



**DISADVANTAGED BUSINESS ENTERPRISE PROGRAM
DBE PLAN
FOR
City of Tallahassee
Tallahassee, Florida
February 2013**



Table of Contents

Sub-Part A General Requirements & Information

	General Requirements & Information	3
26.1	Policy Statement (OBJECTIVES)	4
26.3	Applicability	5
26.5	Definitions	5-8
26.7	Non-Discrimination Requirements	8
26.11(a)	Record Keeping Requirements	8
26.11(b)	Reporting to DOT	8-9
26.11(c)	Bidders List	9
26.13	Federal Financial Assistance Agreement	9
26.13(a)	Assurance	9
26.13(b)	Contract Assurance	9-10

Sub-Part B Administrative Requirements

26.21	DBE Program Updates	10
26.23	Policy Statement	10
26.25	DBELO	10-14
26.27	DBE Financial Institutions	14-15
26.29	Prompt Payment Mechanisms	15
26.31	Directory	16
26.33	Over Concentration	16
26.35	Business Development Programs	16
26.37	Monitoring and Enforcement Mechanisms	17
26.39	Small Business Amendment to the Disadvantaged Business Enterprise Program	19-25

Sub-Part C Goals, Good Faith, Counting

26.43	Quotas-Set Aside	23
26.45	Overall Goals	23-24
26.51(a-c)	Breakout of Estimated R/N and R/C Participation	24
26.51(d-g)	Contract Goals	24-25
26.53	Good Faith Efforts	25
26.53(a) & (c)	Demonstration of Good Faith	25
26.53(b)	Information To be submitted	25-26
26.53(d)	Administrative Reconsideration Procedures	26
26.53(f)	Good Faith Efforts: DBE substitution and Termination	26-28
26.55	Counting DBE participation toward meeting the goals	28-29

Sub-Part D Certification Standards

26.61-26.73	Certification Process	29-30
26.67	Personal Net Worth	30

Sub-Part E Certification Procedures

26.81	UCP	31
26.83	Procedures for Certification Decisions	31
26.83(a) & (c)	Continued Eligibility	31
26.83(j)	"No Change" Affidavits and Notices of Change	31
26.85	Denials of initial requests for Certification	31
26.87	Removal of a DBE's eligibility	31-32
26.89	Certification Appeals	32-33

Sub-Part F Compliance and Enforcement

26.109	Information, Confidentiality, Cooperation Monitoring Payments to DBE's Personal Net Worth (PNW)	33
	Monitoring of Payments	33

ATTACHMENTS

Attachment 1: Organizational Chart	37
Attachment 2: Payment Monitoring Form	38
Attachment 3: Monitoring and Enforcement Mechanisms	39
Attachment 4: Methodology, Overall Goal Calculation, and Breakout of Estimated R/N & R/C Participation	44
Attachment 5: Statement of Good Faith Efforts	51
Attachment 6: Bid Opportunity Form – Proposed	55
Attachment 7: Intent to Perform as a Disadvantaged Business Enterprise (DBE)	56
Attachment 8: Commercially Useful Function (CUF) DBE Monitoring Report	i
Attachment 9: Advertisement	ii
Attachment 10: DBE Joint Venture Information	iii
Attachment 11: Uniform Certified Application	v

Sub-Part A General Requirements & Information

Name	City of Tallahassee
Location	Tallahassee, Florida
Trade Area	Leon County and three surrounding counties
Business Support	Manufacturing, Agriculture, Distribution Centers, Retail Sales, State Government, and Educational Facilities
Public Body	City Commission
Signature Body	Ms. Anita Favors Thompson, City Manager
Local Contact/DBELO	Mr. Ben Harris, City MBE/DBE Administrator
Address	435 Macomb St, P.O. Box A11 Tallahassee, Florida 32301
Telephone Number	(P) (850) 891 – 6500 (F) (850) 891-6592
Email	benjamin.harris@talgov.com

The City of Tallahassee (the City) requires all city departments to continuously seek to include DBE businesses in its contracting activities. The City's Federal Contracting Program is subject to the Federal Department of Transportation's 49 CFR Part 26 Participation by Disadvantaged Business Enterprises requirements.

Since the City of Tallahassee will receive an annual grant during the reporting period of \$250,000 or more for planning or development, or operating in a federal fiscal year, authorized by the statute for which this part applies, we will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program. We will submit an updated goal annually on August 1 if we plan to award contracts exceeding \$250,000 in DOT funds in that Federal fiscal year.

Section 26.1.23 Policy Statement and Objectives

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

It is the policy of the City to recognize the authority and applicability of the United States Department of Transportation's Rules and Regulations governing Disadvantaged Business Enterprise participation thus having an equal opportunity to receive and participate in DOT-assisted contracts. The City is also committed to the implementation of these Rules and Regulations through its approved DBE Program. Furthermore, the objectives of the City are:

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 which fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs.
5. To assist in the development of firms that can compete successfully in the market place outside the DBE Program.
6. To help remove barriers to the participation of DBEs in DOT-assisted contracts.

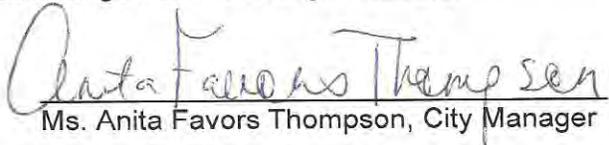
Mr. Ben Harris, City of Tallahassee MBE/DBE Administrator, has been designated as the DBE Liaison Officer (DBELO). In this capacity, Mr. Harris is responsible for implementing all aspects of the DBE Program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the City of Tallahassee in its financial assistance agreements with the Department of Transportation.

This policy position for The City of Tallahassee will be implemented by the adoption of the Disadvantaged Business Enterprise Program.

The City of Tallahassee has disseminated this policy statement to the City Manager, Mayor and City Commission of the City of Tallahassee and all of the components of our organization via interoffice memorandums. We have distributed this statement to DBE and non-DBE business communities that perform work for the City on DOT-assisted contracts via local newspapers, local chambers of commerce, on the City's website, local trade organizations, professional organizations and local minority, women and disadvantaged business organizations.

3-12-13

Date


Ms. Anita Favours Thompson, City Manager

Section 26.3 Applicability

The City of Tallahassee is the recipient of Federal funds authorized by 49 U.S.C. 47101, *et seq.*

Section 26.5 Definitions

The terms used in this Program have the meanings as defined in 49 CFR 26.5, and The City of Tallahassee expressly incorporates all of the definitions contained in 26.5, including:

1. **Affiliation** has the same meaning the term has in the Small Business Administration (SBA) regulations, 13 CFR Part 121. (a) 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. (b) 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.
2. **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.
3. **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 Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, *et seq.*).
4. **Compliance** means that a recipient has correctly implemented the requirements of this part.
5. **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. Contractor means one who participates, through a contract or subcontract (at any tier), in a DOT-assisted highway, transit, or City program.
6. **Contractor** means one who participates, through a contract or subcontract (at any tier), in a DOT-assisted highway, transit, or City program.
7. **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).
8. **Disadvantaged Business Enterprise** or DBE means a for-profit small business concern—
(a) 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 (b) Whose management and daily

business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

9. **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.
10. **Good Faith Efforts** means efforts to achieve a DBE goal or other requirement of this part which, by the scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement.
11. **Immediate family member** means father, mother, husband, wife, son, daughter, brother, sister, grandmother, grandfather, grandson, granddaughter, mother-in-law, or father-in-law.
12. **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.
13. **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.
14. **Native Hawaiian** means any individual whose ancestors were natives, prior to 1778, of the area, which now comprises the State of Hawaii.
15. **Native Hawaiian Organization** means any community service organization serving Native Hawaiian 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.
16. **Non Compliance** means that a recipient has not correctly implemented the requirements of this part.
17. **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.
18. **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.

19. **Primary Industry Classification** means the four digit Standard Industrial Classification (SIC) code designation, which best describes the primary business of a firm. The SIC code designations are described in the Standard Industry Classification Manual. As the North American Industrial Classification System (NAICS) replaces the SIC system, references to SIC codes and the SIC Manual are deemed to refer to the NAICS manual and applicable codes.
20. **Primary Recipient** means a recipient, which receives DOT financial assistance and passes some, or all of it on to another recipient.
21. **Principal place of business** means the business location where the individuals who manage the firm's day-to-day operations spend most working hours and where top management's business records are kept. If the offices from which management is directed and where business records are kept are in different locations, the recipient will determine the principal place of business for DBE program purposes.
22. **Program** means any undertaking on a recipient's part to use DOT Financial assistance, authorized by the laws to which this part applies.
23. **Race-Conscious** measure or program is one that is focused specifically on assisting only DBEs, including women-owned DBEs.
24. **Race-Neutral** measure or program is one that is, or can be used to assist all small business. For the purposes of this part, race-neutral includes gender-neutrality.
25. **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.
26. **Secretary** means the Secretary of Transportation or his/her designee.
27. **Set-Aside** means a contracting practice restricting eligibility for the competitive award of a contract solely to DBE and SBE firms.
28. **Small Business Administration or SBA** means the United States Small Business Administration.
29. **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 Sec. 26.65(b) of 49 CFR Part 26.
30. **Manufacturer** is a firm which operates or maintains a factory or establishment which produces, on its premises, the materials or supplies obtained by the City or a contractor.
31. **Regular Dealer** is a firm which owns, operates, or maintains a store, warehouse, or other establishment in which the materials or supplies required for the performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business. To be a Regular Dealer, the firm must engage in, as its principal business, and in its own name, the purchase and sale of the products in question. A Regular

Dealer in such bulk items as steel, cement, gravel, stone, and petroleum products need not keep such products in stock, if it owns or operates distribution equipment. Brokers and packagers will not be regarded as manufacturers or Regular Dealers under this DBE program.

32. Socially and economically disadvantaged individual means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is— any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis. An individual in the following groups, members of which are reputedly 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, Tongam, Kirbati, 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 SBA, at such time as the SBA designation becomes effective.

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

34. You refers to 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).

Section 26.7 Non-discrimination Requirements

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

In administering its DBE program, the City 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 (a) Record Keeping Requirements

The City of Tallahassee will report DBE participation to DOT as follows:

As a Federal Grant Recipient, The City of Tallahassee will submit DBE accomplishment annually through “DOORS” for airport accomplishments and “TEAM” for transit accomplishments.

The City of Tallahassee will report DBE participation to the relevant operating administrations *FAA, FTA, and FHWA* using the Uniform Report of DBE awards or Commitments and Payments.

Section 26.11(c) Bidders List

The City of Tallahassee will create and a maintain bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidders list approach to calculating overall goals. For every firm, the following information must be included:

1. Firm's Name
2. Firm's Address
3. Firm's status as a DBE or non-DBE
4. Firm's Age
5. Firm's Annual gross receipts

The bidders list will be obtained via a contract clause requiring prime bidders to report the names/addresses, and other information, of all firms who quote to them on subcontracts. The DBELO will continue to gather the information detailed above on all prime contractors who submit bids/quotes on contractors. (See Attachment 1)

Section 26.13 Federal Financial Assistance Agreement

The City of Tallahassee has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13(a)

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

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

Section 26.13(b) Contract Assurance:

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

The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these

requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

Since the City has received grants in excess of \$250,000 for planning or development, we will continue to carry out this program until all funds with DOT financial assistance have been expended. We will provide all updates representing significant changes in the program to DOT. We will submit an updated goal annually on August 1 if we plan to award contracts exceeding \$250,000 in DOT funds in that federal fiscal year.

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

Mr. Ben Harris, MBE/DBE Administrator for the City of Tallahassee, Florida is designated as the DBE Liaison Officer (DBELO). Mr. Harris can be reached at: City of Tallahassee, 435 N. Macomb St. Renaissance Center Tallahassee, FL 32301. His phone number is (850) 891-6458, and e-mail benjamin.harris@talgov.com).

The DBE Liaison Officer has direct, independent access to the City Manager, who is the equivalent to the CEO of an organization, on DBE Program Issues and also reports directly to the Director of Economic and Community Development. An organization chart displaying the DBELO's position in the organization is found in Attachment 1A-C to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials - to include the assistance of the City Attorney, Public Works, Engineering & City Capital Projects and Purchasing & Contracting staff and consultant(s) as needed provide legal, technical and coordination support to assist in the administration of the program.

The DBELO has a staff of 1 professional employee assigned to the DBE program.

The DBELO has primary responsibility for these duties which shall be conducted, as needed, to ensure 49 CFR Part 26 compliance:

1. Advises the CM\governing body on DBE matters and achievement.
2. Advises the Assistant City Manager and staff on DBE matters.
3. Developing, managing, and implementing the DBE Program on a day-to-day basis;
4. Carrying out technical assistance activities for DBEs;
5. Identifying Disadvantaged Business Enterprises to participate in the Program.

6. Disseminating information on available business opportunities so that DBEs are provided an equitable opportunity to compete for FAA-assisted contracts awarded by the City.
7. Gathers and reports statistical data and other information as required by DOT.
8. Reviews third party contracts and purchase requisitions for compliance with this program.
9. Works with all departments to set overall annual goals.
10. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
11. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
12. Analyzes the City's progress toward goal attainment and identifies ways to improve the progress
13. Participates in pre-construction and pre-bid meetings.
14. Participates with legal counsel and project directors to determine contractor compliance with good faith efforts.
15. Plans and participates in DBE training seminars and workshops.
16. Certifies DBEs according to the criteria set by DOT's 49 CFR, Part 26 guidelines and acts as the City liaison to the Uniform Certification Process.
17. Provides outreach activities to DBEs and community organizations to advise them of opportunities.
18. Provides DBEs with information and assistance in preparing bids, obtaining bonding, insurance and other business needs.
19. Maintains and updates the City's Directory of certified DBEs.

Other personnel who have been assigned DBE program responsibilities include, but not limited to the following:

- 1) The Procurement Services Manager, who is responsible for:
 - a. Ensuring that solicitations contain the clauses and goals required by this Program.
 - b. Bid Protests
- 2) The Designated City Staff, who is responsible for:

- a. Providing information to the DBE Liaison Officer on contracting opportunities, together with a breakdown of subcontracting possibilities;
 - b. Consulting with the DBE Liaison Officer on procurement policies, including bonding, licenses, and other requirements;
 - c. Explaining the DBE participation guidelines at pre-bid conferences;
 - d. Provide administrative support by collecting all applicable information not limited to bid documentation, bids, change orders, commission agenda items with support documentation, prepare bidders list, collect all subcontractor documentation, maintain project and contract files, prepare DBE accomplishment report for review by the DBELO and other city departments.
 - e. Finance staff will maintain such data as grant information, account payable data, pay requests, lien waivers, spending data, etc.
 - f. Other staff and/or consultant(s) shall maintain inspection reports, monitoring reports, certified payroll reports for development of labor compliance reports and such project management data, to assist the DBELO with ensuring compliance with 49 CFR Part 26.
- 3) The City Attorney's Office, which is responsible for reviewing contracts for legal sufficiency.

Services to Assist DBEs to Compete

In implementing the goals set out in this Program, the Liaison Officer will provide a number of services to the DBE community, which are designed to increase their ability to compete in the contracting market. The basis of this service will be an information center designed to increase the awareness of DBEs toward potential contracts and contract procedures. The arrangement of solicitations, time slots for the presentation of bids, the specifications and delivery schedules for DBE participation in the contracts will be made available through the Liaison Officer who may also provide assistance to DBEs to help in overcoming financial or technical problems.

Some of the services offered by the DBELO are listed below:

1. Arranging solicitations or requests for proposals, time for presenting bids or proposals, quantities, specifications and delivery schedules so as to facilitate DBE participation.
2. Providing assistance to DBEs in overcoming barriers in the procurement process such as the inability to obtain bonding, financing or technical assistance.
3. Carrying out information and communication programs on contracting procedures and specific contracting opportunities in a timely manner.

These procedures will be applied to all types of DOT-assisted contracts, including those for professional, technical, consultant or managerial services; construction; and the procurement of materials, supplies, personnel, facilities and equipment.

Efforts will be made to facilitate DBE participation in prime and subcontracting opportunities.

Other Actions

The following are other actions (good faith efforts) that may be taken in order to facilitate DBE participation:

1. Provide information to DBE firms about the organizations, functions and full range of contractual needs.
2. Offer instructions and clarification on bid specifications, the City's procurement policy, procedures and general bidding requirements.
3. Maintain a file of successful bid documents from past procurement and permit DBEs to review and evaluate these documents.
4. Conduct debriefing sessions to explain why certain bids were unsuccessful.
5. Provide DBE firms with information on future procurement and contracting schedules.

The information, data and services required above may be distributed through a combination of written materials, handbooks, seminars, workshops, specialized assistance or such other forms as the DBELO determines to be appropriate and effective. The DBELO may also request assistance from DBE trade associations or any other assistance agency which is capable and willing to aid in efforts to assure DBE contractors the opportunity to compete.

In addition to the preparatory actions listed above, the DBELO will inform DBE contractors of actual opportunities through a combination of practices determined to be most successful. These practices should include, but are not limited to:

1. The placement of bid notices in the Local Newspapers, Minority Newspapers, and other regional newspapers for other specific contracts.
2. The development of mailing lists for newsletters including DBEs and their associations.
3. The bid notices may be sent to DBE trade associations, technical assistance agencies, social and economic development groups, and DBEs with capabilities relevant to the bid notice as identified by the DBELO's data bank.
4. DBEs and DBE organizations may be provided with lists of majority firms who are bidding as prime contractors.
5. A lead time of at least 20 days may be used by both the DBELO and firms bidding as prime contractors for advertisement of all invitations for bids in order that all firms have ample time to develop a complete bid package or proposal, and secure necessary assistance.

6. A pre-bid conference may be held to provide firms with an opportunity to ask questions about DBE requirements; and serve as a “match-maker” forum for Prime and Sub-Contractors.

Section 26.27 DBE Financial Institutions

It is the policy of the City to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions.

The City’s investigations with the National Bankers Association (NBA), an agency which tracks minority owned banks, indicate that there are no banks in the local area which are known to be owned by socially and economically disadvantaged individuals. The City will continue its investigations via NBA. The City will investigate any new banks established in the community in the future, which are owned by socially and economically disadvantaged individuals and make use of their services when feasible. When a bank owned and operated by socially and economically disadvantaged individuals, is opened, at any time during the period of this approved program, the city will provide notification to prime contractors in the bid documents, and encourage the Prime contractors to make use of those banks. We will also re-evaluate the availability of DBE financial institutions every eighteen months.

The City is signatory to the Florida Department of Transportation’s Unified Certification Program, the following is applicable to the City’s DBE Program:

It is the policy of the Florida Department of Transportation UCP 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 USDOT-assisted contracts to make use of these institutions. Currently, the Florida Unified Certification Program does not have any certified DBE financial institutions. The following are other financial institutions that are believed to be owned and controlled by socially and economically disadvantaged individuals. The various supportive services providers that work with the Department will provide this information to DBEs.

Continental National Bank of Miami

Contact: Rolando Mollinedo, VP & Accounting Manager
1801 Southwest First Street
Miami, FL 33135
Routing and Transit (ABA) Number: 066009456
Phone: (305) 643-8254
Fax: (305) 643-8258

Great Eastern Bank of Florida

Contact: Richard Berdy, EVP, COO & CFO
4601 Northwest 72nd Avenue
Miami, FL 33166
Routing and Transit (ABA) Number: 067014071
Phone: (305) 716-9000
Fax: (305) 716-9721

Interamerican Bank

Contact: Augustin F. Velasco, CEO
9190 Coral Way
Miami, FL
Routing and Transit (ABA) Number: 267087769
Phone: (305) 223-1434
Fax: (305) 223-0865

Bank United

Contact: Ricardo J. Garcia
7970 NW 36 Street
Mail Code: NB-039
Doral, Fl. 33166
Phone: (305) 592-6641
Fax: (305) 698-4282

Section 26.29 Prompt Payment Mechanisms

The City of Tallahassee 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 seven (7) days from the receipt of each payment the prime contractor receives from the City. The prime contractor agrees further to return retainage payments to all subcontractors within seven (7) 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 City. This clause applies to both DBE and non-DBE subcontractors.

The City penalties/sanctions/consequences for non-compliance to these prompt payment and retainage provisions include, but are not limited to, nonpayment of Prime Contractor invoices. The City's monitoring process for this provision is as follows:

1. The Prime Contractor shall submit with each invoice, a report of DBE expenditures on a DBE Payment Monitoring Form (Attachment 2).
2. The report shall show all DBE and non-DBE subcontractors, the amount of their subcontract, the amount earned to date, the amount earned for that respective invoice and the amount remaining to be earned.
3. The report shall also have each DBE subcontractor verify the amounts earned and paid to date.
4. 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.

Payments to the contractor (s) may be delayed until the progress report is submitted as required.

Section 26.31 DBE Directory

The City of Tallahassee will refer interested persons to the Unified Certification Program DBE directory available from the Florida Department of Transportation Disadvantaged Business Enterprise Program's website at ww3.dot.state.fl.us/Equal Opportunity Office/biznet/mainmenu.asp.

Additionally, the DBELO has established, maintain and update a DBE Directory, located on the City's website at www.talgov.com. Hardcopies of the City's DBE Directory shall be located at City of Tallahassee, Renaissance Building 435 Macomb Street, Tallahassee, FL 32301. The Directory is available to the public and to contractors.

The Directory contains the following minimum information on each firm listed:

1. Firm's Name
2. Type of Work
3. Address
4. Telephone Number
5. DBE status
6. Contact Person
7. Date of most recent DBE Certification
8. North American Industry Classification (NAICS) Codes

Companies listed in the Directory are classified by the major type of work by the applicable NAICS code which the company is capable of performing.

The DBE Directory is available to bidders interested in meeting DBE goals or to locate DBEs capable of performing work. All information in the Directory is reviewed and updated when a firm has been certified.

In the event a bidder desires more information about a listed DBE, they are encouraged to solicit that information from the firm directly by contacting the person listed in the Directory.

Section 26.33 Over-Concentration

The City of Tallahassee has not identified any areas of over-concentration in the types of work that DBEs perform.

Section 26.35 Business Development

The City does not participate in a Business Development Program in accordance with Appendix C of the DBE regulations requiring term limits in developmental and transitional stages. However, the City has developed a mentor – protégé program for review and approval by City administration. This program is to assist the City with meeting its goals through race-neutral means and to assist DBEs to operate outside a remedial program, such as the DBE program.

Section 26.37 Monitoring and Enforcement Mechanisms

The City 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 26.109. We also will consider similar action under our own legal authorities, including responsibility determinations in future contracts.

The City will utilize the legal instrument of a contract clause to ensure compliance with the bid specifications. After award of the contract, The DBELO will conduct such audits and reviews as necessary to ensure the City that the contractor is in compliance.(Attachment 3)

Contractors and DBE contractors must maintain DBE records for (3) three years after contract performance, and they must make these records available for inspection by the City and the DOT. This reporting requirement also extends to any certified DBE subcontractor.

Records of all progress payments made by prime contractors are required.

These records will be periodically verified by obtaining certified statements from DBE subcontractors.

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

Other appropriate actions taken to ensure that prime contractors and subcontractors comply with the DBE provisions will include the following:

1. Desk audits to review all materials and information concerning the contractor's compliance.
2. On-site reviews which include interviews, visits to project locations, and inspection of documents and/or information not available at the desk audit that pertains to the contractor's compliance.
3. Any additional investigation which may be deemed necessary due to a lack of proper recordkeeping; failure of the prime contractor to cooperate; failure of DBEs to cooperate; visible evidence of unsatisfactory performance; other evidence as may warrant further investigation.

The DBELO will make prompt compliance determinations regarding its prime contractors. Documentation of noncompliance will include the specific areas in which the contractor /subcontractor failed to comply. In these instances, appropriate legal action consistent with the DBE and other contract provisions will be taken.

Other possible regulations, provisions, and contract remedies available to us in the events of non-compliance with the DBE regulation by a participant in our procurement activities are shown in attachment 3 of this document.

SMALL BUSINESS AMENDMENT TO THE DISADVANTAGED BUSINESS ENTERPRISE PROGRAM PLAN

A. Objective (49 CFR Part 26.39)

The City is committed to assisting in the development of small business enterprises through the awarding of contracts and purchase orders for goods, and services. Thus the City has developed a small business enterprise component in its procurement incentive programs. The impact of the small business enterprise component is to:

1. Provide an additional race- and gender-neutral tool for the City to use in its efforts to ensure that all segments of its small business community have a reasonable and significant opportunity to participate in City and federally funded contracts.
2. Further the City's public interest to foster effective broad-based competition from all segments of the contracting, consulting and vendor communities, including, but not limited to, disadvantaged business enterprises, minority business enterprises, woman business enterprises, small business enterprises, and micro-small business enterprises.
3. Remain committed to taking all reasonable steps to eliminate obstacles to small businesses that may preclude their participation in procurements as prime contractors or subcontractors.

B. Small Business Program and Small Business Set-Asides

Recognizing that the DBE Program goals should be met through a mixture of race conscious and race neutral methods and, that by definition, DBE firms are small businesses; the City seeks to implement a small business element into its current DBE policy in accordance with applicable law. The City is including this element to facilitate competition by and expand opportunities for small businesses.

The City of Tallahassee has developed a small business development program. The City will actively implement its program elements to foster small business participation. The City will meet its objectives using a combination of the following methods and strategies:

1. The City shall establish a race-neutral tiered small business program.
2. The City's tiered SBE program consists of SBE (Tier 1) and micro-SBE (Tier 2) firms. (Section C of this Section 26.39 for definitions)
3. Tier 1 Set asides: Where feasible, the City of Tallahassee will establish SBE participation goals on a percentage of the total value of all prime contract and subcontract awards under \$300,000 as set asides for participation by small businesses on:
 - a. FAA-assisted contracts.
 - b. FTA assisted contract.
 - c. FHWA/FDOT assisted contracts.

A small business set-aside is open to all small businesses regardless of the owner's gender, race or geographic location. The project manager and DBELO will review federally-assisted purchases and contracts to assess identity of small business opportunities, giving consideration to the size and scope of each purchase or contract. This determination will be made based on the estimated availability of small businesses able to provide the requisite scopes of work regardless of DBE status. This set aside is in addition to the DBE contract goals which may be required pursuant to applicable law or policy. In the event that a set-aside is not established on a federally-assisted contract, the project manager and DBELO will document why a small business set-aside is inappropriate and the factors which were considered in making that determination, including project scope and estimated availability of firms.

If no small businesses bid on set-aside projects or the bids submitted are deemed to be too high and unreasonable based upon the nature of the service and prices for similar services, then all bids shall be rejected and the project will be re-bid in the normal manner to all prospective bidders. When bids are received they will be evaluated and incentives awarded for SBE participation in accordance with the terms and conditions of contract bid language.

4. Unbundling: The City, where feasible, may "unbundle" projects or separate large contracts into smaller contracts which may be more suitable for small business participation. The City will conduct contract reviews on each federally-assisted contract to determine whether portions of the project could be "unbundled" or bid separately. This determination will be made based on the estimated availability of small businesses able to provide specific scopes of work and will consider any economic or administrative burdens which may be associated with unbundling. Similarly, the City will encourage its prime contractors or prime consultants to unbundle contracts to facilitate participation by small businesses. The City will assist prime contractors or prime consultants in identifying portions of work which may be unbundled and performed by small businesses. The City will document the factors used to determine whether or not a federally-assisted contract will be unbundled or bid separately.

On prime contracts not having DBE contract goals, prime contractors are encouraged to subcontract opportunities of a size that small businesses, including DBEs, can reasonably perform, rather than self-performing all the work involved.

5. The City will utilize alternative procurement strategies and structuring solicitations to facilitate the ability of mentor-protégés and/or joint ventures that consist of small businesses, including DBEs, to compete for and perform prime contracts.

6. The City will set SBE goals on formal and informal contracts.

7. The City will set department goals for SBE utilization. SBE utilization will be reviewed as a part of a department director's performance evaluations.

C. Definitions

1. Small Business (Tier 1):

A small business is a business that is independently owned and operated, is organized for profit, and is not dominant in its field. Size standard eligibility is based on business sector or industry in the economy, the average number of employees for the preceding twelve months and on sales volume averaged over a three-year period. Small businesses must meet the

definitions specified in Section 3 of the Small Business Act and the Small Business Administration regulations implementing it (13 CFR Part 121).

2. Disadvantaged Business Enterprise:

A for-profit small business (as defined by the Small Business Administration) —

- a. What 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.
- b. Whose socially and economically disadvantaged owners do not exceed the personal net worth (PNW) described in 49 CFR Part 26. The current PNW cap is \$1.32 million. Whose average annual gross receipts, as defined by SBA regulations over the firm's previous three fiscal years are less than \$22.41 million.
- c. Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; and

Has been certified as a DBE by the Florida Department of Transportation Unified Certification Program, of which the City is a participant (FDOTUCP) in accordance with 49 CFR 26.

3. Micro Small Business Enterprise (MSBE) concern (Tier 2) means a small business concern as defined pursuant to this policy which is 25 percent of SBA's average annual revenue (13 CFR Part 121) that also does not exceed the cap on average annual gross receipts. A micro small business firm has been in operation for six consecutive months and has a valid business tax certificate if applicable.

4. A "set-aside" (Tier 2) is the reserving of a contract or a portion of a contract exclusively for participation by micro small businesses.

D. Certification and Verification Procedures

Small Business Enterprises are to submit copies of their certification letters from the state of Florida DOT or City of Tallahassee (as long as the same eligibility standards are used, thus local business location preference is not allowed for DBE certification.). Firms that have not been certified by the aforementioned are to submit for verification business tax returns for the last three years and a copy of their business license. If the industry requires professional licensing then a copy of the professional license shall be submitted.

The City will accept the following certifications for participation in the small business element of the City's DBE Program with applicable stipulations:

1. FDOT DBE Certification – DBE Certification by the FDOT which stipulates that a firm has been determined to meet all the requirements in accordance with 49 CFR Part 26. All certification determinations are evidenced by a letter of DBE certification issued by FDOT or other UCP certifying entities.

2. SBA 8(a) Business Development Certification (as described in 13 CFR Parts 121 and 124) - will require submittal of three years of business tax returns.

For the purposes of the small business element of the City's DBE Program, small businesses which are also owned and controlled by socially disadvantaged individuals will be strongly encouraged to seek DBE certification. Only DBE certified firms will be counted towards DBE race-neutral participation on US DOT federally-assisted contracts.

E. Outreach and technical assistance

The City of Tallahassee sponsors and participates in outreach and training opportunities for entrepreneurial development of small businesses through various partnerships. The City of Tallahassee provides financial assistance to the Economic Development Council which in turn provides technical assistance, business development services and programs to its' members and small businesses. The City of Tallahassee identifies small businesses which could benefit from the FAMU Bonding and Guarantee Program and provides referrals to those firms to participate in the program. Furthermore, the City of Tallahassee staff participates in business outreach sessions conducted by local municipalities and non-profit agencies which are designed to introduce small, minority, women and disadvantaged-owned businesses to the City of Tallahassee's procurement processes and practices. The City of Tallahassee has participated in and sponsored conferences and outreach sessions conducted by: The Greater Tallahassee Chamber of Commerce, the Capital City Chamber of Commerce, the Big Bend Minority Economic Development Week Committee, The Big Bend Minority Chamber Of Commerce, The Economic Development Council, The State of Florida, Department of Management Services and FAMU Small Business Development Center. Additionally, the City of Tallahassee advertises contracting opportunities through various outlets, including local newspapers, minority and women-based publications and trade publications as well as on its website.

As described above, the City of Tallahassee will utilize a variety of methods to facilitate small business participation. Additionally, refer SBEs (those also certified as DBEs) to the state of Florida's DOT Supportive Services provider for entrepreneurial development assistance

F. Mentor – Protégé - Joint Venture Programs

The City shall implement a Mentor- Protégé and a Joint Venture program for small businesses as a part of the City's SBE/DBE Business Development Program.

G. Reporting

The effectiveness of these components will be measured by a review of data indicating prime, subcontractor and supplier awards to SBEs. Program effectiveness measurements will also include efforts by the City staff to provide prime contracting opportunities for SBEs. In order to ensure the effective tracking of these efforts, the following shall be done:

1. Each contractor shall continuously maintain, compile, and provide to the MBE/DBE Office, monthly, information relating to its use of SBEs on the City and federally funded projects. This information shall include without limitation the following information for each of the SBE/DBE subcontractors and suppliers utilized by the Contractor on the project: a description of the type of work, by NAICS code, of contracts awarded to SBEs; the dollar value of contracts awarded to

SBE/DBEs; and contact information for the SBEs. Additionally, the Contractor shall provide information regarding its progress toward attaining the SBE/DBE goal on the project.

2. Within thirty (30) days after the end of a contract in which there was an SBE goal, each contractor shall provide the MBE/DBE Office with a report that summarizes the information provided pursuant to this section, including without limitation: the identity of and contact information for each SBE to whom the contractor has awarded a subcontract or supplier agreement; the type of work performed or supplies provided by each subcontractor/supplier; the dollar value of each of the subcontracts/ supplier agreements; and the total percentage of the value of the contract subcontracted to SBE subcontractors and/or suppliers.

3. The Procurement Services Department shall provide the MBE/DBE Office with information regarding every City contract on which the prime contractor is an SBE or on which an SBE is part of a joint venture or mentor protégé team serving as the prime contractor. The information shall include the name and contact information of the SBE, the type of contract, and the dollar value of the contract.

4. The MBE/DBE Office shall prepare a consolidated report based on a compilation and analysis of the reports submitted by each contractor and information from the Procurement Services Department regarding the City's use of SBE's as prime contractors. The consolidated report will identify and assess the awards to SBEs of City contracts, prime contractors' use of SBE subcontractors and suppliers, prime contractors' progress in achieving SBE subcontract goals, and other SBE development and contracting efforts. Specifically, the MBE/DBE Office will maintain records and prepare reports showing:

- a. Awards to SBE subcontractors and suppliers, including names of contractors and subcontractors, nature of the work/services performed, and the percentage of SBE participation per contract. The City will obtain regular reports from prime contractors on their progress in meeting contractual SBE commitments;
- b. specific efforts by Contractors to identify and award contracts to SBEs;
- c. Copies of direct mailings by Contractors to SBEs;
- d. City contracts awarded to SBE's or prime contractors in which an SBE was a joint venture partner or part of a mentor protégé team. This information shall include without limitation the name and contact information of the SBEs, the type of contract, and the dollar value of the contract.
- e. Pre bid conference information as it relates to the Small Business Enterprise Program;
- f. Requests for assistance from SBEs interested in bidding/proposing on City contracts and subcontracts;
- g. Workshops, seminars and training programs conducted for SBEs; and
- h. Efforts to assist SBEs in acquiring bonding and insurance.

5. The MBE/DBE Office will submit annual SBE development reports to the City Management. These reports shall include a summary of the information described above, plus an analysis of the total dollar value of City contracts/subcontracts awarded to SBEs and DBEs during the preceding year, categorized by prime contracting dollars, subcontracting dollars, and supplier

dollars. The percentage of the total dollar value of these contracts that was awarded to SBEs and DBEs during the preceding year shall also be provided.

H. Assurances

The City makes the following assurances:

1. The DBE Program, including its small business element is not prohibited by state law.
2. Certified DBEs that meet the size criteria established under the DBE Program are presumptively eligible to participate in the small business element (Tier 1) of the DBE Program.
3. There are no geographic or local preferences or limitations imposed on federally-assisted contracts and the DBE Program is open to small businesses regardless of their location, who meet the certification standards of 49 CFR Part 26.
4. There are no limits on the number of contracts awarded to firms participating in the DBE Program.
5. Reasonable effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses; and
6. Aggressive steps will be taken to encourage those minority and women owned firms participating in the small business element of the DBE Program that are eligible for DBE certification to become certified.

I. Implementation Schedule

The City will approve the small business element of the DBE Program and will implement it within nine months of the Operating Administrations (OA) - FAA, FTA and FHWA, approval of this element.

Sub-Part C Goals, Good Faith, Counting

Quotas (49 CFR 26.43)

The City of Tallahassee does not and will not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

Methodology

The City will annually establish overall goals if is anticipated that the award prime contracts exceeding \$250,000 in DOT funds in a Federal fiscal year in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the City does not anticipate awarding more than \$250,000 in DOT funds in prime contracts within the Federal fiscal year, we will not develop an

overall goal; however the existing DBE program will remain in effect and the City will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

The City will annually establish overall goals in accordance with the 2-Step process as specified in 49 CFR Part 26.45. The first step is to determine the relative availability of DBEs in the market area, “base figure”. The second step is to adjust the “base figure” percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination based on past participation, a disparity study and/or information about barriers to entry to past competitiveness of DBEs on projects.

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

In accordance with Section 26.45(f) the City will submit its overall goal to DOT tri-annual on August 1 as determined by FAA. In establishing the overall goal each year, City will consult with minority, women’s and general contractor groups, community organizations, and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the City’s 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 435 N. Macomb St., Third Floor, Tallahassee, FL 32301 for 30 days following the date of the notice, and informing the public that the City and DOT will accept comments on the goals for 45 days from the date of the notice. Notice will be issued in general circulation media and available minority- focus media and trade publications, websites. The notice will include addresses to which comments may be sent and addresses (including offices and websites) 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 and commitments shown on The City of Tallahassee 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;
2. Establish specific steps and milestones to correct the problems identified in the analysis; and
3. We will submit the plan to the appropriate Operating Agency [*FAA, FHWA and/or FTA*] within 90 days of the end of the affected fiscal year.

4. Should the City not be one of the identified entities above, the City will perform the analysis, establish and implement a corrective action plan and maintain information/records regarding the analysis and efforts made.

Transit Vehicle Manufacturers (§26.49)

The City as a Federal Transit Administration (FTA) recipient will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, certify that it has complied with the requirement of 49 CFR Part 26.49. Alternatively, the City 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(a-c) Breakout of Estimated Race-Neutral & Race-Conscious Participation

The City will meet the maximum feasible portion of its overall goal using race-neutral means of facilitating DBE participation. In order to do so, The City will use contract goals to meet any portion of the overall goal the City does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

Section 26.51(d-g) Contract Goals

The City will use contract goals to meet any portion of the overall goal City does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

Contract goals will be established on those DOT-assisted contracts that have subcontracting possibilities. However contract goals may not be established on every 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.)

Contract goals will be expressed as a percentage of total amount of a DOT-assisted contract.

Section 26.53 Good Faith Efforts

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, the City 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 City of Tallahassee treats **bidders/proposers** compliance with good faith efforts requirements as a matter of responsiveness in all instances where a contract goal has been established. **Bidders/proposers** are to make good faith efforts to identify and subcontract

portions of DOT assisted contracts to DBEs. The **bidders/proposers** can demonstrate that he/she has done so either by meeting the contract goal or documenting good faith efforts to the DBELO. **Bidders/proposers** who do not succeed in obtaining enough DBE participation to meet the established contract goal are required to, and must submit, with their bid/proposal, evidence demonstrating Good Faith Efforts in order to remain under consideration for a contract.

The City of Tallahassee will not award contracts to **bidders/ proposers** until the DBELO has determined that the “good faith efforts determination” has been made. In compliance with 26.53, the City assures that good faith efforts are required in every instance where a contract goal has been established.

The DBELO is responsible for determining whether a **bidder/proposer** who has not met the contract goal has, in fact, documented sufficient good faith efforts to be regarded as a responsive **bidder/proposer**. The City of Tallahassee shall incorporate Appendix A to Part 26 as its reference for good faith evaluation standards. (See Attachment 5)

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

Information to be submitted (26.53(b))

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 contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts.

In order to comply with 26.53 (b)(2)(i-v), each bidder/offeror is required to submit, with his/her bid or proposal, documentation showing the following:

- A. Attending pre-bid meetings if any were held.
- B. Advertising in local papers, minority/women focus media, and trade papers for a period of at least 15 days before bids or proposals are due. (media schedules permitting); and recruiting DBEs via DBE organizations.
- C. Notify DBEs, in writing, of subcontracting opportunities.
- D. Following up initial solicitations.
- E. Efforts to divide work into areas for subcontracting to DBEs.
- F. Providing adequate information about plans and specifications.

- G. Attempts to negotiate in good faith with DBEs. Such efforts are to be shown by producing the names, addresses, telephone numbers, particular subcontracts, and information regarding each subcontract opportunity that was offered to each DBE.
- H. Provide help to the DBEs in overcoming bonding, financial, and insurance problems relevant to the subcontract.
- I. Use of DBE organizations for DBE recruitment.
- J. Good faith efforts as found in Appendix A to Part 26.

In order to comply with 26.53 (b)(2)(i-v), each bidder/offeror is required to submit, with his/her bid or proposal, Intent to perform as a disadvantaged business enterprise; bid opportunity; and statement of good faith efforts, which are documents requesting all of the items required by these aforementioned portions of 26.53. (See Attachment 5, 6, and 7)

Section 26.53 (d) Administrative Reconsideration Procedures

Within 3 business days of being informed by the City of Tallahassee 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: Michael Parker, Director of Economic and Community Development, 850-891-6500. Michael.Parker@talgov.com. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether he/she 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 regarding whether he/she met the goal or made adequate good faith efforts to do so. The City will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding whether the bidder met the goal or made 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: DBE Substitution and Termination

DBE SUBSTITUTIONS

It is the intent of this policy provision to insure that DBE firms identified in bid proposals are the firm(s) with which the prime contractor actually does business. However, the prime contractor may, under specific circumstances, substitute the original certified DBE firm with another certified DBE firm. Nevertheless, such substitution shall only be made with the prior approval of the MBE/DBE Office based on a written statement of good cause. The DBE participation percentages shall not be lower than provided for in the original bid.

- A. Prime contractors who substitute DBEs without the prior written approval of the DBELO may be subject to actions for breach of contract and dollars spent with the unauthorized DBE will not be counted towards satisfaction of the DBE goal. The prime contractor will still be responsible for meeting the DBE goals as stated in the original contract.

- B. A prime contractor may not terminate a DBE subcontractor listed in response to a bid (or an approved substitute DBE firm) without prior written consent. This includes, but is not limited to, instances in which a prime contractor seeks to perform work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, or with another DBE firm.
- C. Written consent will be given only if the DBELO agrees, for reasons stated in the request, that the prime contractor has good cause to terminate the DBE firm.
- D. For purposes of this paragraph, good cause includes but is not limited to the following circumstances:
 - 1) The listed DBE subcontractor fails or refuses to execute a written contract;
 - 2) The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards.
 - 3) The listed DBE subcontractor becomes bankrupt or insolvent;
 - 4) The listed DBE subcontractor is ineligible to work on public works projects because of suspension and/or debarment proceedings in accordance with city ordinances or applicable state law;
 - 5) The City has determined that the listed DBE subcontractor is not a responsible contractor;
 - 6) The listed DBE subcontractor voluntarily withdraws from the project and provides to the DBELO written notice of its withdrawal;
 - 7) The listed DBE is ineligible to receive DBE credit for the type of work required;
 - 8) A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract;
 - 9) Other documented examples of good cause submitted to the DBE Manager justifying the termination of the DBE subcontractor.
 - 10) **Good cause does not exist:** if the failure/refusal of an DBE subcontractor to perform work results from bad faith or discriminatory action of the prime; if prime seeks to terminate DBE to self-perform the DBE contractor's portion of work, or to substitute another DBE or non-DBE after contract award without prior written approval from the DBE Office.

E. Before submitting a request to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to the DBELO, of its intent to request to terminate and/or substitute, and the reason for the request.

F. If a DBE does not perform or exercise responsibility for at least 30 percent of the total cost of its contract with its own work force, as a prime or 51% as a subcontractor with its own workforce or the DBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, it will be presumed that it is not performing a commercially useful function. (See Attachment 8)

G. When a DBE is presumed not to be performing a commercially useful function as provided in paragraph F. (above section), the DBE may present evidence to rebut this presumption. The

City may determine that the firm is performing a commercially useful function given the type of work involved and normal industry practices.

H. The prime contractor must give the DBE five days to respond to the prime contractor's notice of intent to terminate or substitute and also advise the DBELO as well. The DBE firm must provide reasons, if any, to the DBELO why it objects to the proposed termination of its subcontract and why the prime contractor's action should not be approved. If required in a particular case as a matter of public necessity (e.g., safety), a response period may shorter than five days.

I. In addition to post-award terminations, the provisions of this section apply to pre-award deletions of or substitutions for DBE firms put forward by vendors, contractors or proposers in negotiated procurements.

Section 26.55 Counting DBE Participation Toward Meeting the Goals

The City will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. The participation of a DBE subcontract toward a contractor's final compliance with its DBE obligations will not be counted until the amount has actually been paid to the DBE.

Further, City of Tallahassee will count participation toward its DBE:

1. Once a firm is determined to be an eligible DBE under 49 CFR Part 26, the value of the "work actually performed" by DBE is counted toward the DBE goal.
2. The City of Tallahassee and its contractors will count toward the DBE goals the portion of the total dollar value of a contract with a certified joint venture equal to the percentage of ownership and control of the DBE partner in the joint venture.
3. The City of Tallahassee and its contractors will count toward the DBE goals the value of the "work actually performed" by a firm owned and controlled by two socially and economically disadvantaged individuals, each having a 50% interest in the firm.
4. The City of Tallahassee will count toward its Disadvantaged Business Enterprise goal only expenditures to DBEs who perform a commercially useful function in the work of a contract. A DBE is considered to perform a commercially useful function when it is responsible for execution of a distinct element of the work of a contract and carrying out its responsibilities by actually performing, managing, and supervising the work involved. To determine whether a DBE is performing a commercially useful function, the DBELO will evaluate the amount of work subcontracted, industry practices, and other relevant factors.
5. Consistent with normal industry practices, a DBE may enter into subcontracts. If a DBE contractor subcontracts a significantly greater portion of the work of the contract than would be expected on the basis of normal industry practices, the DBE shall be presumed not to be performing a commercially useful function. The DBE may present evidence to the City of Tallahassee to rebut this presumption. The decision by the City of Tallahassee is subject to review by the concerned operating administration...the FAA.
6. The City of Tallahassee and its contractors will count toward the DBE goals 60 percent of expenditures for materials and supplies required under a contract and obtained from

a DBE Regular Dealer, and 100 percent of such expenditures obtained from a DBE manufacturer.

7. The City and its contractors may count toward the DBE goals the following expenditures to DBE firms that are not manufacturers or regular dealers:
 - a. The fees or City's charged for providing a bona fide service, such as professional, technical, consultant or managerial services and assistance in the procurement of essential personnel, facilities, equipment, materials or supplies required for performance of the contract, provided that the fee or City is determined by the City to be reasonable and not excessive as compared with fees customarily allowed for similar services.
 - b. The fees charged for delivery of material and supplies required on a job site (but not the cost of the materials and supplies themselves) when the hauler, trucker, or delivery service is not also the manufacturer of or a regular dealer in the materials and supplies, provided that the fee is determined by the City to be reasonable and not excessive as compared with fees customarily allowed for similar services.
 - c. The fees charged for providing any bonds or insurance specifically required for the performance of the contract, provided that the fee or City is determined by the City to be reasonable and not excessive as compared with fees customarily allowed for similar services.

Sub-Part D Certification Standards

Section 26.61 – 26.73 Certification Process

The City will use the certification standards of Subpart D - Part 26 and the certification procedures of Subpart E - 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. The DBELO will make certification decisions based on the facts as a whole.

The act of simply filling out the Disclosure Affidavit, Certification Application, in and of itself, does not mean automatic certification with the City. The review process covers all items on the Schedules. Potential DBEs applying for certification will be notified in writing as to whether their application meets, or does not meet the eligibility standards.

Process

For information about the certification process or to apply for certification, firms should contact Mr. Benjamin Harris, City of Tallahassee, 435 Macomb Street, Tallahassee, FL 32301 (P) (850) 891-6500 Email: Benjamin.Harris@talgov.com or FDOT, Mr. Arthur Wright 850-414-4747 arthur.wright@dot.state.fl.us

The City, through its DBELO, may certify the eligibility of DBEs and joint ventures involving DBEs for DOT-assisted contracts to be let by the City.

Any business which desires to participate as a DBE will be required to complete and submit an Application for DBE Certification (Attachment 11) to the DBELO. Any business which desires to participate as a joint venture DBE will, in addition, be required to complete an Application for DBE Joint Venture Certification (Attachment 10). The schedules must be signed by the authorized representative of the business and notarized. The required Schedule must accompany the DBE participation information submitted to the DBELO by bidder/proposer.

Uniform Certification Standards

The DBELO will take at least the following steps in determining whether a firm may be certified as a DBE:

1. Randomly perform an on-site visit to the offices of the firm and to any job sites on which the firm is working at the time of the eligibility investigation.
2. Obtain the resumes or work histories of the principal owners of the firm and personally interview these individuals.
3. Analyze the ownership of stock in the firm, if it is a corporation.
4. Analyze the bonding and financial capacity of the firm.
4. Determine the work history of the firm, including contracts it has received and work it has completed.
6. Obtain or compile a list of equipment owned by, available to the firm, and the licenses of the firm and its key personnel to perform the work it seeks to do as part of the DBE program.
7. Obtain a statement from the firm indicating the type of work it prefers to perform as part of the DBE program.

On-site Certification Visits

Per guidance from the Department of Transportation, office and job site visits may be omitted from the investigation in this instance:

1. When the DBELO recertifies a firm which it previously reviewed on-site, and eligibility issues (e.g., change in ownership) have not arisen which makes a second visit necessary. In the absence of such issues, an on-site visit need be conducted only once.

Once certified, a DBE will be required to submit a no change affidavit or update its submission by submitting a new affidavit. Firms are notified upon certification that a new Schedule A must be submitted whenever there is a change in the firm's ownership or control.

Section 26.67) Personal Net Worth

The City requires disadvantaged owners/applicants and currently-certified DBEs whose eligibility under Part 26 we review, to submit a statement of personal net worth (PNW) with

applications. If the presumed disadvantaged individual's PNW exceeds \$1.32 million, that individual's presumption of economic disadvantage is rebutted. When an individual's presumption of social/economic disadvantage has been rebutted, his or her ownership and control of the applicant firm cannot be used for DBE eligibility under this part unless the individual makes an individual showing. (See Attachment 3 – Personal Financial Statement).

The City will exclude the individual's equity in his/her primary residence, and the individual's equity in the applicant firm per 26.67.

Sub-Part E Certification Procedures

Section 26.81 Unified Certification Program

The City is a member of the Unified Certification Program (UCP) administered by the state of Florida Department of Transportation. The UCP will meet all of the requirements of this section.

Section 26.83 Procedures for Certification Decisions

Section 26.83 (a) & (c) Continued Eligibility

The DBELO will review the eligibility of DBE firms which are certified under former Part 23 to make sure that they meet the standards of Subpart D of Part 26. The DBELO will complete this review no later than three years from the most recent certification date of each firm.

For firms which the DBELO has certified or reviewed and found eligible under Part 26, a desk audit may be conducted every three years. In addition, the DBELO may randomly perform on-site visits.

Section 26.83 (j) "No Change" Affidavits and Notices of Change

The UCP requires all DBEs owners to inform us, 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 or of any material changes in the information provided with the application for certification.

The UCP also requires all DBE owners we have certified to submit every year, on the anniversary date of their certification, a "no change" affidavit meeting the requirements of 26.83(j).

The UCP requires DBEs to submit with this affidavit documentation of the firm's size and gross receipts.

Section 26.85 Denials of Initial Requests for Certification

If we deny a firm's application or decertify it, it may not reapply until 12 months have passed from our action.

Section 26.87 Removal of a DBEs Eligibility

Mr. Benjamin Harris, who is the initial decision-maker for decertification determination procedures, can be reached at: City of Tallahassee, 435 N. Macomb St. Tallahassee, FL 32301 (P) (850) 891 – 6500; e-mail (Benjamin.harris@talgov.com).

The DBE Program office may suspend or revoke an offending DBE's eligibility for Certification, and may suspend its participation from counting toward a project goal, based upon such DBE's acting as a Conduit, failing to comply with the provisions of the DBE Program, failing to perform a Commercially Useful Function on a project, failing to submit information, submitting false, misleading or materially incomplete statements, documentation or records, or failing to cooperate in investigations. The DBE Program office may further modify the list of areas for which a DBE is certified, if the DBE is routinely failing to submit bids or proposals for work in a particular area, or if it becomes apparent that the DBE is not qualified to perform work in a particular area. However, nothing in this DBE Program or in any action or inaction by the DBE office or the DBELO shall be deemed a representation or certification that a particular DBE is qualified to perform work in a particular area.

If the City proposes to remove a DBE's certification we will follow procedures consistent with 26.87. To ensure separation of functions in a decertification, we have determined that MBE/DBE Advisory Committee will serve as final decision maker in decertification proceedings. We have established an administrative "firewall" to ensure that the DBELO will not participate in any way in the decertification hearing proceedings against the firm (including the decision to initiate such a proceeding).

Whenever the DBELO makes the determination that a firm is not eligible, or comes to believe that a firm with a current certification is no longer eligible, the firm will be afforded the rudiments of due process prior to revoking its eligibility. The steps to be used are:

1. A letter will be sent to the firm, stating that the City is contemplating de-certification, or the firm has been denied certification. A brief description of the reasons for the proposed action will be included.
2. The firm will be given an opportunity to respond, in person and in writing, to present information and arguments. An informal meeting or administrative hearing shall be part of the process, but a formal adversary proceeding will not be used. The MBE/DBE Advisory Committee will serve as the administrative body.
3. Should the MBE/DBE Advisory Committee uphold the DBELO's initial decertification or certification denial, the Chairperson of the MBE/DBE Advisory Committee shall advise the firm, in writing of the decision.
4. The denial of certification by the DBELO is final for the particular contract and any other contracts being let at the time of the denial (except when the Department of Transportation reverses the denial, following an appeal). Firms denied certification may correct deficiencies in their ownership and control documents and reapply for certification after 12 months.

Section 26.89 Certification Appeals

Any firm or complainant may appeal our decision in a certification matter to DOT. Such appeals may be sent to:

US Department of Transportation

Departmental Office of Civil Rights
External Civil Rights Program Division (S-33)
1200 New Jersey Ave., S.E.
Washington, DC 20590
Phone: 202-366-4754
TTY: 202-366-9696
Fax: 202-366-5575

The UCP 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).

Sub-Part F Compliance and Enforcement

Section 26.109 Information, Confidentiality, Cooperation

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

Monitoring Payments to DBEs

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

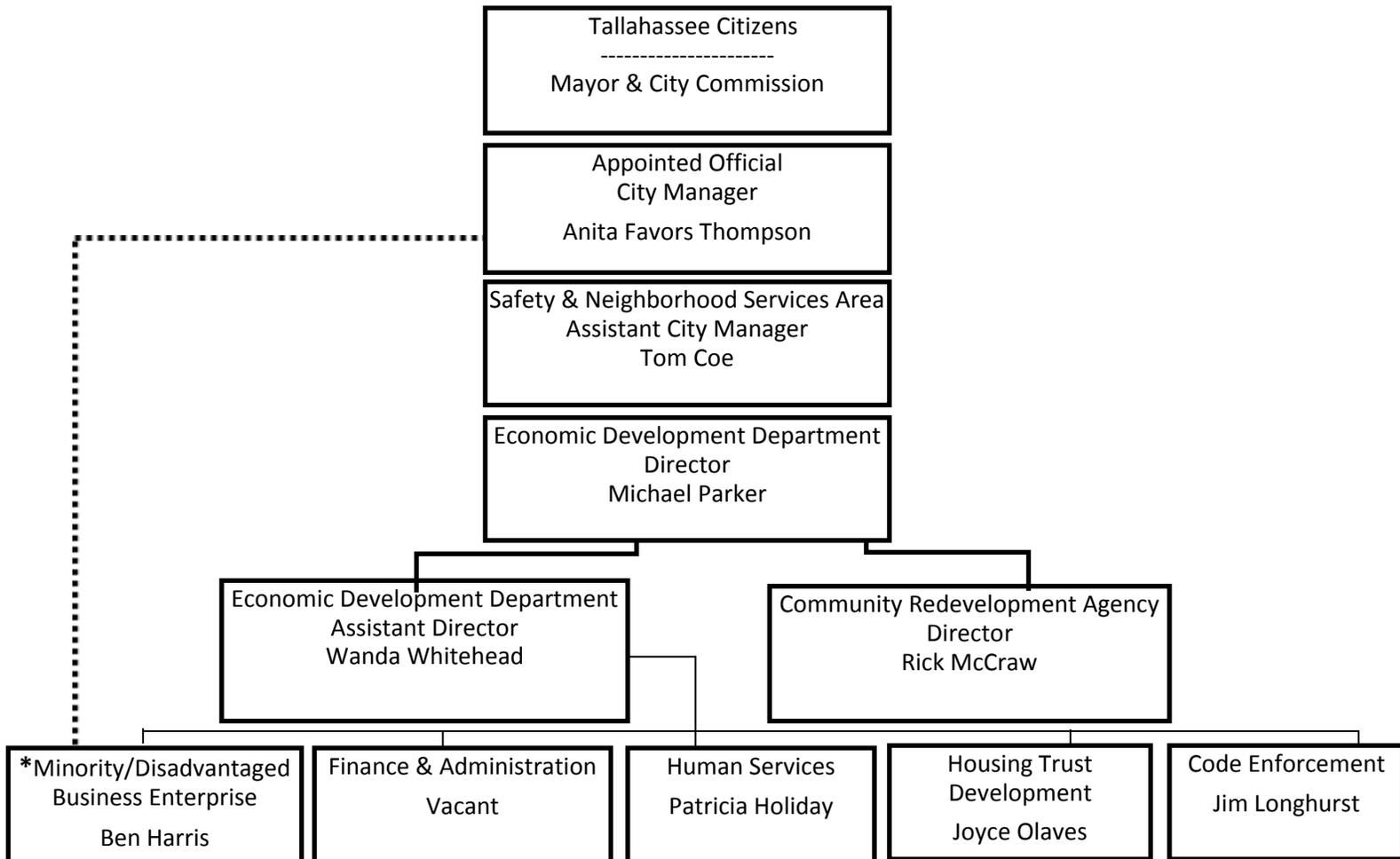
The City will keep a running tally of actual payment to DBE firms for work committed to them at the time of contract award.

The City will perform interim audits of each contractor's 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 amount stated in the schedule of DBE participation.

Appendix

Attachment 1

Economic & Community Development Department



***MBE/DBE Administrator has authority to report directly to the City Manager on issues regarding oversight of DBE program**

Attachment 2

DISADVANTAGED BUSINESS ENTERPRISE UTILIZATION CERTIFICATION (PROGRESS PAYMENT)

PROJECT: _____

BID/RFP NO.: _____ **CONTRACT NO.:** _____

PRIME CONTRACTOR: _____

DISADVANTAGED BUSINESS: _____

DATE: FOR PAYMENT TERM: FROM _____ **TO** _____

The undersigned, both individually and on behalf of the above-named Contractor and Disadvantaged Business, hereby certify the following:

(1) the Disadvantaged Business named above performed the following work on the Project during the payment term period:

<u>Item No.</u>	<u>Detailed Description/Scope</u>	<u>%of Item</u>	<u>Total DBE Amount</u>	<u>% of Total Prime</u>

(2) The total price and the amounts paid to the Disadvantaged Business to date for work on the Project, and the amount to be paid to the Disadvantaged Business for work performed on the Project during the period previously specified, are as follows:

PRIME CONTRACTOR PAYMENT STATUS

Total Subcontract's Contract	Total Prime Contractor's Contract	Amount Complete of Prime Contract	Percentage (%) of Prime Contract

DBE PAYMENT STATUS

Total DBE Completion to Date (value of work)	Percentage (%) of DBE Contract Completed	Amount Due to DBE - this request	Remaining Balance of DBE's Contract	Total DBE Paid to Date	Percentage (%) of DBE Paid to Date

(3)The attached documentation is proof of payment of the Sub-contractor for the period of the last preceding progress payment request that included payment for work on the Project performed by the Disadvantaged Business.

(4)The undersigned have been duly authorized by the Contractor and the Disadvantaged Business, respectively, to execute this Disadvantaged Business Utilization Certification on behalf of such business entities.

Under penalties of perjury, each of the undersigned declares that he or she has read the foregoing certification and that the facts stated in it are true.

(Type or print name of Contractor)

(Type or print name of Disadvantaged Business)

(Signature) and (Date)

(Signature) and (Date)

Attachment 3

1. Monitoring and Enforcement Mechanisms

The City 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 problem, including, but not limited to, the following:

- A. Suspension or debarment proceedings pursuant to 49 CFR Part 26
- B. Enforcement action pursuant to 49 CFR Part 31
- C. Prosecution pursuant to 18 USC 1001.

Additionally, the City shall monitor and enforce the DBE policy utilizing the following measures:

- A. The MBE/DBEO staff member shall attend the post award project meeting, i.e., preconstruction or kickoff meeting. Note: In some instances of professional services contracts, a post award meeting may not be held. At this meeting, the MBE/DBE staff discusses any DBE questions and/or procedures and ascertains any corrections or adjustments in the project schedule.
- B. The MBE/DBEO staff member determines a schedule for random on-site monitoring based upon the work that the DBE subcontractor is to perform and the project schedule. This on-site monitoring verifies the work performed by those contracted DBEs, as only work performed by the DBEs counts.
- C. On site monitoring will be performed by MBE/DBEO staff, construction inspectors or project managers and other designated staff. Observations of the onsite visit will be documented on a monitoring checklist form. The form is to be completed, signed and dated by the staff person conducting the site visit.

Violations and Penalties Enforcement

2. Penalties for Non-Compliance

A contractor or DBE who fails to comply with any portion of this section of the policy, and whose failure to comply continues for a period of 30 calendar days after the contractor or DBE receives written notice of such non-compliance from the DBELO, shall be subject to any or all of the following penalties:

- A. Withholding of all future payments under the eligible project until it is determined that the contractor is in compliance with the DBE policy.

- B. Cancellation of the eligible project.
- C. A determination by the DBELO that a DBE has failed to:
 1. Comply with policy on brokering services, shall subject the offending party to the possible revocation of its certification as a DBE for a period not to exceed three years.
 2. If the prime contractor is a DBE, a denial or revocation of their certification as a DBE will be conducted for a period not to exceed three years;
- D. Refusal of participation on all future contracts or subcontracts with the City for a minimum of one year and a maximum of five years from the date upon which this penalty is imposed.
- E. The DBELO may require such reports, information and documentation from bidders, contractors, DBEs, user departments and the head of any department or office of the City reasonably necessary to determine compliance with the requirements of this chapter.
- F. Criminal sanction for fraud.

If the DBELO determines that evidence is available indicating that fraud or other unlawful activity has been committed:

- G. By a DBE certification applicant;
- H. By a certified DBE or majority prime contractor falsely reporting the utilization of DBE subcontractors; or
- I. By an individual or firm attempting to benefit from or participate in the DBE program, through fronting activity, false representation of a commercially useful function, or other fraudulent or unlawful activity,

The matter shall be referred to the appropriate legal authorities and the City Attorney's Office for prosecution. In the event a conviction or guilty plea is obtained stemming from such criminal prosecution, the business entity and principals shall be barred from participation in City contracts for a minimum of one year and a maximum of five years to be determined by the Procurement Services Manager.

Alleged violations of the DBE Program shall be addressed as set forth in this Section.

3.Potential violations during bid or proposal process

Bidders and Proposers that submit bids or proposal on a Contract or Proposal shall not:

- A. Make any false statements or material misrepresentations regarding any matter relevant to the DBE Program; or
- B. Fail to comply with the goal and Good Faith Effort obligations set forth in the DBE Program; or
- C. List an DBE intended to serve as a Conduit to satisfy an DBE participation goal; or

- D. Commit any other violations of the DBE Program, or rules and guidelines promulgated there under.

4.Potential violations during contract performance

A Contractor that has been awarded a Contract based upon a stated level of DBE participation shall not, at any time before or during the performance of such Contract:

- A. Make any false statements or material misrepresentations regarding any matter relevant to the DBE Program; or
- B. Fail to in fact utilize an DBE that was originally listed at bid opening or proposal submission in order to satisfy Contract goals, unless the Proposer or Bidder:
 - 1) Substitutes another DBE performing the same commercially useful function at the same dollar amount with prior approval of the MBE/DBE Program Office, or
 - 2) Fails to allow a DBE functioning as a subcontractor, joint venture, supplier, or manufacturer, to perform the commercially useful function, the value of which was originally counted for that DBE in awarding the contract, unless the bidder or proposer shows that the DBE failed to perform in a reasonably satisfactory manner; or
 - 3) Modifies or eliminates all or a portion of the scope of work attributable to a DBE upon which the contract was awarded, unless directed by the City; or
 - 4) Terminates a DBE originally utilized as a subcontractor, joint venture, supplier or manufacturer in order to be awarded the contract without replacing such DBE with prior approval, with another DBE performing the same commercially useful function and dollar amount, or
 - 5) Participates in a conduit relationship with a DBE scheduled to perform work on the contract; or
 - 6) Commits any other violations of the DBE Program, or rules and guidelines promulgated thereunder.

5.Investigation of Violations and Unfair Practices

DBEs shall report any alleged DBE Program violations or unfair practices involving the DBE Program within three (3) business days after the DBE first became aware of the act or omission in question. The DBELO may reject as untimely any report submitted after such date.

The MBE/DBE Program office shall not accept reports of violations or unfair practices that are submitted more than thirty (30) calendar days after the DBE first became aware of the act or omission in question.

- A. The MBE/DBE Program office is empowered to receive and investigate complaints and allegations by DBEs, third parties and/or City personnel, and/or to initiate its own investigations regarding compliance with the requirements and obligations of the DBE Program and the rules and guidelines promulgated there under. In the event the MBE/DBE Program office determines in its sole discretion that an investigation is warranted, the DBELO shall notify the party being investigated. Upon written notice of

such investigation, the affected party shall be obligated to cooperate fully with the investigation and shall have a continuing burden of providing complete, truthful information to the DBELO and of otherwise proving compliance with the requirements and obligations of the DBE Program.

- B. A violation of the DBE Program in the bid or proposal phase of a Contract shall be grounds for disqualifying such Bidder or Proposer from further consideration for Contract award. If the violation involves bad faith or dishonesty or may otherwise be indicative of the Bidder's or Proposer's qualification to perform certain future Contracts, the City may consider such violation in awarding such future Contracts.
- C. A violation of the DBE Program by a Contactor shall constitute a material breach of the Contract, and shall entitle the City to:
 - 1) Exercise all rights and remedies that it may have at law or at equity for material breach of the Contract
 - 2) Exercise all rights and remedies that it may have under the Contract, including but not limited to termination of the Contract and any other rights set forth in Section below; and
 - 3) Any other rights or remedies set forth under this policy.

The remedies set forth herein shall be deemed cumulative and not exclusive and may be exercised successively or concurrently, in addition to any other available remedy.

6. Remedies for Violation of DBE Program

The parties further agree that in addition to any other remedies the City may have at law under an agreement for material breach, the City shall be entitled to exercise any one or more of the following remedies if the Contractor violates the DBE Program:

- A. Terminate contract for default;
- B. Suspend contract for default;
- C. Withhold all payments due to the Contractor under the contract until such violation has been fully cured or the City and the Contractor have reached a mutually agreeable resolution;
- D. Assess liquidated damages as provided in the contract.
- E. Offset any liquidated damages and / or any amounts necessary to cure any violation of the DBE Program from any retainage being held by the City on the Contract, or from any other amounts due to the Contractor under the Contract.

The remedies set forth herein shall be deemed cumulative and not exclusive and may be exercised successively or concurrently, in addition to any other available remedy.

7.Liquidated Damages

The City and the Contractor acknowledge and agree that the City will incur costs if the Contractor violates the DBE Program in one or more of the ways set forth below. The parties further acknowledge and agree that the City will incur damages as a result of such failure, but that the costs the City might reasonably be anticipated to accrue as a result of such failures are difficult to ascertain due to their indefiniteness and uncertainty. Accordingly, the Contractor agrees to pay the City liquidated damages at the rates set forth below for each specified violation of the DBE Program. The Company further agrees that for each specified violation the agreed upon liquidated damages are reasonably proximate to the loss the City will incur as a result of such violation:

- A. Failing to utilize an DBE that was originally listed at bid opening or proposal submission in order to satisfy Contract goals, or failing to allow such DBE to perform a Commercially Useful Function, in violation of Sections of the DBE Program: 100% of the amount originally counted for the DBE at bid opening or proposal submission;
- B. Modifying or eliminating all or a portion of the scope of work attributable to a DBE upon which the Contract was awarded, in violation of the DBE Program: 100% of the amount of work modified or eliminated;
- C. Terminating a DBE originally listed/utilized as a Subcontractor, Joint Venturer, Supplier, or Manufacturer in order to be awarded the Contract without obtaining prior approval for replacing such DBE with another DBE performing the same Commercially Useful Function and dollar amount: 100% of the amount originally counted for the DBE at bid opening or proposal submission;
- D. Participating in a Conduit relationship with a DBE scheduled to perform work on Contract: 100% of the amount counted for the DBE at bid opening or proposal submission;
- E. Failing to provide any documentation or written submissions required under the DBE Program within the time period set forth therein: \$50 per day for each day that such documentation or written submission is overdue.

Attachment 4



METHODOLOGY FOR DETERMINING GOALS (49CFR26.45) **FY 2013 – FY 2015**

Overall Goals

The Disadvantaged Business Enterprise (DBE) program for federally assisted projects at the City of Tallahassee is established on a triennial basis for the period beginning on October 1, 2012, and ending on September 30, 2015. The overall goal for the three-years beginning in fiscal year 2013 has been set utilizing the methodologies described in CFR 49 part 26 as follows:

The City of Tallahassee's overall aspirational DBE Goal for FY 2013 is 25.47% of the federal financial assistance that the City of Tallahassee will expend. The DBE goal is broken down into 5.2% race neutral and 20.27% race conscious. During the 45-day comment period after putting notice in the *Tallahassee Democrat* and *Capitol Outlook* (an African-American oriented paper), **The City of Tallahassee received 1 comment about its goal.**

Methodology

Step 1 – Determine a base figure representing the DBE relative availability

The City of Tallahassee elected to use the methodology described in 49 CFR 26.45 (1) to determine the base figure for the relative availability of DBEs. Staff started the determination of the City of Tallahassee's Goal Setting Process by identifying a base figure for the relative availability of DBEs based on demonstrable evidence of the availability of ready, willing, and able DBEs as compared to the availability of all businesses participating on DOT-assisted contracts (hereafter, the relative availability of DBEs). Analysis of the City's previous three year AIP funded projects, FTA and FDOT (FHWA) funded projects, discussions with City staff and consultants, and a review of the City's Bidder's lists and the DBE Directory revealed the City of Tallahassee Metropolitan Statistical Area (MSA) as the City's market area. Four state of Florida counties comprise the City's local market area: Leon, Jefferson, Gadsden, and Wakulla.

Aviation: Of the \$25,728,590.04 in contract awards during the last three years for AIP funded projects at the Tallahassee Regional Airport, 79.18% (\$20,371,576) went to establishments in the MSA.

The City of Tallahassee expects to pursue the following federally funded/assisted projects over the next three years:

Aviation: Runway 9-27 Project FY 2013 (none); FY 14 (50%), FY 15 (50%); rolling over all AIP entitlement funds for FY13, (\$2.3M) to fund the RWY 9-27 project (engineering/construction management)– to be awarded in FY 14 and will be using all of the FY 14 (\$2.3) funds towards that project estimated at \$28M (construction). FAA discretionary funds covering the non-entitlement portion will be used to cover the actual cost of that project. The FY15 funds will be rolled over to FY16 for Capital Projects recommended by the Master Plan. These projects were funded under the approved project goal of 24.25%.

A base figure of 32.00% was determined by utilizing 2009 Census County Business Patterns data, plus data from the Florida Department of Transportation DBE Directory of DBE firms located in the MSA. The 2009 Census Bureau’s County Business Patterns (CBP) data (denominator) and the DBE Directory information (numerator) were extracted for applicable construction and professional service trades in the same NAICS Codes where activity is estimated to occur during the performance of Aviation’s potential projects. The base figure was calculated by counting, only the DBEs and census bureau establishments in those NAICS codes within the Aviation’s market area as shown in Table 1(a) below.

Table 1(a) summarizes the firms by 5-digit NAICS code and shows the number of DBEs and establishments shown in CBP available for each category, and the percentage of likely work the City of Tallahassee will contract for each category based on similar type projects performed in the past three years.

Table 1(a)
Tallahassee Regional Airport Weighted Methodology

		DBEs	CBP MSA		% of likely work	Baseline availability
23731	highway/street contractors	7	10	0.70	30.00%	0.21
23811	concrete contractors	2	25	0.08	2.50%	0.00
23814	masonry contractors	0	27	0.00	2.50%	0.00
23821	electrical contractors	3	89	0.03	25.00%	0.01
23891	demolition & site prep	8	19	0.42	20%	0.08
42339	construction material wholesale	0	9	0.00	10%	0.00
54137	surveying	3	25	0.12	5%	0.01
56173	landscaping services	17	108	0.16	5%	0.01
Total		40	312		100.00%	0.32

Transit: Paratransit administration and maintenance facility, \$1.5 million
Satellite transfer stations, two (2), (super stops), \$2.5 million. These projects have been funded thus dollars will be rolled over to FY 2013 – 2015.

Table 1(b)
Transit (StarMetro):

	DBEs	CBP MSA	relative availability	% of est total expenditure	Baseline availability
23622 Commercial and Institutional Bldg Const	5	52	0.10	20%	2%
23731 Highway, street & bridge	7	10	0.70	0.05	4%
23811 Poured concrete	2	25	0.08	0.15	1%
23821 electrical contractors	2	89	0.02	0.05	0%
plumbing, heating and air conditioning					
23822 contr	1	125	0.01	0.05	0%
23832 painting and wall covering contra	1	62	0.02	0.03	0%
23833 flooring contractors	0	14	0.00	0.03	0%
23891 site preparation contractors	8	19	0.42	0.07	3%
23899 All other specialty trade contractors	8	35	0.23	0.02	0%
48422 specialized freight	6	13	0.46	0.03	1%
54131 architectural services	1	30	0.03	0.05	0%
54133 engineering services	8	108	0.07	0.1	1%
surveying and mapping (except					
54137 geophysical)	2	25	0.08	0.03	0%
54161 management consulting services	2	204	0.01	0.01	0%
54162 environmental consulting services	2	25	0.08	0.02	0%
54182 public relations agencies	5	68	0.07	0.03	0%
54191 marketing research and public opinion	1	8	0.13	0.02	0%
54199 all other professional, scientific & techn	6	33	0.18	0.01	0%
56173 landscaping services	6	108	0.06	0.05	0%
Total	73	1053		100%	14%

Table 1 (b) above shows the base figure is calculated as a percentage of DBEs (73) of the total number of vendors available (1053). Using the base figure formula described in 49 CFR 26.45 we multiplied the percentage of likely work in each NAICS category by the quotient of DBEs and total firms from the CBP as shown above. From this calculation the **baseline figure is 14.00%**.

Step 2 – Examination of available evidence to determine what adjustment, if any, is needed to the base figure.

Section 26.45 (d); and identifies numerous examples of the various types of data to examine in order to adjust the Step One baseline figure to make it as precise as possible. This step is intended to adjust the “base figure” percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination. The staff considered all of the factors listed in the above-referenced documents to determine whether an adjustment is necessary. The staff’s considerations of those factors are detailed herein.

A. PAST PARTICIPATION

MEDIAN PAST PARTICIPATION METHOD

1. Adjustments based on the utilization of the “Median Past Participation” method for aviation projects yielded an 18.42% adjusted Baseline Figure:

- The four-year history, FY ‘08 through FY ‘11, yielded actual DBE percentages of 17.5%, 15.56%, 22.81% and 22.54%
- The middle number in the arrangement is the median of those four numbers....19.19% (15.56%+22.81%/2)
- The Base Figure of 32.00% times the median number of 19.19% yields 18.42%.

Table 2(a)
Tallahassee Regional Airport Past Participation Adjustment

		relative	% of est	baseline	Past
		availability	total	availability	participation
			exp		adjustment
23731	highway/street	0.70	30.00%	0.21	13.82
23811	concrete contractors	0.08	2.50%	0.00	0.00
23814	masonry contractors	0.00	2.50%	0.00	0
23821	electrical contractors	0.03	25.00%	0.01	0.00
23891	demolition & site prep	0.42	20%	0.08	4.22
	construction material				
42339	wholesale	0.00	10%	0.00	0
54137	surveying	0.12	5%	0.01	0.19
56173	landscaping services	0.16	5%	0.01	0.19
			100.00%	0.32	18.42

Therefore, 18.42% is the base figure adjusted for median past participation on aviation projects.

Median Past Participation – Transit

StarMetro’s past participation for FY 2009, 2010 and 2011 was 0%, 12.8% and 0%. Thereby we adjusted the baseline availability for past participation by 12.8% and the resulting baseline adjusted availability is 1.77%.

**Table 2(b)
StarMetro Past Participation Adjustment**

		relative availability	% of est total expenditure	Baseline availability	Past participation adjustment
23622	Commercial and Institutional Bldg Const	0.10	20%	2%	0.25
23731	Highway, street & bridge	0.70	0.05	4%	0.45
23811	Poured concrete	0.08	0.15	1%	0.15
23821	electrical contractors plumbing, heating and air conditioning	0.02	0.05	0%	0.01
23822	contractors	0.01	0.05	0%	0.01
23832	painting and wall covering contra	0.02	0.03	0%	0.01
23833	flooring contractors	0.00	0.03	0%	0.00
23891	site preparation contractors	0.42	0.07	3%	0.38
23899	All other specialty trade contractors	0.23	0.02	0%	0.06
48422	specialized freight	0.46	0.03	1%	0.18
54131	architectural services	0.03	0.05	0%	0.02
54133	engineering services surveying and mapping (except	0.07	0.1	1%	0.09
54137	geophysical)	0.08	0.03	0%	0.03
54161	management consulting services	0.01	0.01	0%	0.00
54162	environmental consulting services	0.08	0.02	0%	0.02
54182	public relations agencies	0.07	0.03	0%	0.03
54191	marketing research and public opinion all other professional, scientific &	0.13	0.02	0%	0.03
54199	technical	0.18	0.01	0%	0.02
56173	landscaping services	0.06	0.05	0%	0.04
	Total		100%	14%	1.77

The City elected not to adjust the baseline availability for transit projects because the past participation value was attained in one of the three years considered. Additionally, the market area is the same for both aviation and transit thus inference can be drawn that the economic and self-employment data is the same.

B. OTHER FACTORS (AVIATION & TRANSIT)

Examination of the findings from the Board of Commissioners of Leon County Disparity Update Study, October 15, 2009, showed:

- Findings from the U.S. Census Survey of Business Owners (SBO) 2002 data, the availability of M/WBE in Leon County’s market area (City of Tallahassee MSA) comprised 25.68% of all contractors in NAICS 23 (construction)¹
- Proposed overall aspirational goals based on M/WBE availability for Leon County by procurement category:
 - Construction prime contractors 13%
 - Construction subcontractors 26%

¹ Board of Commissioners of Leon County Disparity Update Study, 2009, *Chapter 6, Private Sector Utilization and Disparity Analyses*, p. 6-14

- Architecture & engineering 26%
- Professional services 22%
- Other services 18%
- Materials and supplies 7%
- The study concluded:
 - “This study provides evidence to support a narrowly tailored program to promote M/WBE utilization. This conclusion is based primarily on statistical disparities in current M/WBE utilization, particularly in subcontracting, substantial disparities in the private marketplace, evidence of discrimination in business formation and revenue earned from self-employment, and some evidence of passive participation in private sector disparities.”

Additionally, consideration was given to data in the Chapter 6 “*Private Sector Utilization and Disparity Analysis*”, Appendix B “*Analysis of Race/Gender/Ethnicity Effects on Self Employment Propensity and Earnings*”; Appendix C “*PUMS (Public Use Microdata Samples) Regression Analysis*”; and Appendix D “*Private Sector Discussion*”² to determine if a Step 2 adjustment commonly known as “but for” should be made to the baseline availability.

We reviewed private sector analyses from a number of disparity studies conducted in the Southeast region since lending analyses tends to be available on a regional basis rather than on state or county level. Other economic literature and research studies on credit and lending such as the SBA Office of Advocacy research on lending, was considered as well.

- A review of private sector analyses from Leon County, FL, city of Memphis, TN, city of Nashville, TN, state of Tennessee, OOCEA and city of Atlanta, GA disparity studies showed:
 - PUMS 2000 data indicate there were statistically significant disparities in entry into and earnings from self-employment by women and minorities after controlling for education, age, wealth and other variables.
- The Leon County, FL research also found evidence of discrimination in business formation and revenues earned. Specifically,
 - Overall, comparing self-employed nonminority males with self-employed African Americans in the Tallahassee CMSA, over 70 percent of the disparity in self-employment rates was attributable to race differences.
 - Comparing self-employed nonminority males with self-employed African Americans in Tallahassee CMSA professional services, over 70 percent of the disparity in self-employment rates was attributable to race differences.
 - Comparing self-employed nonminority males with self-employed African Americans in Tallahassee CMSA other services, over 80 percent of the disparity in self-employment rates was attributable to gender differences.

The City thus concluded that based on evidence from a number of disparity studies, in particular the 2009 Leon County, FL Disparity Study Update, regarding past discrimination in public

² Ibid.

contracting; discrimination in private sector contracting; discrimination in credit, data on employment, self-employment, and/or data on firms' formation, an additional adjustment will be made in Step 2.

Considering the aforementioned items, the staff made Step 2 adjustments based on "other factors".

- the percent of sales of the ethnic groups and non-minority women equals 7.05% or
- multiply the percentage of disparity in self-employment attributable to race difference times availability by category divided by number of categories:
 $70\% \times (.0959) \text{ Professional Services} + 80\% \times (.8234) \text{ Other Services} + 80\% \times (.8234) \text{ Goods}$
 $= .1.847/3 = .616 \times 100 = 61.6\%$; or
- Add the percent of revenues of each ethnic group and nonminority women then divide by 5 to determine average percentage of revenue:
 $7.3+11.90+39.3+11.3+26.2 = 96.0/5 = 19.20\%$ average or
- Determine the median percent of revenue - 11.9%

If we adjusted the relative availability by the above "other factors" the goal would be:

1. $18.42 + 7.05 = 25.47\%$;
2. $18.42 + 61.60 = 80.02/3$ or 26.67% annually
3. $18.42 + 19.20 = 37.62/2 = 18.81\%$ annually or $18.42 + 11.9\% = 30.32\%$

Finally, we considered the reasonableness of the goal based on "but for", the average aviation DBE Variance of -1.97%, the median DBE variance of -1.71%, Leon County's overall aspirational goals for construction, architecture and engineering, professional services and other services, forecast of opportunities, consultation with the local Chamber of Commerce, minority Chamber of Commerce and comments from other stakeholders received during six focus groups held in 2011. (see Appendix xx)

C. SUMMARY

Due to the aforementioned considerations, the City decided to adjust its Base Figure via the "Median Past Participation" and "But For Discrimination" methods discussed in item (A and B); and established an attainable and feasible FY 2013-2015 Overall DBE Goal of 25.47%.

The City of Tallahassee will achieve this DBE goal using 5.2% race neutral and 20.27% race conscious. Race-neutral methods may include: (1) implementation of small business set asides; (2) unbundling of large projects; (3) arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in a way that facilitates DBE participation; (4) Providing assistance in overcoming limitations such as inability to obtain bonding or financing; (5) Providing technical assistance and other services; (6) Establishing a micro small business program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low: and (7) Assist DBEs to develop their capability to utilize emerging businesses.

Attachment 5

STATEMENT OF GOOD FAITH EFFORTS Construction Projects with Disadvantaged Business Enterprise (DBE) Goals

BIDDER: _____

DATE: _____

This form is to be completed if bidder fails to achieve the DBE goals established for this project. The Bidder is allowed to use an alternate method that demonstrates the good faith efforts made to meet the goals established as long as all of the requested information is included. Failure to include all requested information may result in the bid being determined as non-responsive.

The following list is not intended to be exclusive or exhaustive and the City will look not only at the different kinds of efforts the Bidder has made, but also the quality, quantity, intensity and timeliness of those efforts; it is the responsibility of the Bidder to exercise good faith efforts. Any act or omission by the City shall not relieve the Bidder of this responsibility.

Criteria listed below are consistent with the intent of **49 CFR 26.53**. A response is required to address each cited paragraph. **Additional pages may be added as necessary.**

1. Attendance at Pre-Bid conference, if held:

____ Yes ____ No Not Held **(10 POINTS)**

2. Whether and when the Bidder provided written notice to certified DBE's that perform the type of work to be subcontracted and advising the DBE's of the specific work the Bidder intends to subcontract; that their interest in the contract is being solicited; and how to obtain information for the review and inspection of contract plans and specifications.
(20 POINTS)

All letters from Bidders to prospective DBE subcontractors should be post marked a minimum of 12 calendar days or faxed recorded 7 days prior to bid opening.

A. Provide complete list of all DBE's solicited.

B. Provide **DATE** letters were mailed (DBE's will be canvassed as to who sent them letters and what date they were received.) Provide a copy of solicitation and all other letters sent to DBE's. Recommended information in your solicitation letter can include, but not limited to, the following:

- Project specific information.
- Your willingness to assist with supply purchases.
- Bonding requirements of your firm.
- Any assistance your firm will be giving regarding bonding requirements, lines of credit and insurance requirements.
- Availability of specifications and plans through your office.
- Best time to reach you by phone (DBE firms will be canvassed regarding your responsiveness to their calls and project information they received from your firm.)
- Bid opening date and all addendum information.
- Your requirements/time frames/payment schedules.

STATEMENT OF GOOD FAITH EFFORTS Construction Projects with Disadvantaged Business Enterprise (DBE) Goals

BIDDER: _____

3. Whether the Bidder selected feasible portions of work to be performed by DBE’s, including, where appropriate, breaking contracts or combining elements of work into feasible units. The ability of the Bidder to perform the work with its own work force will not in itself excuse a contractor from making positive efforts to meet the established goals. **(10 POINTS)**

If appropriate, detail any subcontracting category that you have broken down to assist DBE firms, describe those efforts and list firms that have been made aware of this reduced scope. (Attach additional pages if necessary.)

Subcontracting Category	DBE Firm

4. Whether the Bidder considered all quotations received from DBE’s and for those quotations not accepted, the Bidder should provide an explanation of why the DBE will not be used during the course of the contract. Receipt of lower quotation from non-DBE will not in itself excuse a Bidder’s failure to meet project goals. **(15 POINTS)**

List all DBE firms who quoted this project; the amount quoted, and the successful subcontractor (if not the DBE firm) and their quote:

Name of DBE	DBE’s Quote	Name of non-DBE Subcontractor Chosen	Subcontractor’s Quote

5. **Whether the Bidder provided interested DBEs assistance in reviewing the contract plans and specifications.** **(5 POINTS)**

Name the DBE firms provided assistance and describe how your firm provided such assistance.

6. **Whether the Bidder assisted interested DBE firms in obtaining required bonding, lines of credit or insurance if such assistance was necessary.** **(5 POINTS)**

If the project was above \$200,000 or exempt from the City of Tallahassee’s Bond Waiver Program, name the DBE’s assisted and describe the assistance provided.

7. **Indicate whether the Bidder has utilized DBE subcontractors on City, or other contracts within the past six months.** **(10 POINTS)**

Project Name	DBE Firms Used	Dollar Value

8. Whether the Bidder advertised in general circulation, trade association, and/or DBE/Minority/Women - focus media concerning the subcontracting opportunities
(10 POINTS)

List which papers carried your ad and attach a copy of the ad.

9. Written documentation that the Bidder contacted the City of Tallahassee's DBE Office, or other DBE Offices, for guidance and assistance if having difficulty obtaining DBE participation and unable to identify portions of work that can be feasibly broken down.
(10 POINTS)

List DBE Offices or DBE/ Minority / Women organizations contacted.
 (A minimum of three offices/organizations must be contacted.)

Organization	Person Contacted	Date Contacted

10. Describe any additional efforts or circumstances, which may assist the City in determining your Good Faith Efforts.
(5 POINTS)

A MINIMUM SCORE EQUAL TO 60% OF THE ELIGIBLE POINTS IS REQUIRED TO ACHIEVE AN ACCEPTABLE GOOD FAITH EFFORT DETERMINATION

Attachment 6

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**BID OPPORTUNITY LIST FOR PROFESSIONAL CONSULTANT SERVICES,
 AND COMMODITIES & CONTRACTUAL SERVICES**

375-040-82
 PROCUREMENT
 04/07

Prime Contractor/Prime Consultant: _____

Address/Phone Number: _____

Procurement Number/Advertisement Number: _____

49 CFR Part 26.11 The list is intended to be a listing of all firms that are participating, or attempting to participate, on DOT-assisted contracts. The list must include all firms that bid on prime contracts, or bid or quote subcontracts and supplies materials on DOT-assisted projects, including both DBEs and non-DBEs. For consulting companies this list must include all subconsultants contacting you and expressing an interest in teaming with you on a specific DOT-assisted project. Prime contractors and consultants must provide information for Numbers 1, 2, 3 and 4, and should provide any information they have available on Numbers 5, 6, 7, and 8 for themselves, and their subcontractors and subconsultants.

1. Federal Tax ID Number: _____	6. <input type="checkbox"/> DBE	8. Annual Gross Receipts
2. Firm Name: _____	<input type="checkbox"/> Non-DBE	<input type="checkbox"/> Less than \$1 million
3. Phone: _____		<input type="checkbox"/> Between \$1 - \$5 million
4. Address: _____		<input type="checkbox"/> Between \$5 - \$10 million
_____	7. <input type="checkbox"/> Subcontractor	<input type="checkbox"/> Between \$10 - \$15 million
_____	<input type="checkbox"/> Subconsultant	<input type="checkbox"/> More than \$15 million
5. Year Firm Established: _____		

1. Federal Tax ID Number: _____	6. <input type="checkbox"/> DBE	8. Annual Gross Receipts
2. Firm Name: _____	<input type="checkbox"/> Non-DBE	<input type="checkbox"/> Less than \$1 million
3. Phone: _____		<input type="checkbox"/> Between \$1 - \$5 million
4. Address: _____		<input type="checkbox"/> Between \$5 - \$10 million
_____	7. <input type="checkbox"/> Subcontractor	<input type="checkbox"/> Between \$10 - \$15 million
_____	<input type="checkbox"/> Subconsultant	<input type="checkbox"/> More than \$15 million
5. Year Firm Established: _____		

1. Federal Tax ID Number: _____	6. <input type="checkbox"/> DBE	8. Annual Gross Receipts
2. Firm Name: _____	<input type="checkbox"/> Non-DBE	<input type="checkbox"/> Less than \$1 million
3. Phone: _____		<input type="checkbox"/> Between \$1 - \$5 million
4. Address: _____		<input type="checkbox"/> Between \$5 - \$10 million
_____	7. <input type="checkbox"/> Subcontractor	<input type="checkbox"/> Between \$10 - \$15 million
_____	<input type="checkbox"/> Subconsultant	<input type="checkbox"/> More than \$15 million
5. Year Firm Established: _____		

1. Federal Tax ID Number: _____	6. <input type="checkbox"/> DBE	8. Annual Gross Receipts
2. Firm Name: _____	<input type="checkbox"/> Non-DBE	<input type="checkbox"/> Less than \$1 million
3. Phone: _____		<input type="checkbox"/> Between \$1 - \$5 million
4. Address: _____		<input type="checkbox"/> Between \$5 - \$10 million
_____	7. <input type="checkbox"/> Subcontractor	<input type="checkbox"/> Between \$10 - \$15 million
_____	<input type="checkbox"/> Subconsultant	<input type="checkbox"/> More than \$15 million
5. Year Firm Established: _____		

**AS APPLICABLE, PLEASE SUBMIT THIS FORM WITH YOUR: BID SHEET (Invitation to Bid - ITB)
 LETTERS OF RESPONSE (LOR)
 PRICE PROPOSAL (Request for Proposal - RFP)
 REPLY (Invitation to Negotiate - ITN)**

Attachment 7

INTENT TO PERFORM AS A DISADVANTAGED BUSINESS ENTERPRISE (DBE)

Project Title and Description: _____

The undersigned intends to perform work in connection with the above project as (check one):

_____ Prime Contractor _____ Subcontractor
_____ Joint Venture _____ Other (please specify) _____

If applicable name of prime contractor or joint venture partner:

The DBE status of the undersigned is confirmed by a DBE Certification from one or all of the following (please provide a copy of current DBE Certification):

_____ FDOT
_____ City of Tallahassee
_____ Other (please specify) _____

(City of Tallahassee may require additional certification documentation)

The undersigned is certified and prepared to perform the following described work on the above project (attach additional sheet if needed),

At the following price _____

_____ _____
Date Name of DBE firm

By: _____
Signature of DBE firm's Authorized Representative

(Please print Name of Authorized Representative)

Attachment 8

COMMERCIALLY USEFUL FUNCTION (CUF) DBE MONITORING REPORT

SECTION 1: PROJECT IDENTIFICATION

1. Financial Project No.	2. F.A.P. No.	3. Contract No.	4. County	5. District
6. Prime Contractor	7. FEID No.	8. Contract Begin Date	9. Est. Completion Date	10. Is Prime a DBE? <input type="checkbox"/> No <input type="checkbox"/> Yes

SECTION 2: DBE IDENTIFICATION

11. DBE's FEID No.	12. DBE Co. Name
13. Mailing address & phone number used for project communication Phone ()	
14. NAICS & Specialty Codes (from DBE'S Profile in FDOT DBE Directory)	NAICS / Specialty Code
15. DBE's function on this Contract <input type="checkbox"/> Subcontractor <input type="checkbox"/> Rental Agreement without operator <input type="checkbox"/> Rental Agreement with operator	16. DBE's Begin date
17. If DBE is a Subcontractor, Identify tier. <input type="checkbox"/> 1 st Tier <input type="checkbox"/> 2 nd Tier <input type="checkbox"/> 3 rd Tier	18. Name of company DBE is subordinate to (or 'Prime' if 1 st tier) <input type="checkbox"/> Prime

SECTION 3: OBSERVATION OF DBE'S, WORK, WORKFORCE & EQUIPMENT

19. Date Observed	20. Observer's Name (first & last)				
21. Description of work being performed					
22. Foreman's name (first/last) & employer	NAME EMPLOYER				
23. Number & type of workers (exclude foreman)					
24. Number and type of equipment & tools used <input type="checkbox"/> None					
TRUE	FALSE	25. WORKFORCE OF THE DBE:	TRUE	FALSE	26. EQUIPMENT OF THE DBE:
		A. Uniforms have DBE's Co. name <input type="checkbox"/> No uniforms			A. Name is painted or a permanent decal <input type="checkbox"/> No name on any <input type="checkbox"/> No name on some
		B. Only Workers/Foremans from the DBE company are performing the work			B. Name on equipment is DBE Co. name (box 12)
		C. DBE appears to control/supervise their own work			C. DBE appears to be using their own equipment
27. OBSERVER'S COMMENTS: <input type="checkbox"/> None					

SECTION 4: DBE ADMINISTRATIVE REVIEW

28. Date Reviewed	29. Reviewer's Name:	30. ADBEPS amount			
TRUE	FALSE	31. Observ. VS Payrolls, Daily Work Report, Bizweb	TRUE	FALSE	32. DBE Sublet & ADBEPS Data
		A. DBE's Payroll reflects no. & type or workers in #23			A. Observed work is included in DBE's certified areas (Box 14)
		B. Daily Diary reflects foreman (#22) and workers (#23)			B. Observed work is listed on the ADBEPS
		C. Payrolls from other contractors do not include the names of the DBE's employees or the DBE's foreman			C. DBE has not subcontracted to other companies. If False (DBE has subcontracted work to others) list the companies DBE-Y or N
		D. Payments to DBE are in EOR System <input type="checkbox"/> Too close to DBE's begin date (see Box 16)			
33. REVIEWER'S COMMENTS <input type="checkbox"/> None					
34. Attachments: Mark 'Y' or 'NA'	Daily Work Report		DBE's Certified payroll		
	Certification of Sublet Work w/ Schedule A		Notice of Rental Agreements		
	Notification for Use of Temporary Employment Agency		DBE Directory- print out of DBE's		
	EOR payment screens		Photos of DBE's work		

SECTION 5: RECORD OF REPORT REVIEW

35. Title	36. First &- last name-print/type	37. Signature	38. Date	39. Recorded data reflects CUF <input type="checkbox"/> more investigation <input type="checkbox"/> Yes
Proj Adm.				<input type="checkbox"/> more investigation <input type="checkbox"/> Yes
DCCM				<input type="checkbox"/> more investigation <input type="checkbox"/> Yes

Attachment 9

ADVERTISEMENT

Notice of Disadvantaged Business Enterprise (DBE) Fiscal Years 2013-2015

The City of Tallahassee has established an overall DBE goal of 25.34% fiscal years 2013-2015, broken down into 5.2% race neutral and 20.14% race conscious. State and City certified Minority Business Enterprises (MBE) are encouraged to apply to the DBE program. The MBE certification is not considered for DBE participation in DOT/FTA/FAA/FHWA sponsored grants.

The proposed goals and methodology are available for review between 8:00 a.m. and 5:00 p.m., Monday through Friday at the Tallahassee Regional Airport, 3353 Capital Circle SW, StarMetro 555 Appleyard Drive, Economic and Community Development Department, 435 N. Macomb St. for 30 days from the date of this publication.

Comments will be accepted for 45 days after the publication of this advertisement through August 7, 2012. Written comments should be addressed to Ben Harris, DBELO, City of Tallahassee, 435 N. Macomb St.



- a. DBE joint venture participant:
 - b. Non- DBE joint-venture participant:
13. Describe the roles and responsibilities of each joint venture participant with respect to operation of the joint venture (use additional sheets if necessary):
- a. DBE joint venture participant:
 - b. Non- DBE joint-venture participant:
14. Which firm will be responsible for accounting functions relative to the joint venture's business?
15. Explain what authority each party will have to commit or obligate the other to insurance and bonding companies, financing institutions, suppliers, subcontractors, and/or other parties?
16. Please provide information relating to the approximate **number** of management, administrative, support and non-management employees that will be required to operate the business and indicate whether they will be employees of the DBE, non-DBE or joint venture.

	Non-DBE Firm	DBE Firm	Joint Venture
Management			
Administrative			
Support			
Hourly Employees			

17. Please provide the name of the person who will be responsible for hiring employees for the joint venture. Who will they be employed by?
18. Are any of the proposed joint venture employees currently employees of any of the joint venture partners? yes no
If yes, please list the number and positions and indicate which firm currently employs the individual(s).
19. Attach a copy of the proposed joint venture agreement, promissory note or loan agreement (if applicable), and any and all written agreements between the joint venture partners.
20. List all other business relationships between the joint venture participants, including other joint venture agreements in which the parties are jointly involved.



**DISADVANTAGED BUSINESS ENTERPRISE
PROGRAM
49 CFR PART 26**

UNIFORM CERTIFICATION APPLICATION

ROADMAP FOR APPLICANTS

① **Should I apply?**

- Is your firm at least 51%-owned by a socially and economically disadvantaged individual(s) who also controls the firm?
- Is the disadvantaged owner a U.S. citizen or lawfully admitted permanent resident of the U.S.?
- Is your firm a small business that meets the Small Business Administration's (SBA's) size standard and does not exceed \$17.42 million in gross annual receipts?
- Is your firm organized as a for-profit business?

If you answered "Yes" to all of the questions above, you may be eligible to participate in the U.S. DOT DBE program.

② **Is there an easier way to apply?**

If you are currently certified by the SBA as an 8(a) and/or SDB firm, you may be eligible for a streamlined certification application process. Under this process, the certifying agency to which you are applying will accept your current SBA application package in lieu of requiring you to fill out and submit this form. **NOTE: You must still meet the requirements for the DBE program, including undergoing an on-site review.**

③ **Be sure to attach all of the required documents listed in the Documents Check List at the end of this form with your completed application.**

④ **Where can I find more information?**

- U.S. DOT – <http://osdbuweb.dot.gov/business/dbe/index.html> (this site provides useful links to the rules and regulations governing the DBE program, questions and answers, and other pertinent information)
- SBA – <http://www.ntis.gov/naics> (provides a listing of NAICS codes) and <http://www.sba.gov/size/indextableofsize.html> (provides a listing of SIC codes)
- 49 CFR Part 26 (the rules and regulations governing the DBE program)

Under Sec. 26.107 of 49 CFR Part 26, dated February 2, 1999, if at any time, the Department or a recipient has reason to believe that any person or firm has willfully and knowingly provided incorrect information or made false statements, the Department may initiate suspension or debarment proceedings against the person or firm under 49 CFR Part 29, take enforcement action under 49 CFR Part 31, Program Fraud and Civil Remedies, and/or refer the matter to the Department of Justice for criminal prosecution under 18 U.S.C. 1001, which prohibits false statements in Federal programs.

INSTRUCTIONS FOR COMPLETING THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM UNIFORM CERTIFICATION APPLICATION NOTE: If you require additional space for any question in this application, please attach additional sheets or copies as needed, taking care to indicate on each attached sheet/copy the section and number of this application to which it refers.

Section 1: CERTIFICATION INFORMATION

a: Prior/Other Certifications

Check the appropriate box indicating for which program your firm is currently certified. If you are already certified as a DBE, indicate in the appropriate box the name of the certifying agency that has previously certified your firm, and also indicate whether your firm has undergone an onsite visit. If your firm has already undergone an onsite visit/review, indicate the most recent date of that review and the state UCP certifying member that conducted the review.

NOTE: If your firm is currently certified under the SBA's 8(a) and/or SDB programs, you may not have to complete this application. You should contact your state UCP certifying member to find out about a streamlined application process for firms that are already certified under the 8(a) and SDB programs.

b: Prior/Other Applications and Privileges

Indicate whether your firm or any of the persons listed has ever withdrawn an application for a DBE program or an SBA 8(a) or SDB program, or whether any have ever been denied certification, decertified, debarred, suspended, or had bidding privileges denied or restricted by any state or local agency or Federal entity. If your answer is yes, indicate the date of such action, identify the name of the agency, and explain fully the nature of the action in the space provided.

Section 2: GENERAL INFORMATION

A. Contact Information

- (1) State the name and title of the person who will serve as your firm's primary contact under this application.
- (2) State the legal name of your firm, as indicated in your firm's Articles of Incorporation.
- (3) Indicate the primary phone number of your firm.
- (4) Indicate a secondary phone number, if any.
- (5) Indicate your firm's fax number, if any.
- (6) Indicate your firm's or your contact person's email address.
- (7) Indicate your firm's website address, if any.
- (8) State the street address of your firm (i.e. the physical location of its offices -- not a post office box address).
- (9) State the mailing address of your firm, if it is different from your firm's street address.

B. Business Profile

- (1) In the box provided, briefly describe the primary business and professional activities in which your firm engages.
- (2) Give the Federal Tax ID number of your firm as provided on your firm's filed tax returns, if you have one. This could also be the Social Security number of the owner of your firm.

- (3) Give the date on which your firm was officially established, as stated in your firm's Articles of Incorporation.
- (4) Give the date on which you and/or each other owner took ownership of the firm.
- (5) Check the appropriate box that describes the manner in which you and each other owner acquired ownership of your firm. If you checked "Other," explain in the space provided.
- (6) Check the appropriate box that indicates whether your firm is "for profit."
NOTE: If you checked "No," then you do NOT qualify for the DBE program and therefore do not need to complete the rest of this application. The DBE program requires all participating firms be for-profit enterprises.
- (7) Check the appropriate box that describes the legal form of ownership of your firm, as indicated in your firm's Articles of Incorporation. If you checked "Other," briefly explain in the space provided.
- (8) Check the appropriate box that indicates whether your firm has ever existed under different ownership, a different type of ownership, or a different name. If you checked "Yes," specify which and briefly explain the circumstances in the space provided.
- (9) Indicate in the spaces provided how many employees your firm has, specifying the number of employees who work on a full-time and part-time basis.
- (10) Specify the total gross receipts of your firm for each of the past three years, as declared in your firm's filed tax returns.

C. Relationships with Other Businesses

- (1) Check the appropriate box that indicates whether your firm is co-located at any of its business locations, or whether your firm shares a telephone number(s), a post office box, any office space, a yard, warehouse, other facilities, any equipment, or any office staff with any other business, organization, or entity of any kind. If you answered "Yes," then specify the name of the other firm(s) and briefly explain the nature of the shared facilities or other items in the space provided.
- (2) Check the appropriate box that indicates whether at present, or at any time in the past:
 - (a) your firm has been a subsidiary of any other firm;
 - (b) your firm consisted of a partnership in which one or more of the partners are other firms;

(c) your firm has owned any percentage of any other firm; and

(d) your firm has had any subsidiaries of its own.

(3) Check the appropriate box that indicates whether any other firm has ever had an ownership interest in your firm.

(4) If you answered "Yes" to any of the questions in (2) (a)-(d) or (3), identify the name, address and type of business for each.

D. Immediate Family Member Businesses

Check the appropriate box that indicates whether any of your immediate family members own or manage another company. An "immediate family member" is any person who is your father, mother, husband, wife, son, daughter, brother, sister, grandmother, grandfather, grandson, granddaughter, mother-in-law, or father-in-law. If you answered "Yes," provide the name of each relative, your relationship to them, the name of the company they own or manage the type of business, and whether they own or manage the company.

Section 3: OWNERSHIP

Identify all individuals or holding companies with any ownership interest in your firm, providing the information requested below (if your firm has more than one owner, provide completed copies of this section for each additional owner):

A. Background Information

- (1) Give the name of the owner.
- (2) State his/her title or position within your firm.
- (3) Give his/her home phone number.
- (4) State his/her home (street) address.
- (5) Check the appropriate box that indicates this owner's gender.
- (6) Check the appropriate box that indicates this owner's ethnicity (check all that apply). If you checked "Other," specify this owner's ethnic group/identity not otherwise listed.
- (7) Check the appropriate box to indicate whether this owner is a U.S. citizen.
- (8) If this owner is not a U.S. citizen, check the appropriate box that indicates whether this owner is a lawfully admitted permanent resident. If this owner is neither a U.S. citizen nor a lawfully admitted permanent resident of the U.S., then this owner is NOT eligible for certification as a DBE owner. This, however, does not necessarily disqualify your firm altogether from the DBE program if another owner is a U.S. citizen or lawfully admitted permanent resident and meets the program's other qualifying requirements.

B. Ownership Interest

- (1) State the number of years during which this owner has been an owner of your firm.
- (2) Indicate the dollar value of this owner's initial investment to acquire an ownership interest in your firm, broken down by cash, real estate, equipment, and/or other investment.
- (3) State the percentage of total ownership control of your firm that this owner possesses.
- (4) State the familial relationship of this owner to each other owner of your firm.
- (5) Indicate the number, percentage of the total, class, date acquired, and method by which this owner acquired his/her shares of stock in your firm.
- (6) Check the appropriate box that indicates whether this owner performs a management or supervisory function for any other business. If you checked "Yes," state the name of the other business and this owner's title or function held in that business.
- (7) Check the appropriate box that indicates whether this owner owns or works for any other firm(s) that has any relationship with your firm. If you checked "Yes," identify the name of the other business and this owner's title or function

held in that business. Briefly describe the nature of the business relationship in the space provided.

c: Disadvantaged Status

NOTE: You only need to complete this section for each owner that is applying for DBE qualification (i.e. for each owner who is claiming to be "socially and economically disadvantaged" and whose ownership interest is to be counted toward the control and 51% ownership requirements of the DBE program)

- (1) Indicate in the space provided the total Personal Net Worth (PNW) of each owner who is applying for DBE qualification. Use the PNW calculator form at the end of this application to compute each owner's PNW.
- (2) Check the appropriate box that indicates whether any trust has ever been created for the benefit of this disadvantaged owner. If you answered "Yes," briefly explain the nature, history, purpose, and current value of the trust(s).

Section 4: CONTROL

A. Identify your firm's Officers and Board of Directors:

- (1) In the space provided, state the name, title, date of appointment, ethnicity, and gender of each officer of your firm.
- (2) In the space provided, state the name, title, date of appointment, ethnicity, and gender of each individual serving on your firm's Board of Directors.
- (3) Check the appropriate box that indicates whether any of your firm's officers and/or directors listed above performs a management or supervisory function for any other business. If you answered "Yes," identify each person by name, his/her title, the name of the other business in which s/he is involved, and his/her function performed in that other business.
- (4) Check the appropriate box that indicates whether any of your firm's officers and/or directors listed above own or work for any other firm(s) that has a relationship with your firm. If you answered "Yes," identify the name of the firm, the officer or director, and the nature of his/her business relationship with that other firm.

B. Identify your firm's management personnel (by name, title, ethnicity, and gender) who control your firm in the following areas:

- (1) Making of financial decisions on your firm's behalf, including the acquisition of lines of credit, surety bonds, supplies, etc.;
- (2) Estimating and bidding, including calculation of cost estimates, bid preparation and submission;
- (3) Negotiating and contract execution, including participation in any of your firm's negotiations and executing contracts on your firm's behalf;
- (4) Hiring and/or firing of management personnel, including interviewing and conducting performance evaluations;
- (5) Field/Production operations supervision, including site supervision, scheduling, project management services, etc.;
- (6) Office management;
- (7) Marketing and sales;
- (8) Purchasing of major equipment;
- (9) Signing company checks (for any purpose); and
- (10) Conducting any other financial transactions on your firm's behalf not otherwise listed.
- (11) Check the appropriate box that indicates whether any of the persons listed in (1) through (10) above perform a management or supervisory function for any other business. If you answered "Yes," identify each person by name, his/her title, the name of the other business in which s/he is involved, and his/her function performed in that other business.

DBE UNIFORM CERTIFICATION APPLICATION SUPPORTING DOCUMENTS CHECKLIST

In order to complete your application for DBE certification, you must attach copies of all of the following documents as they apply to you and your firm.

- (12) Check the appropriate box that indicates whether any of the persons listed in (1) through (10) above own or work for any other firm(s) that has a relationship with your firm. If you answered "Yes," identify the name of the firm, the name of the person, and the nature of his/her business relationship with that other firm.
- C. Indicate your firm's inventory in the following categories:**
- (1) Equipment**
State the type, make and model, and current dollar value of each piece of equipment held and/or used by your firm. Indicate whether each piece is either owned or leased by your firm.
- (2) Vehicles**
State the type, make and model, and current dollar value of each motor vehicle held and/or used by your firm. Indicate whether each vehicle is either owned or leased by your firm.
- (3) Office Space**
State the street address of each office space held and/or used by your firm. Indicate whether your firm owns or leases the office space and the current dollar value of that property or its lease.
- (4) Storage Space**
State the street address of each storage space held and/or used by your firm. Indicate whether your firm owns or leases the storage space and the current dollar value of that property or its lease.
- D. Does your firm rely on any other firm for management functions or employee payroll?**
Check the appropriate box that indicates whether your firm relies on any other firm for management functions or for employee payroll. If you answered "Yes," briefly explain the nature of that reliance and the extent to which the other firm carries out such functions.
- E. Financial Information**
- (1) Banking Information
- (a) State the name of your firm's bank.
- (b) Give the main phone number of your firm's bank branch.
- (c) Give the address of your firm's bank branch.
- (2) Bonding Information
- (a) State your firm's Binder Number.
- (b) State the name of your firm's bond agent and/or broker.
- (c) Give your agent's/broker's phone number.
- (d) Give your agent's/broker's address.
- (e) State your firm's bonding limits (in dollars), specifying both the Aggregate and Project Limits.
- F. Identify all sources, amounts, and purposes of money loaned to your firm, including the names of persons or firms securing the loan, if other than the listed owner:**
State the name and address of each source, the original dollar amount and the current balance of each loan, and the purpose for which each loan was made to your firm.
- G. List all contributions or transfers of assets to/from your firm and to/from any of its owners over the past two years:**
Indicate in the spaces provided, the type of contribution or asset that was transferred, its current dollar value, the person or firm from whom it was transferred, the person or firm to whom it was transferred, the relationship between the two persons and/or firms, and the date of the transfer.
- H. List current licenses/permits held by any owner or employee of your firm.**
List the name of each person in your firm who holds a professional license or permit, the type of permit or license, the expiration date of the permit or license, and the license/permit number and issuing State of the license or permit.
- I. List the three largest contracts completed by your firm in the past three years, if any.**
List the name of each owner or contractor for each contract, the name and location of the projects under each contract, the type of work performed on each contract, and the dollar value of each contract.
- J. List the three largest active jobs on which your firm is currently working.**
For each active job listed, state the name of the prime contractor and the project number, the location, the type of work performed, the project start date, the anticipated completion date, and the dollar value of the contract.

AFFIDAVIT & SIGNATURE

Carefully read the attached affidavit in its entirety. Fill in the required information for each blank space, and sign and date the affidavit in the presence of a Notary Public, who must then notarize the form.

All Applicants

- Two documents for each owner claiming disadvantaged status that support U.S. Citizenship or permanent resident alien status; ethnicity and sex (*if applying as a female owned business*). Acceptable documents include birth certificate, passport, resident alien card and Native American Tribal Documents (some cases may allow for the submission of voter registration card or drivers license).
- Work experience resumes (that include places of ownership/employment with corresponding dates), for all owners and officers of your firm.
- * Personal Net Worth Statement for all owners claiming disadvantaged status (form included with this application).
- * Personal tax returns for the past three years for each owner claiming disadvantaged status.
- * Year-end balance sheets and income statements for the past three years (or life of firm, if less than three years); a new firm must provide a current balance sheet.
- * Your firms tax returns, including all related schedules, for the past three years.
- * Tax returns from any other business that is an *affiliate* of the applicant firm, for the past three years (or life of firm, if less than three years)

Affiliate: (1) The owner(s) of the applicant firm own, control or have the power to control 50% or more of the voting stock of another company; (2) the By-Laws of the applicant firm allow a stockholder with less than 50% of the voting stock (who also controls another company) to block any actions taken by other stockholders; (3) the owner(s) having control of the applicant firm have the ability to control another company through stock options, Articles of Incorporation, By-Laws, voting trusts, convertible debentures, agreements to merge or other third party agreements; (4) other individuals or firms have the ability to control the applicant company for the same reasons as listed in (3); (5) the applicant firm shares common Officers, Directors or key employees with any other business, such that either firm has the ability to control the Board of Directors and/or the management of the other; (6) the applicant firm is dependant upon another business for contracts, financial or other business assistance, or another business is likewise dependant on the applicant firm or (7) the owner(s) of the applicant firm have a family member who has a controlling interest in another business, and the two firms share employees, facilities, Officers, Directors owners or engage in inter-business transactions.

- Proof of capital contributed by each owner to substantiate ownership percentages (may include copies of canceled checks or other documents to substantiate stock purchase, various start-up costs, purchasing an existing business or equipment, etc.). *Expertise must be quantified, and have specific value to the business.*
- * Your firm's signed loan agreements, security agreements, and bonding forms.

- * Description of all real estate (office/storage space, etc.) owned or leased by your firm, together with proof of ownership or signed leases.
- * List of equipment leased, together with signed leasing agreements.
- * List of construction equipment and vehicles owned, together with titles or other proofs of ownership.
- * Documented proof of any transfers of assets to/from your firm and/or to/from any of its owners over the past two years.
- * All relevant licenses, license renewal forms, permits, and haul authority forms.
- * DBE, SBA 8(a) or SDB certifications, denials and de-certifications, if applicable.
- Bank authorization and signatory cards.
- * Schedule of salaries (or other compensation or remuneration) paid to all key employees, lead workers, officers, managers, owners, and/or directors of the firm.
- Trust agreements held by any owner claiming disadvantaged status, if any.
- * As required in Section 4, block "I," copies of the relevant pages from the two largest contracts executed during the past year, reflecting contract or project numbers, prices, scopes and signatures.
- Social security Number as it appears on Schedule C Tax Return for proprietorships and partnerships.

Note: Non-Florida firms must be DBE Certified by their home state Department of Transportation or UCP.

Partnership or Joint Venture

- Original and any amended Partnership or Joint Venture Agreements.

Corporation or LLC

- * "For Profit Corporation Uniform Business Reports" issued by the Secretary of State for the past three years, and/or a "Fictitious Name Certificate" (*required for all sole proprietorships and partnerships*).
- Articles of Incorporation and amendments (*signed by state official*).
- Both sides of all corporate stock certificates and the firm's stock transfer ledger.
- Shareholder Agreements.
- Minutes form all stockholder and Board of Directors meetings.
- Corporate By-Laws and amendments.
- Corporate bank resolutions and bank signature cards.
- For Limited Liability Corporations, the Certificate of Formation and Operating Agreement together with Amendments.

Trucking Company

- * Insurance agreements for each truck owned or operated by your firm.

- * Title(s) and registration certificate(s) for each truck owned or operated by your firm.
- * List of U.S. DOT numbers for each truck owned or operated by your firm.

Regular Dealer

- * Proof of warehouse ownership or lease.
- * List of product lines carried.
- List of distribution equipment owned and/or leased. *** If this application is for re-certification by the Florida Department of Transportation as a Disadvantaged Business Enterprise (DBE) you ONLY need to provide the documentation indicated by an asterisk (*) and any documentation supporting changes in ownership, control or independence**

Section 1: CERTIFICATION INFORMATION

A. Prior/Other Certifications

Is your firm currently certified for any of the following programs? <i>(If Yes, check appropriate box(es))</i>	<input type="checkbox"/> DBE	Name of certifying agency:
		Has your firm's state UCP conducted an on-site visit? <input type="checkbox"/> Yes, on ___/___/___ State: _____ <input type="checkbox"/> No
	<input type="checkbox"/> 8(a)	⊗ STOP! If you checked either the 8(a) or SDB box, you <u>may not</u> have to complete this application. Ask your state UCP about the streamlined application process under the SBA-DOT MOU.
	<input type="checkbox"/> SDB	

B. Prior/Other Applications and Privileges

Has your firm (under any name) or any of its owners, Board of Directors, officers or management personnel, ever withdrawn an application for any of the programs listed above, or ever been denied certification, decertified, or debarred or suspended or otherwise had bidding privileges denied or restricted by any state or local agency, or Federal entity? <input type="checkbox"/> Yes, on ___/___/___ <input type="checkbox"/> No If Yes, identify State and name of state, local, or Federal agency and explain the nature of the action: _____ _____

Section 2: GENERAL INFORMATION

A. Contact Information

(1) Contact person and Title:		(2) Legal name of firm:		
(3) Phone #:	(4) Other Phone #:	(5) Fax #:		
(6) E-mail:		(7) Website <i>(if have one)</i> :		
(8) Street address of firm <i>(No P.O. Box)</i> :		City:	County/Parish:	State: Zip:
(9) Mailing address of firm <i>(if different)</i> :		City:	County/Parish:	State: Zip:

A. Business Profile

(1) Describe the primary activities of your firm:	(2) Federal Tax ID (if any)
(3) This firm was established on ____ / ____ / ____	(4) I/We have owned this firm since: ____ / ____ / ____
(5) Method of acquisition (<i>check all that apply</i>): <input type="checkbox"/> Started new business <input type="checkbox"/> Bought existing business <input type="checkbox"/> Inherited business <input type="checkbox"/> Secured concession <input type="checkbox"/> Merger or consolidation <input type="checkbox"/> Other (<i>explain</i>) _____	
(6) Is your firm “for profit”? <input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> STOP! If your firm is NOT for-profit, then you do NOT qualify for this program and do NOT need to fill out this application.
(7) Type of firm (<i>check all that apply</i>): <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Limited Liability Partnership <input type="checkbox"/> Limited Liability Corporation <input type="checkbox"/> Joint Venture <input type="checkbox"/> Other, Describe: _____	
(8) Has your firm ever existed under different ownership, a different type of ownership, or a different name? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain: _____ _____	
(9) Number of employees: Full-time _____ Part-time _____ Total _____	
(10) Specify the gross receipts of the firm for the last 3 years: Year _____ Total receipts \$ _____ Year _____ Total receipts \$ _____ Year _____ Total receipts \$ _____	

C. Relationships with Other Businesses

(1) Is your firm co-located at any of its business locations, or does it share a telephone number, P.O. Box, office space, yard, warehouse, facilities, equipment, or office staff, with any other business, organization, or entity? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, identify: Other Firm’s name: _____ Explain nature of shared facilities: _____	
(2) At present, or at any time in the past, has your firm:	(a) been a subsidiary of any other firm? <input type="checkbox"/> Yes <input type="checkbox"/> No (b) consisted of a partnership in which one or more of the partners are other firms? <input type="checkbox"/> Yes <input type="checkbox"/> No (c) owned any percentage of any other firm? <input type="checkbox"/> Yes <input type="checkbox"/> No (d) had any subsidiaries? <input type="checkbox"/> Yes <input type="checkbox"/> No
(3) Has any other firm had an ownership interest in your firm at present or at any time in the past? No <input type="checkbox"/> Yes <input type="checkbox"/> No	

(4) If you answered "Yes" to any of the questions in (2)(a)-(d) and/or (3), identify the following for each (*attach extra sheets, if needed*):

	<u>Name</u>	<u>Address</u>	<u>Type of Business</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

D. Immediate Family Member Businesses

Do any of your immediate family members own or manage another company? Yes No

If Yes, then list (*attach extra sheets, if needed*):

	<u>Name</u>	<u>Relationship</u>	<u>Company</u>	<u>Type of Business</u>	<u>Own or Manage?</u>
1.	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____

Section 3: OWNERSHIP

Identify all individuals or holding companies with any ownership interest in your firm, providing the information requested below (*If more than five owners, attach separate sheets for each additional owner*):

[Owner # 1]

A. Background Information

(1) Name:	(2) Title:	(3) Home Phone #:
(4) Home Address (<i>street and number</i>):		City: State: Zip:
(5) Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	(6) Ethnic group membership (<i>Check all that apply</i>): <input type="checkbox"/> Black	
(7) U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Hispanic <input type="checkbox"/> Native American <input type="checkbox"/> Asian Pacific	
(8) Lawfully Admitted Permanent Resident: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Subcontinent Asian <input type="checkbox"/> Other (<i>specify</i>) _____	

B. Ownership Interest

(1) Number of years as owner:	(2) Initial investment to acquire ownership interest in firm:	Type	Dollar Value		
(3) Percentage owned:		Cash	<input type="checkbox"/> \$		
(4) Familial relationship to other owners:		Real Estate	<input type="checkbox"/> \$		
		Equipment	<input type="checkbox"/> \$		
		other	<input type="checkbox"/> \$		
(5) Shares of Stock:	<u>Number</u>	<u>Percentage</u>	<u>Class</u>	<u>Date acquired</u>	<u>Method Acquired</u>
	_____	_____	_____	_____	_____

(6) Does this owner perform a management or supervisory function for any other business? Yes No
 If Yes, identify: Name of Business: _____ Function/Title: _____

(7) Does this owner own or work for any other firm(s) that has a relationship with this firm (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)? Yes No
 If Yes, identify: Name of Business: _____ Function/Title: _____
 Nature of Business Relationship: _____

C. Disadvantaged Status – NOTE: Complete this section only for each owner applying for DBE qualification (i.e. for each owner claiming to be socially and economically disadvantaged)

(1) What is the Personal Net Worth (PNW) of the owner(s) applying for DBE qualification? (Use and attach the Personal Financial Statement form at the end of this application; attach additional sheets if more than one owner is applying)

(2) Has any trust been created for the benefit of this disadvantaged owner(s)? Yes No
 If Yes, explain (attach additional sheets if needed):

Section 3: OWNERSHIP
[Owner # 2]

A. Background Information

(1) Name:	(2) Title:	(3) Home Phone #:
(4) Home Address (street and number):		City: State: Zip:
(5) Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	(6) Ethnic group membership (Check all that apply): <input type="checkbox"/> Black	
(7) U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Hispanic <input type="checkbox"/> Native American <input type="checkbox"/> Asian Pacific	
(8) Lawfully Admitted Permanent Resident: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Subcontinent Asian <input type="checkbox"/> Other (specify) _____	

B. Ownership Interest

(1) Number of years as owner:	(2) Initial investment to acquire ownership interest in firm:	Type	Dollar Value
(3) Percentage owned:		Cash <input type="checkbox"/>	\$
(4) Familial relationship to other owners:		Real Estate <input type="checkbox"/>	\$
		Equipment <input type="checkbox"/>	\$
		Other <input type="checkbox"/>	\$
(5) Shares of Stock:	<u>Number</u>	<u>Percentage</u>	<u>Class</u>
	_____	_____	_____
		<u>Date acquired</u>	<u>Method Acquired</u>
		_____	_____
(6) Does this owner perform a management or supervisory function for any other business? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, identify: Name of Business: _____ Function/Title: _____			

(7) Does this owner own or work for any other firm(s) that has a relationship with this firm (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)? Yes No

If Yes, identify: Name of Business: _____ Function/Title: _____

Nature of Business Relationship: _____

C. Disadvantaged Status – NOTE: Complete this section only for each owner applying for DBE qualification (i.e. for each owner claiming to be socially and economically disadvantaged)

(1) What is the Personal Net Worth (PNW) of the owner(s) applying for DBE qualification? (Use and attach the Personal Financial Statement form at the end of this application; attach additional sheets if more than one owner is applying)

(2) Has any trust been created for the benefit of this disadvantaged owner(s)? Yes No

If Yes, explain (attach additional sheets if needed):

-

Section 3: OWNERSHIP
[Owner # 3]

A. Background Information

(1) Name:	(2) Title:	(3) Home Phone #:
(4) Home Address (street and number):		City: State: Zip:
(5) Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	(6) Ethnic group membership (Check all that apply): <input type="checkbox"/> Black	
(7) U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Hispanic <input type="checkbox"/> Native American <input type="checkbox"/> Asian Pacific	
(8) Lawfully Admitted Permanent Resident: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Subcontinent Asian <input type="checkbox"/> Other (specify) _____	

B. Ownership Interest

(1) Number of years as owner:	(2) Initial investment to acquire ownership interest in firm:	Type	Dollar Value		
(3) Percentage owned:		Cash	<input type="checkbox"/> \$		
(4) Familial relationship to other owners:		Real Estate	<input type="checkbox"/> \$		
		Equipment	<input type="checkbox"/> \$		
		Other	<input type="checkbox"/> \$		
(5) Shares of Stock:	<u>Number</u>	<u>Percentage</u>	<u>Class</u>	<u>Date acquired</u>	<u>Method Acquired</u>
	_____	_____	_____	_____	_____
(6) Does this owner perform a management or supervisory function for any other business? <input type="checkbox"/> Yes <input type="checkbox"/> No					
If Yes, identify: Name of Business: _____ Function/Title: _____					

(7) Does this owner own or work for any other firm(s) that has a relationship with this firm (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)? Yes No

If Yes, identify: Name of Business: _____ Function/Title: _____

Nature of Business Relationship: _____

C. Disadvantaged Status – NOTE: Complete this section only for each owner applying for DBE qualification (i.e. for each owner claiming to be socially and economically disadvantaged)

(1) What is the Personal Net Worth (PNW) of the owner(s) applying for DBE qualification? (Use and attach the Personal Financial Statement form at the end of this application; attach additional sheets if more than one owner is applying)

(2) Has any trust been created for the benefit of this disadvantaged owner(s)? Yes No
If Yes, explain (attach additional sheets if needed):

Section 3: OWNERSHIP
[Owner # 4]

A. Background Information

(1) Name:	(2) Title:	(3) Home Phone #:
(4) Home Address (street and number):		City: State: Zip:
(5) Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	(6) Ethnic group membership (Check all that apply): <input type="checkbox"/> Black	
(7) U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Hispanic <input type="checkbox"/> Native American <input type="checkbox"/> Asian Pacific	
(8) Lawfully Admitted Permanent Resident: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Subcontinent Asian <input type="checkbox"/> Other (specify) _____	

B. Ownership Interest

(1) Number of years as owner:	(2) Initial investment to acquire ownership interest in firm:	Type	Dollar Value		
(3) Percentage owned:		Cash	<input type="checkbox"/> \$		
(4) Familial relationship to other owners:		Real Estate	<input type="checkbox"/> \$		
		Equipment	<input type="checkbox"/> \$		
		Other	<input type="checkbox"/> \$		
(5) Shares of Stock:	<u>Number</u>	<u>Percentage</u>	<u>Class</u>	<u>Date acquired</u>	<u>Method Acquired</u>
	_____	_____	_____	_____	_____
(6) Does this owner perform a management or supervisory function for any other business? <input type="checkbox"/> Yes <input type="checkbox"/> No					
If Yes, identify: Name of Business: _____ Function/Title: _____					

(7) Does this owner own or work for any other firm(s) that has a relationship with this firm (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)? Yes No

If Yes, identify: Name of Business: _____ Function/Title: _____

Nature of Business Relationship: _____

C. Disadvantaged Status – NOTE: Complete this section only for each owner applying for DBE qualification (i.e. for each owner claiming to be socially and economically disadvantaged)

(1) What is the Personal Net Worth (PNW) of the owner(s) applying for DBE qualification? (Use and attach the Personal Financial Statement form at the end of this application; attach additional sheets if more than one owner is applying)

(2) Has any trust been created for the benefit of this disadvantaged owner(s)? Yes No
If Yes, explain (attach additional sheets if needed):

Section 3: OWNERSHIP
[Owner # 5]

A. Background Information

(1) Name:	(2) Title:	(3) Home Phone #:
(4) Home Address (street and number):		City: State: Zip:
(5) Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	(6) Ethnic group membership (Check all that apply): <input type="checkbox"/> Black	
(7) U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Hispanic <input type="checkbox"/> Native American <input type="checkbox"/> Asian Pacific	
(8) Lawfully Admitted Permanent Resident: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Subcontinent Asian <input type="checkbox"/> Other (specify) _____	

B. Ownership Interest

(1) Number of years as owner:	(2) Initial investment to acquire ownership interest in firm:	Type	Dollar Value		
(3) Percentage owned:		Cash <input type="checkbox"/>	\$		
(4) Familial relationship to other owners:		Real Estate <input type="checkbox"/>	\$		
		Equipment <input type="checkbox"/>	\$		
		Other <input type="checkbox"/>	\$		
(5) Shares of Stock:	<u>Number</u>	<u>Percentage</u>	<u>Class</u>	<u>Date acquired</u>	<u>Method Acquired</u>
	_____	_____	_____	_____	_____
(6) Does this owner perform a management or supervisory function for any other business? <input type="checkbox"/> Yes <input type="checkbox"/> No					
If Yes, identify: Name of Business: _____ Function/Title: _____					

(7) Does this owner own or work for any other firm(s) that has a relationship with this firm (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)? Yes No

If Yes, identify: Name of Business: _____ Function/Title: _____

Nature of Business Relationship: _____

C. Disadvantaged Status – NOTE: Complete this section only for each owner applying for DBE qualification (i.e. for each owner claiming to be socially and economically disadvantaged)

(1) What is the Personal Net Worth (PNW) of the owner(s) applying for DBE qualification? (Use and attach the Personal Financial Statement form at the end of this application; attach additional sheets if more than one owner is applying)

(2) Has any trust been created for the benefit of this disadvantaged owner(s)? Yes No

If Yes, explain (attach additional sheets if needed):

Section 4: CONTROL

A. Identify your firm’s Officers & Board of Directors (If additional space is required, attach a separate sheet):

	Name	Title	Date Appointed	Ethnicity	Gender
(1) Officers of the Company	(a)				
	(b)				
	(c)				
	(d)				
	(e)				
(2) Board of Directors	(a)				
	(b)				
	(c)				
	(d)				
	(e)				

(3) Do any of the persons listed in (1) and/or (2) above perform a management or supervisory function for any other business? Yes No

If Yes, identify for each: Person: _____ Title: _____

Business: _____ Function: _____

(4) Do any of the persons listed (1) and/or (2) above own or work for any other firm(s) that has a relationship with this firm (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)? Yes No

If Yes, identify for each: Firm Name: _____ Person: _____

Nature of Business Relationship: _____

B. Identify your firm's management personnel who control your firm in the following areas (*If more than two persons, attach a separate sheet*):

	Name	Title	Ethnicity	Gender
(1) Financial Decisions <i>(responsibility for acquisition of lines of credit, surety bonding, supplies, etc.)</i>	a.			
	b.			
(2) Estimating and bidding	a.			
	b.			
(3) Negotiating and Contract Execution	a.			
	b.			
(4) Hiring/firing of management personnel	a.			
	b.			
(5) Field/Production Operations Supervisor	a.			
	b.			
(6) Office management	a.			
	b.			
(7) Marketing/Sales	a.			
	b.			
(8) Purchasing of major equipment	a.			
	b.			
(9) Authorized to Sign Company Checks (for any purpose)	a.			
	b.			
(10) Authorized to make Financial Transactions	a.			
	b.			
(11) Do any of the persons listed in (1) through (10) above perform a management or supervisory function for any other business? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, identify for each: Person: _____ Title: _____ Business: _____ Function: _____				
(12) Do any of the persons listed in (1) through (10) above own or work for any other firm(s) that has a relationship with this firm (<i>e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.</i>)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, identify for each: Firm Name: _____ Person: _____ Nature of Business Relationship: _____				

C. Indicate your firm's inventory in the following categories (*attach additional sheets if needed*):

(1) Equipment

Type of Equipment	Make/Model	Current Value	Owned or Leased?
(a)			
(b)			
(c)			

(2) Vehicles

Type of Vehicle	Make/Model	Current Value	Owned or Leased?
(a)			

(b)			
(c)			

3) Office Space

Street Address	Owned or Leased?	Current Value of Property or Lease
(a)		
(b)		

(4) Storage Space

Street Address	Owned or Leased?	Current Value of Property or Lease
(a)		
(b)		

D. Does your firm rely on any other firm for management functions or employee payroll? Yes No

If Yes, explain: _____

E. Financial Information

(1) Banking Information:
 (a) Name of bank: _____ (b) Phone No: () _____
 (c) Address of bank: _____ City: _____ State: _____ Zip: _____

(2) Bonding Information: If you have bonding capacity, identify: (a) Binder No: _____
 (b) Name of agent/broker _____ (c) Phone No: () _____
 (d) Address of agent/broker: _____ City: _____ State: _____ Zip: _____
 (e) Bonding limit: Aggregate limit \$ _____ Project limit \$ _____

F. Identify all sources, amounts, and purposes of money loaned to your firm, including the names of any persons or firms securing the loan, if other than the listed owner:

Name of Source	Address of Source	Name of Person Securing the Loan	Original Amount	Current Balance	Purpose of Loan
1.					
2.					
3.					

G. List all contributions or transfers of assets to/from your firm and to/from any of its owners over the past two years (attach additional sheets if needed):

Contribution/Asset	Dollar Value	From Whom Transferred	To Whom Transferred	Relationship	Date of Transfer
--------------------	--------------	-----------------------	---------------------	--------------	------------------

1.					
2.					
3.					

H. List current licenses/permits held by any owner and/or employee of your firm (e.g. contractor, engineer, architect, etc.) (attach additional sheets if needed):

Name of License/Permit Holder	Type of License/Permit	Expiration Date	License Number and State
1.			
2.			
3.			

I. List the three largest contracts completed by your firm in the past three years, if any:

Name of Owner/Contractor	Name/Location of Project	Type of Work Performed	Dollar Value of Contract
1.			
2.			
3.			

J. List the three largest active jobs on which your firm is currently working:

Name of Prime Contractor and Project Number	Location of Project	Type of Work	Project Start Date	Anticipated Completion Date	Dollar Value of Contract
1.					
2.					
3.					

AFFIDAVIT OF CERTIFICATION

This form must be signed and notarized for each owner upon which disadvantaged status is relied.

A MATERIAL OR FALSE STATEMENT OR OMISSION MADE IN CONNECTION WITH THIS APPLICATION IS SUFFICIENT CAUSE FOR DENIAL OF CERTIFICATION, REVOCATION OF A PRIOR APPROVAL, INITIATION OF SUSPENSION OR DEBARMENT PROCEEDINGS, AND MAY SUBJECT THE PERSON AND/OR ENTITY MAKING THE FALSE STATEMENT TO ANY AND ALL CIVIL AND CRIMINAL PEALTIES AVAILABLE PURSUANT TO APPLICABLE FEDERAL AND STATE LAW.

I _____ (full name printed), swear or affirm under penalty of

law that I am _____ (title) of

_____ (firm name) and that I have read and understood all of the questions in this application and that all of the foregoing information and statements submitted in this application and its attachments and supporting documents are true and correct to the best of my knowledge, and that all responses to the questions are full and complete, omitting no material information. The responses include all material information necessary to fully and accurately identify and explain the operations, capabilities, and pertinent history of the named firm as well as the ownership, control, and affiliations thereof.

I recognize that the information submitted in this application is for the purpose of inducing certification approval by a government agency. I understand that a government agency may, by means it deems appropriate, determine the accuracy and truth of the statements in the application, and I authorize such agency to contact any entity named in the application, and the named firm's bonding companies, banking institutions, credit agencies, contractors, clients, and other certifying agencies for the purpose of verifying the information supplied and determining the named firm's eligibility.

I agree to submit to government audit, examination and review of books, records, documents and files, in whatever form they exist, of the named firm and its affiliates, inspection of its places(s) of business and equipment, and to permit interviews of its principals, agents, and employees. I understand that refusal to permit such inquiries shall be grounds for denial of certification.

If awarded a contract or subcontract, I agree to promptly and directly provide the prime contractor, if any, and the Department, recipient agency, or federal funding agency on an ongoing basis, current, complete and accurate information regarding (1) work performed on the project; (2) payments; and (3) proposed changes, if any, to the foregoing arrangements.

I agree to provide written notice to the recipient agency or Unified Certification Program (UCP) of any material change in the information contained in the original application within 30 calendar days of such change (e.g., ownership, address, telephone number, etc.).

I acknowledge and agree that any misrepresentations in this application or in records pertaining to a contract or subcontract will be grounds for terminating any contract or subcontract which may be awarded; denial or revocation of certification; suspension and debarment; and for

initiating action under federal and/or state law concerning false statement, fraud or other applicable offenses.

I certify that I am a socially and economically disadvantaged individual who is an owner of the above-referenced firm seeking certification as a Disadvantaged Business Enterprise (DBE). In support of my application, I certify that I am a member of one of the following groups, and that I have held myself out as a member of the group(s) (circle all that apply):

- Female Black American Hispanic American Native American
- Asian-Pacific American Subcontinent Asian American
- Other (specify)_____

I certify that I am socially disadvantaged because I have been subjected to racial or ethnic prejudice or cultural bias, or have suffered the effects of discrimination, because of my identity as a member of one or more of the groups identified above, without regard to my individual qualities.

I further certify that my personal net worth does not exceed \$750,000, and that my ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same or similar line of business who are not socially and economically disadvantaged.

I declare, under penalty of perjury, that the information provided in this application and supporting documents relating to my disadvantaged status and me is true and correct.

Signature: _____ Date: _____

NOTARY CERTIFICATE:

STATE OF FLORIDA

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this ____ day of _____ 20____ by

(name of person making statement)

(Signature of Notary Public-State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known _____ OR Produced Identification. _____
Type of Identification Produced _____

Completing Personal Net Worth Statement

(These Statements Are Not Subject To Public Disclosure)

All owners claiming disadvantaged status are reminded that, as requested with the DBE Application, each such owner MUST support their Personal Net Worth Statement by providing complete copies (all schedules) of their last three Federal Individual Income Tax Returns (1040) filed with the Internal Revenue Service.

A Personal Net Worth form **must** be completed by all owners claiming disadvantaged status.

You **must** complete all asset and liability sections (1 through 12) and transfer the totals from each section to the **Net Worth Summary Page**. For any section where no asset or liability exists, you may indicate “*Not Applicable*,” and enter zero(s) on the summary pages. If you require more space in any section, attach additional sheets, and reference the appropriate section number and heading.

If any asset or liability is jointly held, you, the disadvantaged individual, need only reflect the value of your share.

SECTION 1: CASH ON HAND & IN BANKS

This is the total amount of your cash on hand, which includes funds deposited in financial institutions, both U.S. and Foreign. This includes, but is not limited to funds accumulated in savings accounts, checking accounts, certificates of deposit and money market accounts.

NAME OF FINANCIAL INSTITUTION	ACCOUNT TYPE	OWNERSHIP %	AMOUNT
CASH			

TOTAL CASH (Summary Line 1): \$ _____

SECTION 2: IRA OR OTHER RETIREMENT ACCOUNTS

Individual and other retirement accounts include any fund representing an IRA, an employer/employee funded program such as a 401K or any other retirement plan. This includes the individual and employer contributions made to the plan.

NAME OF COMPANY OR INSTITUTION HOLDER	CURRENT VALUE

TOTAL RETIREMENT ACCOUNTS (Summary Line 2) \$ _____

SECTION 3: LIFE INSURANCE, CASH SURRENDER VALUE ONLY

The cash surrender value of any life insurance policies you own. Indicate any loans against the policies.

COMPANY NAME	CASH VALUE	LOAN AMOUNT

TOTAL CASH VALUE (Summary Line 3) \$ _____

TOTAL LOANS OUTSTANDING (Summary Line 13) \$ _____

SECTION 4: STOCKS, BONDS, AND OTHER SECURITIES

List the value of your investment in stocks, bonds, securities, and any other investments not covered in previous sections.

TRUSTEE OR BROKERAGE ACCOUNT	OWNERSHIP %	MARKET VALUE

TOTAL STOCKS, BONDS, & SECURITIES (Summary Line 4) \$ _____

SECTION 5: INVESTMENT VALUE OF OTHER BUSINESSES

If you own at least 5% of another business, you have a qualifying investment. You must provide information on the current market value of your ownership interest in the business(es). Use the most recent financial statement to determine the value of your investment in the business(es).

NAME OF OTHER BUSINESS	CURRENT VALUE OF YOUR OWNERSHIP

TOTAL VALUE OF OWNERSHIP (Summary Line 5) \$ _____

SECTION 6: REAL ESTATE

Excluding your primary residence, all other residential and business property at current market value. This includes, but is not limited to, rental homes, condos, beach homes, and second homes as investments, personal property leased or rented for business purposes, farm properties or any other income producing land or property. List any first and second mortgages against this real estate. (Describe on a separate sheet)

MORTGAGEE	TYPE OF USE	OWNERSHIP %	PROPERTY VALUE	MORTGAGE BALANCE

TOTAL REAL ESTATE (Summary Line 6) \$ _____

MORTGAGE LOAN(S) (transfer total to line 14 summary) \$ _____

SECTION 7: PERSONAL VEHICLES

List all personal autos, trucks, boats, and recreational vehicles owned at current market value. Include personally owned vehicles that are leased or rented to businesses or other individuals. Include any loan balances against these personal vehicles.

YEAR AND DESCRIPTION	OWNERSHIP %	CURRENT VALUE	NOTE BALANCE

TOTAL VALUE (transfer to line of 7 summary) \$ _____

TOTAL LOAN BALANCE (Summary Line 12) \$ _____

SECTION 8: OTHER PERSONAL PROPERTY

Includes personal property items such as household goods, computers, electronic equipment, jewelry, antiques and collections, etc. at current market value. You must retain your compilation, but you need only provide the total below. Calculate only the value of your share of ownership. For example, if the total value is \$100, and your share is one-half, you would list \$50 as the Total.

TOTAL OTHER PERSONAL PROPERTY (Summary Line 8) \$ _____

SECTION 9: OTHER ASSETS

The market value of any other assets you own that do not fit into one of the foregoing sections.

DESCRIPTION OF ASSETS	VALUE

TOTAL OTHER ASSETS (Summary Line 9) \$ _____

SECTION 10: ACCOUNTS PAYABLE

Includes credit card debt and store accounts not associated with the applicant firm, and other accounts payable by you personally. Do not include payables listed in other sections.

DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT

TOTAL ACCOUNTS PAYABLE (Summary Line 10) \$ _____

SECTION 11: NOTES PAYABLE

Include the current balances of any personal loans that are not reflected elsewhere in this document and other personal debt guaranteed by your signature. Shareholder loans must be in the form of a written agreement, with defined interest and a repayment schedule.

DESCRIPTION OF LOAN	AMOUNT

--	--

TOTAL NOTES PAYABLE (Summary Line 11) \$ _____

SECTION 12 UNPAID TAXES			
Include your portion of any obligation for unpaid taxes, i.e. Federal, state, or county property assessments.			

DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT

TOTAL UNPAID TAXES (Summary Line 15) \$ _____

SECTION 13: OTHER LIABILITIES	
Include your share of any liability not previously accounted for in this statement. DO NOT include contingent or deferred liabilities.	

DESCRIPTION	AMOUNT

TOTAL OTHER LIABILITIES (Summary Line 16) \$ _____

A. Has the owner transferred any assets to the spouse or another individual, or established trust accounts within the past two years? Yes No *(If Yes, provide a statement describing the items transferred and market cost. Provide a copy of written documents applicable.)*

**FLORIDA UNIFORM CERTIFICATION PROGRAM
PERSONAL NET WORTH STATEMENT SUMMARY PAGE**

ASSETS	DOLLAR VALUE
1. Cash (Total Section 1)	\$ _____
2. Retirement Accounts (Total Section 2)	_____
3. Life Insurance (Total Section 3)	_____
4. Stocks, Bonds, and Other Securities (Total Section 4)	_____
5. Value of Other Business (es) (Total Section 5)	_____
6. Real Estate (Total Section 6)	_____
7. Personal Vehicles (Total Section 7)	_____
8. Other Personal Property (Total Section 8)	_____

9. Other Assets (Total Section 9) _____
TOTAL ASSETS \$ _____

LIABILITIES **DOLLAR VALUE**

10. Accounts Payable (Total Section 10) \$ _____

11. Notes Payable (Total Section 11) _____

12. Notes on Personal Vehicles (Total Section 7) _____

13. Loan on Life Insurance (Total Section 3) _____

14. Mortgages on Real Estate (Total Section 6) _____

15. Unpaid Taxes (Total from Section 12) _____

16. Other Liabilities (Total Section 13) _____

TOTAL LIABILITIES \$ _____

NET WORTH (Total Assets Minus Total Liabilities) \$ _____

NOTE: The following pages contain a required addendum for DBE Certification by the



Florida Department of Transportation.

**--ADDENDUM--
CODE SHEET**

The Florida Department of Transportation will grant certification to a firm for specific types of work in which the socially and economically disadvantaged owner(s) have the ability to control the firm. Circle no more than ten (10) SPECIALTY CODES.

	<u>SPECIALTY CODE</u>	<u>NAICS CODE</u>
CONSTRUCTION		
I. ASPHALT PAVING		
Roadway (includes 300, 310, 311, 320, 330, 331, 332, 333, 335, 337) 234110		3XX
Application of prime and tack coats, leveling surfaces and wearing courses		
Miscellaneous Asphalt Pavement 235710		339
Construction of asphalt pavement in areas which will not be subjected to vehicular traffic such as pavement under guardrail bicycle paths, medians, sidewalks, etc.		
Asphalt Concrete Curb 234110		525
Construction of an asphaltic concrete curb on a previously laid pavement.		
II. BUILDINGS - CONSTRUCTION/MODIFICATION		
Toll & Service Plaza Facilities 233320		735
Construction or modification of administrative buildings and associated structures.		
Storage Facility, Building Addition 233320		750
Construction or modification of storage facilities, additions to buildings and associated structures.		
Office Building, Shop/Warehouse 233320		770
Construction or modification of office buildings, shops/warehouses, and associated structures.		
Plumbing 235110		PLM
Furnishing and installing plumbing in all types of buildings.		
Electrical Wiring 235310		ELW
Furnishing and installing electrical wiring in all types of buildings.		
Heating and Air Conditioning 235110		HAC
Furnishing and installing heating and air conditioning in all types of buildings.		
Installation of Tile 235430		TIL
Furnishing and installing tile in all types of buildings.		
III. CONCRETE - MISCELLANEOUS		
Concrete Gutter, Curb Elements, & Traffic Separators 235710		520
Construction of portland cement concrete curb and gutter, concrete Traffic separator valley gutter, special concrete gutter, and other types of concrete curb.		
Concrete Barrier Wall 235710		521
Construction concrete barrier walls for highway construction.		
Concrete Sidewalk 235710		522
Construction of concrete sidewalk.		
Concrete Ditch & Slope Pavement. 235710		524
Construction of concrete pavement in drainage ditches and on roadway slopes.		
Pipe Handrail Furnishing, erecting, and painting pipe handrail. 234110		515

IV.	DRAINAGE		
	Inlets, Manholes & Junction Boxes		425
	234110	Construction of inlets, manholes, junction boxes, shoulder gutter inlets and yard drains of reinforced concrete, or of brick masonry if circular and constructed in place. Includes the necessary metal frames and gates.	
	Pipe Culverts & Storm Sewers		430
	234990	Furnishing and Installing drainage pipes and mitered end sections, and furnishing and construction of such joints and connections of existing pipes, catch basins, inlets, manholes, walls, etc.	
	Structural Plate Pipe & Pipe Arch Culverts		435
	234990	Construction of structural plate pipe and pipe-arch-culverts including construction of a trench and foundation, laying pipe, and backfilling.	
	Underdrains		440
	234990	Construction of underdrains including excavating a trench, laying pipe, placing filter material and backfilling.	
V.	EARTHWORK		
	Clearing & Grubbing		110
	234110	Removal and disposal of all trees and other protruding objects, buildings, structures existing pavement, and other facilities necessary to prepare the area for construction and the removal and disposal of all debris which is not required to be salvaged or not required to complete the construction.	
		<u>SPECIALTY CODE</u>	<u>NAICS CODE</u>
	Excavation & Grading (Includes 120 & 125)		12X
	234110	Preparation of subgrades and foundation, the construction of embankments, and other use of disposal of materials excavated and the compaction and dressing of excavated areas and embankments; excavation for bridge foundations, box culverts, pipe culverts, storm sewers, and all other pipe lines, retaining walls, headwalls for pipe culverts and drains, catch casins, drop inlets, manholes and similar structures.	
VI.	EROSION CONTROL		
	Temporary Erosion Control		104
	562910	Construction and maintenance of temporary erosion control features, or where practical, permanent features on the project so as to prevent erosion and water pollution. May include temporary grassing temporary sodding, temporary mulching, sandbagging, slope drains, sediment basins, artificial coverings, berms, baled hay or straw, floating slit barrier and staked slit barrier.	
	Plastic Filter Blanket		514
	562910	Installation of a plastic filter blander for permanent erosion control.	
	Riprap		530
		Construction of riprap, composed of sand and cement, concrete block	
		235990	
VII.	FENCING	Furnishing and erecting metal fence.	550
	235990		
VIII.	GUARDRAIL	(Includes 536, 538) Construction of metal guardrail on posts of concrete,	
	53x	234110	
		timber, steel, or aluminum, as specified; removing & resetting existing rails.	
IX.	LANDSCAPING/GRASSING		
	Muck Blanket & Topsoil		162
	561730	Preparation of a layer of select material favorable to plant growth,	

	over areas to be grassed, grassed and mulched, or sodde		
	Grassing 561730	Establishing a stand of grass by seeding, fertilizing, and mulching as required, and maintaining the grassed area until the project is completed.	570
	Sodding 561730	Furnishing and placing of grass sod, and fertilizing, watering and maintaining the sodded areas to assure a health stand of grass.	575
	Landscaping 561730	Planting of trees and shrubs as specified.	580
	Irrigation Systems 561730	Furnishing and installing underground and/or above ground irrigation systems.	590
X.	PAINTING		
	Shop, Field and Maintenance Painting of Structural Steel 235210	Surface preparation and the application of paints to structural steel surfaces in the shop or in the field, and includes drying and protection of painted surfaces and protection of property and traffic.	560
	Bridge Painting (Includes 561, 562) 235210	Preparing the surface and applying inorganic zinc paint coating materials; preparing the surface and applying zinc paint coating over welded areas of galvanized steel.	56X
XI.	STEEL		
	Reinforcing Steel 235910	Furnishing and placing reinforcing steel in concrete and masonry Structures	415
	Structural Steel 235910	Furnishing, preparing, fabricating, assembling, erecting, and painting structural steel, shear connectors, casting and forgings, plates and bolts, and certain special metals for structure.	460
XII.	TRAFFIC CONTROL		
	Maintenance of Traffic 235990	Furnishing, installing and maintaining traffic control and safety devices (including barrier, warning devices, temporary striping) during construction; construction and maintenance of detours; control of dust.	102
	Traffic Signals 235310	Furnishing and installing all equipment and materials used in the construction of traffic signal installations.	60X
	Highway Signing 234110	Furnishing and erecting aluminum or steel roadway signs, with supporting posts or columns.	700
	Highway Delineators 235210	Furnishing and installing reflectorized delineators, with supporting posts.	705
	Reflective Pavement Markers 235210	Furnishing and installing reflectorized pavement markers and removing pavement markers.	706
	Painting Traffic Stripes 235210	Painting reflectorized traffic stripes and markings (other than thermoplastic)	710
		<u>SPECIALTY CODE</u>	<u>NAICS CODE</u>

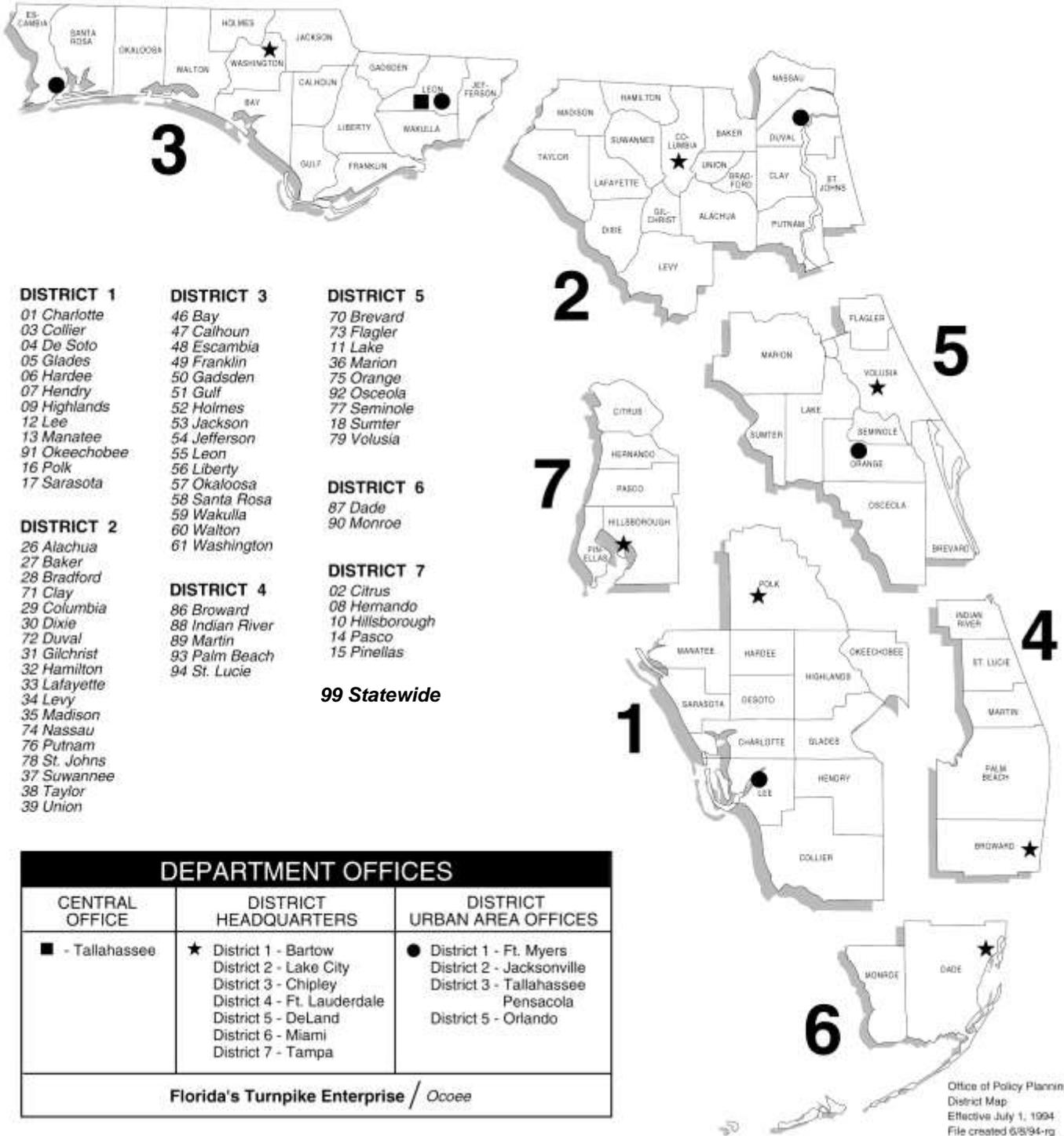
	Thermoplastic Traffic Stripes and Markings 235210	711
	Placing thermoplastic traffic stripes and markings.	
	Highway Lightning Systems 235310	715
	Installation of a highway lighting system, including light poles, bases, luminaries, ballasts, pull boxes, cable, conduit, substations, expansion joints, protective devices, transformers, and control devices.	
XIII.	TRUCKING Hauling materials to or from construction site and heavy hauling. 484220	TRK
XIV	MISCELLANEOUS	
	Pile Driving 234990	455
	Furnishing, driving, cutting-off and splicing of piling (wood, concrete, steel or composite concrete and steel).	
	Timber Structures 234990	470
	Furnishing and erecting timber into various structures.	
	Navigation Lights 235310	510
	Furnishing and installing a navigation light system, including wiring, conduit, transformers, enclosures, grounding systems, controls, protective devices, lights, etc.	
	Underground Utility 234910	15X/16X
	Work normally done by utility companies (i.e. installation, removal, relocation of water, electric, telephone, etc., utilities).	
	Tree Trimming 561730	MA1
	Mowing 561730	MA2
XV.	MISCELLANEOUS CONSTRUCTION SERVICES (welding, machine shops, rentals, & NEC) 235990	190
XVI.	MATERIALS SUPPLY	220
	Wholesale 421's	
	Must meet definition of "Regular Dealer" as defined in Rule 14.78, Florida Administrative Code and 49 CFR Part 26.	
	Retail 44's, 45's.	
<u>PROFESSIONAL SERVICES</u>		
XVII.	CONSULTANTS (by type of service) 54's	300
XVIII.	ARCHITECTURAL SERVICES	306
	541310	
	LANDSCAPE ARCHITECTURAL SERVICES	311
	541320	
XIX.	LAND SURVEYING AND MAPPING SERVICES	946
	541370	
XX.	ENGINEERING AND SUPPORT SERVICES	
	Civil Engineering Services	941
	541330	
	Electrical Engineering Services	942
	541330	
	Geotechnical Engineering Services	943
	541330	
	Mechanical Engineering Services	
	945 541330	
	Laboratory Testing Services	944
	541380	
	CADD Services	947
	541340	

	Diving Services For Bridge Inspections 561990	948
	Traffic Data Services 541690	949
XXI.	ENVIRONMENTAL SERVICES	
	Environmental Consulting Services 541620	950
	Asbestos Surveys and Abatement Services 562910	951
	Energy Consultant Services 541690	952
	Hazardous Waste Services 562112	953
	Mitigation Services 562910	954
XXII.	MANAGEMENT AND FINANCIAL SERVICES	
	Accounting and Auditing 541211	961
	Data Processing Consultant 5415's	962
	Economic Consultant Services 541690	963
	Education Consultant 611710	964
	Financial Services 541611	965
	Legal Services 541110	966
	Personnel Services 541612	967
	Public Relations Services 541820	968
	Employment Agencies 561310/20	983
	Training Services 611340	969

	<u>SPECIALTY CODE</u>
	<u>NAICS CODE</u>
XXIII. RIGHT OF WAY SERVICES	
Abstract and Title Services	971
541191	
Appraisal Services	972
531320	
Acquisition Services	974
531210	
Aerial Photography Service	975
541922	
Relocation Related Services	976
531390	
Property Management Services	977
531311/12	
XXIV. MISCELLANEOUS BUSINESS SERVICES	
Travel Agencies	981
561510	
Reprographics	982
561439	
Security Guard Services	984
561612	
Archeology Services	985
541960	
Fiber Optics	986
235310	
Janitorial/Cleaning Services	988
561720	
Other Business Services(NEC)	980
541618	
Lawn Care Services	987
561730	

If you circled specialty code 220, Regular Dealer, you must meet the following definition: A regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business.

Florida Department of Transportation Districts



LIST THE NUMBER FOR EACH COUNTY IN WHICH YOUR FIRM IS AVAILABLE TO PERFORM WORK. COUNTY NUMBERS PROVIDED ABOVE.