.escambia.fl.us.

The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

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

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

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

Before transmitting to the County its request to terminate, the prime contractor must give notice in writing to the DBE of its intent to do so. A copy of this notice must be provided to the County prior to consideration of the request to terminate. The DBE will then have five (5) days to respond and advise Escambia County Area Transport of why it objects to the proposed termination. This five day period may be reduced if the matter is one of public necessity, for example, if there is a safety issue.

In those instances where "good cause" exists to terminate a DBE's contract, Escambia County Area Transit will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime contractor to notify the DBE Liaison officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

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

If the contractor fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of Escambia County Area Transit 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 1 percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 6), 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/offerors commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (5) if the contract goal is not met, evidence of good faith efforts.

Section 26.55 Counting DBE Participation

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

SUBPARTS D – Certification Standards

Section 26.61 – 26.73 Certification Process

Escambia County Area Transit uses the Florida Unified Certification Program (UCP) 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. UCP makes the certification decisions based on the facts as a whole.

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

Ms. Vicki Smith
Certification Mgr. EOO
605 Suwannee St. MS 65
Tallahassee, FL 32399
(850) 414-4746
victoria.smith@dot.state.fl.us

FDOT's certification application forms and documentation requirements are found through the following website: <http://www.dot.state.fl.us/equalopportunityoffice/dbecertification.shtm>

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

Escambia County Area Transit is the member of a Unified Certification Program (UCP) administered by FDOT Office of Civil Rights. The UCP will meet all of the requirements of this section. The following is a description of the UCP: "The UCP is charged with the responsibility of certifying firms for the purpose of maintaining a database of certified DBEs for the United States Department of Transportation (U.S. DOT) grantees in the state of Florida. This is pursuant to the Final Rule 49 Code of Federal Regulations (CFR) Part 26 that requires U.S. DOT recipients to take part in a statewide uniform certification process."

Section 26.89 Certification Appeals

Any firm or complainant may appeal the decision in a certification matter to the Department for referral of the matter to the Division of Administrative Hearings for resolution or to USDOT. Such appeals may be sent to:

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

We will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT-assisted contracting (e.g., certify a firm if DOT has determined that our denial of its application was erroneous).

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, and Cooperation

We will safeguard from disclosing to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law.

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

Monitoring Payments to DBEs

We will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. Any authorized representative of Escambia County Area Transit or DOT will make these records available for an inspection upon request. This reporting requirement also extends to any certified DBE subcontractor.

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

ATTACHMENTS

Attachment 1: Organizational Chart

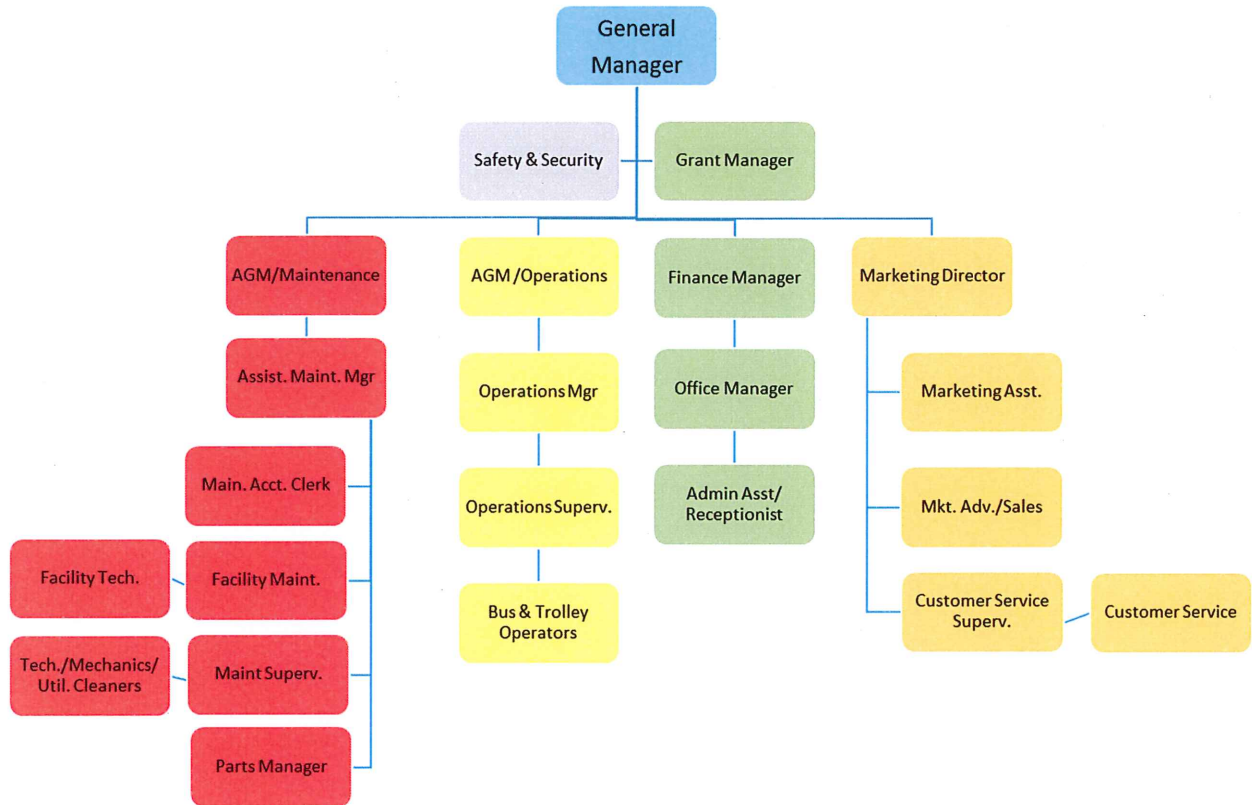
Attachment 2: Monitoring and Enforcement Mechanisms/Legal Remedies

Attachment 3: Good Faith Efforts Forms

Attachment 4: DBE Directory

Attachment 5: Regulations 49 CFR Part 26

**Attachment 1
Organizational Chart**



Attachment 2
Monitoring and Enforcement Mechanisms

Escambia County Area Transit has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

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

Attachment 3
Forms 1 & 2 for Demonstration of Good Faith Efforts

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

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

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

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

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

Name of bidder/offerors firm: _____

State Registration No. _____

By _____
(Signature) Title

FORM 2: LETTER OF INTENT

Name of bidder/offerors firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE firm:

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

Affirmation

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

By _____
(Signature) (Title)

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

(Submit this page for each DBE subcontractor.)

Attachment 4

The following refers to the website for the list of certified UCP DBE's.

<http://www3b.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/>

Attachment 5
Regulations: 49 CFR Part 26

Escambia County Area Transit refers to the following website for the electronics Code of Federal Regulations for Title 49: Transportation Part 26- Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.

<http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=5fc7946b772f5f6b1177c7eeebb0fc39&rgn=div5&view=text&node=49:1.0.1.1.20&idno=49>

Escambia County Area Transit also keeps a hard copy in our DBE Program Binder onsite.