



# **Pinellas Suncoast Transit Authority**

## **PSTA's DBE Program Plan FY25 – FY27 Goal Setting Methodology**

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## **List of Abbreviations**

<b>Abbreviations</b>	<b>Definitions</b>
CEO	Chief Operating Officer
CFR	Code of Federal Regulations
CS-01	Cover Sheet
DBE	Disadvantage Business Enterprise
DBELO	Disadvantage Business Enterprise Liaison Officer
DOT	Department of Transportation
EEO	Equal Employment Opportunity
EIN	Employer Identification Number
FDOT	Florida Department of Transportation
FFY	Federal Fiscal Year
FTA	Federal Transit Administration
GFE	Good Faith Effort
HCAA	Hillsborough County Aviation Authority
ICE	Independent Cost Estimate
IFB	Invitation for Bids
ISTEA	Intermodal Surface Transportation Efficiency Act
MBDP	Minority Bank Deposit Program
NAICS	North American Industry Classification System
NDI	National Disability Institute
OEPP	Open Ended Performance Plan
PO	Purchase Order
PSTA	Pinellas Suncoast Transit Authority
RFP	Request for Proposals
SBE	Small Business Enterprise
SOW	Scope of Work
TBD	To Be Determined
TVM	Transit Vehicle Manufacturers
UCP	Unified Certification Program

# Introduction

The Pinellas Suncoast Transit Authority (PSTA) has established a Disadvantage Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), Title 49 CFR Part 26. As a recipient of Federal financial assistance from the DOT, and as a condition of receiving this assistance, PSTA is committed to carrying out all requirements. This 2025 DBE Program Plan and Methodology reflects changes implemented on April 9, 2024, by DOT on Title 49 CFR Part 26.

It is the policy of PSTA to ensure that DBEs defined in 49 CFR Part 26 have an equal opportunity to receive and participate in DOT-assisted contracts. The objectives of the DBE Program include:

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

PSTA will implement its DBE Program in good faith and shall not permit the use of race or gender conscious quotas or set asides in its administration. All federally funded contracts and procurements are administered without discrimination based on race, color, sex, or national origin, and that DBEs have an equal opportunity to compete for and participate in the performance of all federally funded agreements, contracts, and subcontracts awarded by PSTA.

PSTA's Chief Executive Officer (CEO) is responsible for adherence to this DBE Program and has overall responsibility for directing development and implementation of this Program. The CEO has designated Margarita (Maggie) Soto as the DBE Liaison Officer (DBELO). The DBELO will be responsible for developing, implementing, and monitoring the DBE Program. It is the expectation of PSTA's Board of Directors and CEO that the provisions of this DBE Program will be adhered to both in the spirit and letter by PSTA personnel. This Policy will be circulated to PSTA employees and made available to the public. In addition, PSTA will distribute this statement to DBE and non-DBE communities and business organizations. Distribution will be accomplished through electronic posting on the PSTA website, other Tampa Bay Area Small Business sites, and direct notification to DBE firms.

This DBE Program is intended to implement the federal requirements pertaining to the DBE Program, including, but not limited to, 49 CFR Part 26 as amended. In the event of any inconsistencies between the terms of the PSTA DBE Program and the terms of 49 CFR Part 26 as amended; the latter will prevail.

Signed by:  
  
BB975E87FE1D484...

Feb 25, 2025

Chief Executive OfficerDate

## SUBPART A – GENERAL REQUIREMENTS

### Objectives §26.1

The objectives are found in the policy statement of the first page of this updated program plan. This program reflects changes, including but not limited to, the new rule provisions on prompt payment, monitoring, counting DBE participation, reporting, bidders list collection, and program definitions.

### Applicability §26.3

Pinellas Suncoast Transit Authority (PSTA) is the recipient of federal transit funds authorized by Titles I, III, V, and VI of the Intermodal Surface Transportation Efficiency Act (ISTEA), Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, II, and V of the Transportation Equity Act (TEA-21), Pub. L. 105-178.

### Definitions §26.5

PSTA will adopt the definitions contained in Title 49/Subtitle A/Part 26/Section 26.5 for this program. PSTA will (1) ensure that all definitions from the regulations are included and correct; (2) add and include any new/amended definitions as they are provided by the U.S. (DOT); and (3) will not use any definitions of terms not included in the definitions found in Part 26/Section 26.5.

### Non-discrimination Requirements §26.7

PSTA 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 based on race, color, sex, or national origin.

In administering its DBE program, PSTA 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.

### Record Keeping Requirements §26.11

#### Record Keeping Requirements

As required, PSTA will continue to report DBE participation using the Uniform Report of DBE Awards/ Commitments and Payments as provided at the required intervals. We will also submit the new Data Entry Form - Certified DBE Contractors Used On FTA Assisted Contracts by TBD each year once this procedure has been implemented by FTA (*see Attachments 9 and 10*).

#### Bidders List

PSTA will obtain a list of bidders for all DBE and non-DBE firms that bid or quote on federally assisted contracts. This information will serve as a general outlook of the type of businesses seeking work on PSTA projects and will contain the firm name, address, DBE or non-DBE status, race and gender information for the majority owner, NAICS code applicable to each scope of work to be performed on the bid, age of firm, and annual gross receipts. As part of new DOT requirements, this data will be requested on any bids or initial responses to negotiated procurements. The information will be entered into the DOT's designated system by December 1 of the following fiscal year in which the relevant contract was awarded.

For design-build contracts, where subcontractors will be solicited throughout the length of the contract as defined in the DBE Open Ended Performance Plan, this information will be reported by December 1 of the following fiscal year in which the subcontract was awarded .

### **Federal Financial Assistance Agreement §26.13**

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

#### **Assurances**

PSTA 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 in [49 CFR part 26](#). The recipient shall take all necessary and reasonable steps under [49 CFR part 26](#) to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE program, as required by [49 CFR part 26](#) and as approved by DOT, is incorporated by reference in this agreement. The implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under [49 CFR part 26](#) and may, in appropriate cases, refer the matter for enforcement under [18 U.S.C. 1001](#) and/or the Program Fraud Civil Remedies Act of 1986 ([31 U.S.C. 3801](#) et seq.).

This language is to be used verbatim, as it is stated in §26.13(a).

#### **Contract Assurance**

Each contract PSTA signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance

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

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

This language is to be used verbatim, as it is stated in §26.13(b).

## **SUBPART B – ADMINISTRATIVE REQUIREMENTS FOR DBE PROGRAMS**

### **The DBE Program and New Tier Designation §26.21 – 26.23**

PSTA must follow all DOT provisions as an FTA Tier 1 recipient receiving planning, capital and/or operating assistance awarding more than \$670,000 annually in federal transit funds. Requirements to this part include:

1. Reporting and recordkeeping
2. Contract assurances
3. Policy statement
4. Fostering small business participation
5. Transit vehicle procurements

PSTA will submit a DBE Program Plan with new updates based on DOT's final rule by March 1, 2025, or within the timeline designated by the FTA. We will continue to carry out our DBE Program until all funds from DOT financial assistance have been expended.

PSTA will issue a signed and dated policy statement that expresses our commitment to the DBE program, outlining its objectives and responsibilities for its implementation. This statement along with the DBE Program Plan will be circulated throughout PSTA and to the DBE and non-DBE business communities that perform work on our DOT-assisted contracts.

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

PSTA has designated the following individual as PSTA's DBE Liaison Officer

Margarita (Maggie) Soto  
Pinellas Suncoast Transit Authority  
3201 Scherer Drive  
St. Petersburg, FL 33716  
Office: (727) 540-1962  
E-Mail: msoto@psta.net

In that capacity, the DBELO is responsible for developing, implementing, and monitoring all aspects of the DBE program and ensuring that PSTA complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to Bradford Miller, Chief Executive Officer of PSTA, concerning DBE program matters. An organization chart displaying the DBELO's position is found in Attachment 1 to this program.

#### **DBELO Duties and Responsibilities**

1. Gathers and reports statistical data and other information as required by FTA, including:
  - a. The Uniform Report of DBE Commitments/Awards and Payments
  - b. Data Entry Report - Certified DBE Contractors Used on FTA Assisted Contracts
  - c. Triennial Review Documentation and Reporting
2. Analyzes and identifies ways to improve the annual DBE Goal projection and provides an executive summary to the CEO on PSTA's progress.
3. Advises the CEO and PSTA Board of Directors on DBE matters and achievements.
4. Works with all departments to set overall triennial goals.



5. Evaluates third party contracts and purchase requisitions for compliance with the DBE Program including contract modifications and task orders via the Review and Approval process.
6. Reviews solicitations and procurements utilizing the Scope of Work (SOW) and Independent Cost Estimate (ICE) to include DBE goals, when applicable, using both race-neutral and race conscious methods.
7. Assists procurement team in identifying DBEs for solicitations using North American Industry Classification System (NAICS) codes and the Florida Unified Certification Program (UCP) directory.
8. Ensures that bid notices including pre-bid meetings and requests for proposals are provided to DBEs in a timely manner to promote DBE participation.
9. Participates in pre-bid meetings by reviewing Exhibit G – DBE Provisions, program requirements, and offeror obligations.
10. Plans and leads DBE training workshops for Bonfire and DemandStar on viewing and submitting solicitations, and training on PSTA's Vendor Compliance System, B2Gnow.
11. Attends events throughout the Tampa Bay area to provide outreach to DBEs, SBEs, and community vendors regarding upcoming PSTA projects.
12. Documents legal notices in response to 49 CFR Part 26 publication requirements that may impact the DBE Program.

### **The Chief Executive Officer (CEO)**

The CEO designates the DBELO, grants to that DBELO direct, independent access to him or her concerning DBE matters and ensures the DBELO has sufficient resources to implement the DBE program in compliance with the provisions of 49 CFR Part 26.

### **The General Counsel**

1. Addresses small business matters relating to procurement and the implementation of the DBE program.
2. Renders legal opinions regarding the interpretation of DBE solicitation and contract provisions.
3. Advises the DBELO or his/her designees and the CEO regarding imposition of administrative sanctions against contractors that fail to comply with DBE requirements.
4. Represents PSTA in all legal actions involving DBE issues.

### **Shared Responsibility**

The following PSTA departments have a shared responsibility to achieve PSTA's goals and ensure compliance with the DBE Program.

### **The Procurement Staff**

1. Reviews with DBELO upcoming Invitation for Bids (IFBs), Request for Proposals (RFPs), and Purchase Orders (POs) to determine DBE participation.
2. Sends DBELO copies of the Scope Of Work and Independent Cost Estimate on projects for assigning DBE provisions (Exhibit G) and development of DBE goals, as applicable.

3. Incorporates, under the direction of the DBELO, DBE goals and compliance language into solicitations.
4. Notifies the DBELO of any changes or challenges to IFBs, RFPs, and POs.
5. Informs the DBELO of pre-bid, pre-proposal, and pre-construction conferences.
6. Calls for DBELO or staff member participation on bid and proposal evaluation, negotiation, and committee meetings.
7. Forwards copies of bids and proposals to the DBELO for evaluation of responsiveness or responsibility to DBE requirements.
8. Participates in outreach programs, including vendor fairs, and forwards requests on how to do business with PSTA to the DBE program.

### **Other Support Personnel**

PSTA personnel from other departments share the responsibility for ensuring the effective implementation of the DBE Program. They are expected to give their full cooperation and active support to the DBELO in this effort. The following are the support personnel and examples of their respective responsibilities.

### **Project Managers**

1. Develop a working knowledge of the DBE Program Plan, its practices, and procedures including race neutral and race conscious methods of achieving DBE participation.
2. Notify the DBELO in a timely manner of their project's pre-proposal or pre-bid conferences and "kick-off" meetings.
3. Assist the DBELO in monitoring DBE firms, by making sure records and reports are prepared and submitted in accordance with the terms of the contract.
4. Promptly identify and refer to the DBELO potential DBE utilization problems.

### **Risk Management**

1. Provides periodic reports on industry insurance and bonding standards and requirements to the DBELO. Provides information about insurance and bonding trends relevant to DBE firms for the coming year, if available, to the DBELO.
2. Participates with the DBELO and with legal counsel in the structuring of bonding and insurance requirements and standards in individual contracting actions to create a level playing field and participation by DBE firms wherever possible.

### **DBE Financial Institutions §26.27**

PSTA encourages contractors to use the services of minority and women owned financial institutions identified in the U.S. Department of the Treasury, Financial Management Services Division, Minority Bank Deposit Program (MBDP). The availability of such institutions can be obtained at the U.S. Department of Treasury website [Fiscal Treasury](#) participating banks link. PSTA will re-evaluate the availability of DBE financial institutions every triennial. For more information, see Section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA), Preserving Minority Depository Institutions.

### **Prompt Payment Documentation and Reporting §26.29**

As part of PSTA's compliance measures, the following clause is included in each DOT-assisted contract:

*The Contractor agrees to pay each subcontractor under the prime contract for satisfactory performance of its contract no later than ten (10) calendar days from receipt of each payment the Contractor receives from PSTA. The Contractor agrees to return retainage payments to each subcontractor within ten (10) calendar days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced period may occur only for good cause following written approval by PSTA. This language applies to both DBE and non-DBE subcontracts. Failure to satisfy prompt payment to subcontractors no later than ten (10) calendar days from the receipt of payment from PSTA may constitute a breach of contract and may result in termination of the Contractor for default or such remedy as the Authority may deem appropriate.*

*The Contractor and any subcontractors shall report and verify prompt payment through the Authority's Vendor Compliance System, B2Gnow. The Contractor and all subcontractors are responsible for responding by any noted response date or due date to any instructions or request for information, and to check the Vendor Compliance System on a regular basis to manage contract information and contract records.*

*As provided elsewhere in this contract, the Authority may withhold all or part of any payment otherwise due the Contractor if the Contractor fails to respond to the Authority by noted response dates and/or make prompt payments to its subcontractors, suppliers, materialmen, or laborers.*

### **Uniform Certification Program Directory §26.31**

PSTA is required to participate in the Florida Uniform Certification Program (UCP). A complete listing of eligible DBE firms certified in the State of Florida is provided by the Florida Department of Transportation (FDOT). The Florida statewide DBE directory can be found at [FL UCP](#) under the Equal Opportunity Office (EEO).

### **Overconcentration §26.33**

PSTA has not identified overconcentration in work performed by DBEs. If overconcentration is identified, PSTA will device appropriate measures to address this over-concentration and obtain FTA approval before any action is initiated. Once approved, these measures will become part of PSTA's DBE Program.

### **Monitoring and Enforcement Mechanisms §26.37**

PSTA will perform the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.37 by all program participants.

#### **Monitoring Mechanisms:**

1. PSTA will keep a running tally that provides for a frequent comparison of cumulative DBE awards/commitments to DOT-assisted prime contract awards. This will help PSTA determine whether the current implementation of contract goals is projected to be sufficient to meet our annual DBE goal.
2. We will measure prompt payments to all subcontractors relative to the progress of work and payments relative to prime and work progress.

3. Throughout the fiscal year, we will monitor the current contract awards and for credit percentages plus the previous year's full fiscal year totals to determine our DBE goal progress.
4. The DBELO's signature will be required on Review and Approval Forms for contract modifications or task orders. When applicable, a subcontractor's name will be included in modification and task order analysis documents to ensure compliance with prompt payment provisions. Payments will be entered into PSTA's Vendor Compliance System, B2Gnow, on the corresponding audit.

#### **Enforcement Mechanisms:**

1. PSTA will bring to the attention of the DOT any firm that does not meet the eligibility criteria of subpart D of this part and that attempts to participate in a DOT-assisted program as a DBE on the basis of false, fraudulent, or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty. DOT may initiate suspension or debarment proceedings against such firm under 2 CFR parts 180 and 1200.
2. Consider similar action under our own legal authorities, including responsibility determinations in future contracts.
3. Require and maintain on file the Intent to Perform as a DBE Subcontractor form for each proposed DBE subcontractor. This form constitutes a representation by the offeror to the Authority that it believes such a firm is ready, willing, and able to perform the work indicated.
4. Verify that work committed to DBEs at contract award is performed by DBEs and require prime contractors to maintain records and documents of payments to DBEs for three years following the completion of the contract. These records will be made available for inspection upon request by any authorized representative of PSTA or DOT. This reporting requirement is also extended to any certified DBE subcontractor.
5. Perform monthly audits of contract payments to DBEs via its Vendor Compliance System, B2Gnow, to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation. PSTA will also use its Vendor Compliance System to verify prompt payment requirements.

#### **Fostering Small Business Participation §26.39**

PSTA will structure contracting requirements to facilitate participation of small businesses in its projects and procurements as part of our DBE Program. Our good faith efforts include:

- Taking reasonable steps to eliminate obstacles by removing unnecessary bundling of contract requirements and facilitating competition among small businesses.
- Express to prime contractors on projects without a DBE goal to provide subcontracting opportunities to small businesses, including DBEs, rather than self-performing all the work involved.
- Advertise upcoming projects on other SBE sites to expand small business participation.
- Provide various forms of meeting platforms such as virtual and in person, to increase participation of small businesses on pre-bid meetings, project walkthroughs, and review of solicitation requirements.

- Implement the new Open Ended Performance Plan (OEPP) on design-build contracts to meet DBE goals on anticipated work throughout the length of the project (*see Attachment 13*).

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

### **Set asides or Quotas §26.43**

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

### **Setting Overall Goals §26.45**

A description of the methodology used to determine PSTA's overall goal, can be found in *Attachment 2* to this program. PSTA will submit its overall goal to the FTA by August 1, 2025, in accordance with the triennial reporting deadline, unless advised otherwise. Subject to program approval, PSTA will implement its DBE Program Plan and Methodology by October 1, 2025. If changes and/or updates are made by the FTA to this Program Plan, PSTA will act upon said changes, update, and resubmit its DBE Program Plan to conform to the FTA changes.

A public notice announcing PSTA's proposed DBE Program Plan and Methodology will be made before August 1, 2025, submission deadline. The program plan will be available for review during normal business hours at PSTA's principal office, on PSTA's website, plus other social media. PSTA will accept comments for 30 days following the date of said notice (*see Attachment 3*). A community meeting with a question-and-answer session will also be held by June of the current year. This consultation process will be documented as part of our goal submission and summarize comments from the public and PSTA's response. PSTA will begin using its overall goal and implement its DBE Program Plan by October 1 of the current year and throughout this triennial period once it has received approval by the FTA.

### **Accountability**

If the percentage of total dollars reported on PSTA's Semi-Annual Report results in a lower overall goal for that fiscal year, PSTA will:

1. Analyze in detail the causes for the difference between the overall goal and the actual commitments/awards amount.
2. Establish specific steps to correct issues identified in the analysis
3. Prepare and file a summary of a short-fall analysis report to be made available to the FTA upon request.

### **Transit Vehicle Manufacturers Goals §26.49**

PSTA will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, PSTA 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.

### **Race-Neutral & Race-Conscious Participation §26.51**

PSTA will meet its maximum feasible portion of its overall goals using race-neutral means. Our DBE triennial goal will remain at 5.00% with 3.00% race-neutral and 2.00% race conscious participation.

The following measures will be used to meet our race-neutral overall goal:

1. Sending Legal – Web Notices for bid solicitations with the project name, contract officer information, and links to our solicitation portals in Bonfire and DemandStar (see *Attachment 3*).
2. Adding DBEs and small businesses to Procurement contact lists on projects with possible subcontract opportunities.
3. Providing registration instructions to the Bonfire and DemandStar modules to enable automatic notifications based on NAICS / Commodity Codes.
4. Making the Statement of Work (SOW), the Independent Cost Estimate (ICE), and other project information readily available to facilitate DBE and other small business participation.
5. Having virtual and in person pre-bid solicitations.

### **Contract Goals**

PSTA has established a 2.00% race-conscious goal on federally assisted contracts with subcontracting possibilities. Once approved, goals are presented as part of the corresponding solicitation. Contract goals are calculated separately per project and will be based on:

- Consultations with the project manager and contracting officer to identify DBE opportunities
- Using the SOW and ICE to determine NAICS codes and costs per work element
- Identifying ready, willing, and able DBEs and non-DBE firms to calculate the DBE weighted average.

During pre-bid meetings, PSTA's DBE Program Provisions, the DBE goal, and required documentation will be presented. As part of our compliance efforts, separate data on DBE achievements will be maintained and reported to the FTA via the Uniform Report of DBE Commitments/Awards and Payments and the Data Entry Form – Certified DBE Contractors on FTA Assisted Contracts (see *Attachments 9 and 10*).

### **Good Faith Efforts Procedures §26.53(a, c, d)**

In the event any offeror is unable to meet a DBE goal, a Good Faith Efforts (GFE) Form (see *Attachment 7*) must be submitted when the initial response to PSTA's solicitation is due. Failure to submit the GFE form or a facsimile with a bid may render the bid non-responsive. PSTA may require that the bidder/offeror provide additional substantiation of good faith efforts. as part of its bid submission.

### **DBE Termination §26.53(f)**

Prime contractors must obtain prior written consent before terminating a DBE or any portion of its work. The prime contractor must give notice in writing to the DBE with a copy provided to the DBELO simultaneously. In addition, a prime contractor's written notice to terminate a DBE must provide the DBE with five days to respond. Contractors must make a good faith effort to replace a terminated DBE with another certified DBE to the extent needed to meet the contract goal. Copies of any new or amended agreements with subcontracts must be provided to PSTA within three days of execution.

PSTA requires the prime to submit documentation of their good faith efforts if the subcontractor to be substituted is not a DBE. If the prime contractor fails or refuses to comply by providing good faith effort documentation, PSTA may take the following actions:



*PSTA's contracting officer may issue an order stopping all or part of payment or work until satisfactory action has been taken. If the prime contractor still fails to comply, the contracting officer may issue a termination for default proceeding.*

In addition to post-award terminations, the provisions of this section apply to pre-award deletions or changes to DBEs or their listed work put forward by offerors in negotiated procurements.

### **Administrative Reconsideration**

A bidder/offeror may request administrative reconsideration within ten working days of being informed by PSTA that it is not responsive due to an insufficient Good Faith Effort. Bidder/offerors should make this request in writing to the following Reconsideration Official:

Brad Miller, Chief Executive Officer  
Pinellas Suncoast Transit Authority  
3201 Scherer Drive, St. Petersburg, FL 33716  
(727) 540-1807  
e-mail: [bmiller@psta.net](mailto:bmiller@psta.net).

The Reconsideration Official will not have played a role in the original determination that the bidder/offeror did not document sufficient good faith efforts. As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with PSTA's Reconsideration Official. PSTA will send the bidder/offeror a written decision on the reconsideration within 10 days of its decision.

## PROPOSED OVERALL DBE GOAL \$26.45

### The final proposed overall DBE goal for FFY 2025 – 2027 will remain at 5.00%

PSTA will use the following measures to meet its overall goal of 3.00% race-neutral plus 2.00% race-conscious participation by:

- Sending copies of Legal – Web Notices of upcoming solicitations to small businesses and DBEs identified by NAICS codes as having the work element in connection to a project.
- Providing registration instructions to the Bonfire and DemandStar PSTA solicitation modules.
- Having pre-bid solicitations virtually and in person to accommodate small businesses.
- Making the Statement of Work (SOW), the Independent Cost Estimate (ICE), and other documents readily available for review.

The methodology for PSTA's Overall DBE Goal can be found in *Attachment 2*.

### Counting DBE Participation

DBE participation toward overall and contract goals will reflect the value of the work performed only by the DBE as provided in 49 CFR 26.55. Under the new DOT Final Rule, we will make a preliminary counting determination for each DBE listed as a regular dealer or a distributor based on written responses on the DBE Regular Dealer/Distributor Affirmation Form (*see Attachment 8*).

## SUBPART D – CERTIFICATION STANDARDS AND PROCEDURES

### Certification Standards

**PSTA is a non-certifying member of the Unified Certification Program (UCP) in Florida.** The local certifying agency is the Hillsborough County Aviation Authority (HCAA) located at Tampa International Airport. PSTA will use the DBE directory administered by the Florida Department of Transportation listing on the [FL UCP DBE Directory](#) to verify DBE certification.

Firms wanting to apply for DBE certification can go directly to the DBE Certification Portal at

Hillsborough County Aviation Authority - Tampa International Airport  
DBE Policies and Procedures  
4100 George J. Bean Parkway  
Tampa, FL 33607

<https://tampaaairport.diversitycompliance.com/>

### Certification Appeals

Any firm or complainant may appeal against a Florida UCP decision matter to the Department of Transportation. Such appeals may be sent to:



U.S. Department of Transportation  
 Departmental Office of Civil Rights  
 External Policy & Program Development Division  
 1200 New Jersey Ave, SE – Room W76-101  
 Washington, DC 20590

PSTA will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for PSTA's DOT-assisted contracting.

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

### **Information, Confidentiality, Cooperation §26.109**

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

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

### **Monitoring Payments to DBEs §26.29**

PSTA 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 PSTA or DOT. This reporting requirement also extends to any certified DBE subcontractor.

As part of its DBE program, PSTA has established the following mechanism to ensure prompt payment in accordance with 49 CFR 26.29:

*The Contractor agrees to pay each subcontractor under the prime contract for satisfactory performance of its contract no later than ten (10) calendar days from receipt of each payment the Contractor receives from PSTA. The Contractor agrees to return retainage payments to each subcontractor within ten (10) calendar days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above-mentioned period may occur only for good cause following written approval of PSTA. This language applies to both DBE and non-DBE subcontracts. Failure to satisfy prompt payment to subcontractors no later than ten (10) calendar days from the receipt of payment from PSTA may constitute a breach of contract and may result in termination of the Contractor for default or such remedy as the Authority may deem appropriate.*

*The Contractor and any subcontractors shall report and verify prompt payment through the Authority's Vendor Compliance System, B2Gnow. The Contractor and all subcontractors are responsible for responding by any noted response date or due date to any instructions or request for information, and to check the Vendor Compliance System on a regular basis to manage contract information and contract records.*

*As provided elsewhere in this contract, the Authority may withhold all or part of any payment otherwise due the Contractor if the Contractor fails to respond to the*

*Authority by noted response dates and/or make prompt payments to its subcontractors, suppliers, materialmen or laborers.*

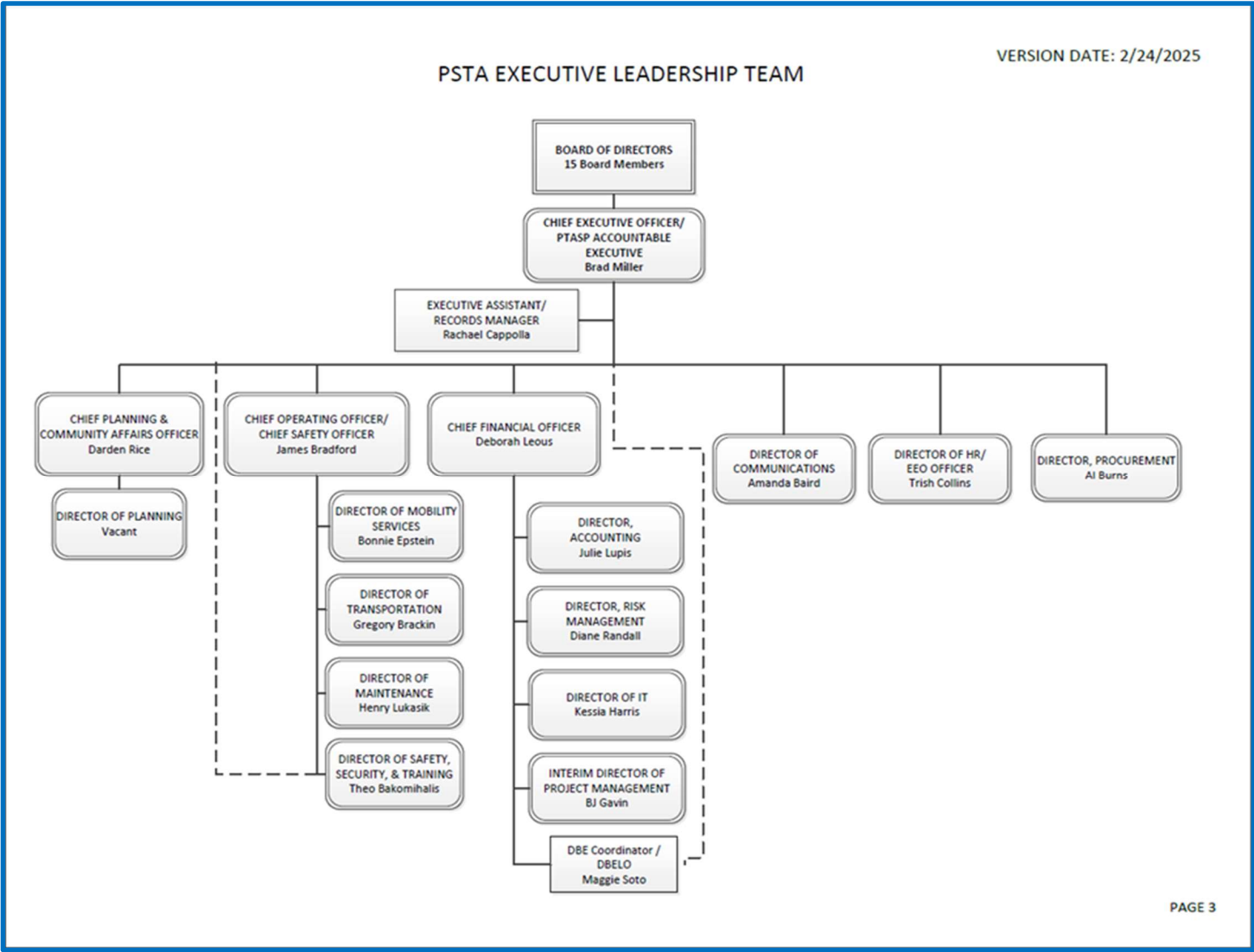
Subcontractor payments will be monitored monthly via PSTA's Vendor Compliance System, B2Gnow. If a subcontractor reports a discrepancy, the prime contractor will have five workdays from receipt of a Subcontractor Payment Discrepancy report to review the information, concur with the findings, or dispute and submit any applicable files for review to the Compliance Officer.

The Compliance Officer will mark the discrepancy as either resolved or pending further action and may request further documentation, a meeting between all parties or both. If no resolution is possible, the DBELO will be informed for assistance.

## **Attachments**

<b>Attachment 1</b>	<b>Organization Chart</b>
<b>Attachment 2</b>	<b>Overall Goal Methodology</b>
<b>Attachment 3</b>	<b>Legal – Web Notices for Bid Solicitations</b>
<b>Attachment 4</b>	<b>PSTA's Proposed DBE Program Plan and Methodology</b>
<b>Attachment 5</b>	<b>Outreach Efforts</b>
<b>Attachment 6</b>	<b>Outreach Efforts</b>
<b>Attachment 7</b>	<b>DRAFT Exhibit G with New Rule Updates</b>
<b>Attachment 8</b>	<b>DBE Good Faith Efforts (GFE) Documentation Form</b>
<b>Attachment 9</b>	<b>DBE Regular Dealer/Distributor Affirmation Form</b>
<b>Attachment 10</b>	<b>Uniform Report of DBE Commitments/Awards and Payments</b>
<b>Attachment 11</b>	<b>Data Entry Form – Certified DBE Contractors on FTA Assisted Contracts</b>
<b>Attachment 12</b>	<b>Contract Compliance Audit Process</b>

ATTACHMENT 1 -- ORGANIZATION CHART



## ATTACHMENT 2 -- OVERALL GOAL CALCULATIONS

### PSTA's DBE Overall Goal Methodology

PSTA's DBE overall goal methodology is based on the following three factors.

1. Base figure for the relative availability of ready, willing, and able DBEs. §26.45
  - a. Counting the number of certified DBEs in District 7  
Citrus, Hernando, Hillsborough, Pasco, and Pinellas Counties
  - b. Counting the number of non-DBEs performing the same scope of work as identified by NAICS codes.
  - c. Relative availability amount – number of DBEs/Non-DBE firms  
**232 / 8084 = 2.87%**
2. Upcoming and/or ongoing projects for FY25 – FY27. Adjustments to PSTA's overall DBE goal will be considered as project specific goals are formalized.

<b>Projects FY 2025-2027</b>	<b>Projected Costs</b>	<b>Projected DBE Goal</b>
ADA Travel Training	\$ 146,088	0.00
Clearwater Transit Center	\$ 42,399,451	12.00
Employee Education	\$ 60,000	0.00
Major Component Replacement	\$ 4,500,000	TBD
Replacement Buses	\$ 51,371,328	TBD
Shelters	\$ 450,000	0.00
Solar	\$ 4,300,000	TBD
Transit Infrastructure Construction	\$ 1,500,000	16.67
Van Pool	\$ 1,500,000.00	0.00
Website Rebuild	\$ 300,000	0.00

<b>Projects 2025</b>	<b>Projected Costs</b>	<b>Current DBE Goals</b>
AOPP - South St. Pete	\$ 200,000	23.94
Community Bus Plan	\$ 80,000	30.00
New Sunrunner Station	\$ 1,017,225	11.82
St. Pete Pier Tran & PSTA En-route	\$ 1,766,279	TBD

**TOTALS      94.43 / 15 = 6.30**

3. Unforeseen economic changes - the District 7 DBE and small business communities were severely impacted by weather during the last two years resulting in loss and lower participation rate.

Based on the relative availability of DBEs and the projected DBE participation on projects for the next triennial, it is PSTA's intent to continue its commitment of an Overall Goal of 5.00% with possible yearly adjustments which will be presented to the FTA for review and approval.

## ATTACHMENT 3 -- PUBLIC NOTICE



# PUBLIC NOTICE

## DISADVANTAGE BUSINESS ENTERPRISES

Pinellas Suncoast Transit Authority (PSTA) has established a Disadvantaged Business (DBE) Program in accordance with regulations of the Federal Transit Administration (FTA), 49 CFR Part 26.

PSTA is proposing an overall goal of 5.00% for DBE participation in FTA-assisted contracts for FY2025 - FY2027.

PSTA welcomes comments and suggestions regarding its DBE Program. These comments and suggestions should be mailed to:

DBE Liaison Officer  
Pinellas Suncoast Transit Authority  
3201 Scherer Drive  
St. Petersburg FL 33716

Or

Regional Civil Rights Officer  
Federal Transit Administration, Region IV  
230 Peachtree Street  
Atlanta, GA 30303

PSTA will accept comments for 30 days from the date of this notice. The DBE Program, proposed overall goal, and its rationale, are available for public inspection on PSTA's website at: [www.PSTA.net](http://www.PSTA.net) or during regular business hours, Monday through Friday, 8:30 a.m. to 4:00 p.m., at the address above. For an appointment, please call (727) 540-1800.

Pinellas Suncoast Transit Authority  
3201 Scherer Drive • St. Petersburg, FL 33716 • Telephone 770-540-1800



## ATTACHMENT 5 -- OUTREACH EFFORTS

PSTA has actively participated and contributed to various events throughout the county providing information on our DBE Program, project opportunities, instruction on registering for our solicitation platforms, Bonfire and DemandStar, plus question-and-answer periods.

### 2023 Events:

1. FDOT SBE & DBE Winter Expo February 22 - [Winter Expo Attendees](#)
2. Third Annual Women's Wednesday for Small Businesses March 15 - [Participant List](#)
3. Coffee and Contractors March 24 - [One on One](#)
4. Hillsborough County Open Door April 13 - [Outreach Event Attendance](#)
5. Hispanic Small Business Conference September 21 (forum)
6. St. Pete Supplier Diversity Day October 4 - [Vendors](#)
7. Rental Airport Car Outreach Day October 10
8. Pinellas County Reverse Trade Show October 13 - [PSTA Match Maker List](#)
9. Small and Diverse Business Symposium /Opportunity Exchange October 27 - [Contact List](#)
10. Pinellas Manufacturing Summit November 7 – [Forum](#)
11. National Disability Institute (NDI) Small Business National Convening December 31 – November 2 - [Forum](#)

### 2024 Events:

1. VIRTUAL Loan Mobilization Workshop February 7 – [Loan Workshop Series](#)
2. FDOT DBE & SBE Winter Expo February 21 – [Contact List](#)
3. Beyond our Disabilities Celebrating Black Disabled Entrepreneurs February 28 - [Panelists](#)
4. How to Become a Seller on the Amazon Business Online Store March 8 - [Flyer](#)
5. DOT Women's Matchmaking Event March 12 VIRTUAL – [Participant List](#)
6. Hands on Doing Business with Hillsborough County - Supplier Training April 4 - [Workshop](#)
7. Open Doors – Hillsborough April 24 – [Flyer and Vendors](#)
8. National Small Business Week Celebration Greenhouse St. Pete April 30 – [Site Visits](#)
9. Office of Supply and Demand Bus Tour June 28 – [Registration](#)
10. CANCELLED Build St. Pete at The Coliseum Office of Supplier Diversity August 6
11. HART Pathways to Business Expo August 15 - [Pathways](#)
12. Empower Your Enterprise Event Office of Supplier Diversity St. Pete August 16 - [Empower](#)
13. Hispanic Entrepreneurship - A Finance Fiesta September 19 - [Forum](#)
14. POSTPONED - 2024 Pinellas County Annual Reverse Tradeshow October 11
15. POSTPONED - 2024 Office of Supplier Diversity October 15



ATTACHMENT 6 -- DRAFT EXHIBIT G WITH NEW RULE UPDATES

PINELLAS SUNCOAST TRANSIT AUTHORITY (PSTA)  
ST. PETERSBURG, FLORIDA

EXHIBIT G  
DISADVANTAGED BUSINESS ENTERPRISE PROVISIONS  
(FEDERALLY ASSISTED CONTRACT WITH A DBE GOAL)

PSTA's FY23, FY24, FY25 DBE Goal is 5 %.  
PSTA HAS ESTABLISHED A XX% DBE GOAL ON THIS CONTRACT.  
For assistance or with questions concerning the provisions in this Exhibit ONLY, contact Margarita Soto, DBE Coordinator at MSoto@psta.net.

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ATTACHMENT 1 TO EXHIBIT G ..... ##

ATTACHMENT 2 TO EXHIBIT G ..... ##

1. Definitions and Interpretations
- The Authority will utilize the following definitions to identify Disadvantaged Business Enterprise (DBE) Program eligibility standards. The definitions defined in 49 CFR Part 26 are hereby incorporated by reference.
2. Banks and Financial Institutions
- The Contractor, as defined in Exhibit K to this solicitation, is encouraged to utilize the services of disadvantaged, minority and woman-owned banks and financial institutions.
3. Certification and Directory of DBEs
- (a) All prospective DBEs must be certified through the Florida Unified Certification Program (UCP). The UCP provides "one-stop shopping" to applicants for DBE certification. An applicant need only apply once for a DBE certification, and it will be honored by all UCP members in Florida. PSTA is a member of the Florida UCP.
- (b) The DBE firm will be verified as a certified DBE through the Florida UCP electronic directory. The directory is located at [UCP DBE Directory](#). The local certifying UCP agency is the Hillsborough County Aviation Authority (HCAA) located at Tampa International Airport. Appropriate forms to apply for DBE certification are available at [Business Diversity Management System](#)
- (c) The eligibility of a DBE certified joint venture will be determined on a project-by-project basis by PSTA.
- (d) Offerors are reminded that only certified DBEs may participate in Authority contracts in such capacities. If offerors propose using a DBE not currently certified, it is strongly urged that HCAA be contacted well in advance of the date set for receipt of offers in order to enable review of the proposed DBE's eligibility.



#### 4. Credit Toward Goals

The Authority will count DBE participation toward the overall contract goal as provided in 49 CFR Section 26.55. Preliminary counting determination for each DBE listed as a regular dealer or distributor will be based upon the DBE's written responses to relevant questions and affirmation on the DBE Regular Dealer/Distribution Form. If the materials or supplies are purchased from a DBE regular dealer, 60% of the cost of the materials or supplies will count towards the goal; for a DBE a distributor, 40% will be counted towards the DBE goal.

#### 5. DBE Modifications or Substitutions

This provision applies to all modifications and substitutions under this contract. The Contractor will be required to comply with this provision to the extent needed to achieve the DBE goals agreed to at the time of contract award.

(a) If the Contractor wishes to terminate or substitute a DBE subcontractor listed as fulfilling its contract goal and then performs the work of the terminated DBE subcontractor with its own forces, an affiliate, a non-DBE subcontractor or with another DBE subcontractor, it must submit written documentation prior to the termination or substitution of the DBE subcontractor to the Contracting Officer, identified in Exhibit CS-01 to this solicitation. This will include any changes to items of work, material, services, or DBE firms that differ from those identified on the Intent to Perform as a DBE Subcontractor form(s) on file with the Contracting Officer. The offeror/Contractor must provide any and all documentation and information as may be requested with respect to the requested change.

(b) The offeror's/Contractor's documentation shall include the specific reasons for the proposed change. Specific reasons that are acceptable include but are not limited to: the DBE was not able to perform; the DBE was unable to produce acceptable work; and/or the DBE has submitted an unreasonable escalation in price. In the case of a DBE subcontractor being substituted by another DBE subcontractor, the Contractor should include the name, address, certification number and principal office of the proposed DBE firm. After providing an opportunity to the DBE liaison to make a recommendation, the Contracting Officer will approve or disapprove the change.

(c) If the change involves a subcontractor substitution, the offeror/Contractor must make a good faith effort to replace one DBE with another DBE. The substitute DBE firm must be certified by the Florida UCP in order for the offeror/Contractor to receive credit toward fulfilling its DBE participation goal for the contract. In the event that the offeror/Contractor is unable to contract with another DBE firm, good faith effort documentation must be provided to the Contracting Officer describing the unsuccessful attempts to locate a substitute DBE. In all situations, the Contractor may not terminate or substitute a DBE subcontractor without the prior written consent of the Contracting Officer.

(d) The offeror/Contractor must submit a new Intent to Perform as a DBE Subcontractor form for the substitute DBE firm(s) with the request for change, to verify that the new DBE firm(s) is certified by the Florida UCP. The Contracting Officer shall notify the offeror/Contractor in writing of his/her decision as expeditiously as possible. If the contract has been awarded and the Contracting Officer approves the proposed substitution in writing, the Contractor shall provide a copy of the executed subcontract agreement with the proposed DBE firm to the Contracting Officer within ten (10) business days of its receipt of the substitution approval.

(e) If the change involves a modification, the Contractor must submit, if applicable, the Intent to Perform as a DBE Subcontractor form specified for contract modifications for any DBE subcontractor affected by this change. This form may be obtained from the Contracting Officer.

(f) If the Contractor does not comply with this provision, the Authority may elect to apply contract remedies as defined in 49 CFR Part 26, or other contract remedies, as appropriate. Additionally, the Contracting Officer may order that the profits from the terminated portion of the DBE subcontract be forfeited by the Contractor.

(g) A prime contractor's written notice to terminate a DBE must provide the DBE with five days to respond.

#### 6. Demonstration of Good Faith Effort

(a) If an offeror does not meet the DBE goal, it shall nevertheless be eligible for award of the contract if it can demonstrate to the Contracting Officer that it has made a good faith effort (GFE) to meet the DBE goal. This good faith efforts documentation should be submitted when the initial response to the Authority's solicitation is due. All contractors, including DBE prime contractors, are required to submit good faith efforts documentation, if necessary. In evaluating an offeror's good faith effort submission, the Authority will only consider those documented efforts that occurred prior to the good faith efforts determination. A GFE Documentation Form is attached to assist prime contractors in what constitutes GFEs.

(b) In the event that a firm submitted by an offeror in accordance with the requirements of the Submission of DBE Utilization Forms and Related Documentation provision cannot be certified, the offeror will be notified and given an opportunity to substitute that firm with a certified DBE firm. The offeror will have ten (10) calendar days from the date of notification to accomplish the substitution. In the event the offeror is unable to contract with another substitute DBE firm, the good faith efforts that the offeror made in attempting to contract with a substitute DBE firm must be documented to the Contracting Officer at the end of the same ten (10) calendar day period.

(c) In making a determination that the offeror has made a good faith effort to meet the DBE goal, the offeror shall furnish to the Authority, as part of its DBE utilization information provided under the Submission of DBE Utilization Forms and Related Documentation provision, such specific documentation concerning the steps it has taken to obtain DBE participation. By way of illustration and not limitation, the Authority will consider the following information:

- (1) Whether the offeror attended any pre-bid or pre-proposal meetings scheduled by the Authority to discuss, among other matters, DBE participation opportunities and acknowledged receipt of DBE certified vendor lists.
- (2) Whether the offeror advertised in general circulation, trade association, and/or minority/women-focus media concerning subcontracting opportunities.
- (3) Whether the offeror provided written notice to a reasonable number of DBEs that their interest in the contract was being solicited in sufficient time to allow DBEs to participate effectively.
- (4) Whether the offeror followed up initial solicitations of interest by contacting DBEs to determine with certainty whether the DBEs were interested.
- (5) Whether the offeror selected portions of the work to be performed by DBEs in order to increase the likelihood of meeting the DBE goals (including, where appropriate, breaking down the contract into economically feasible subcontracts to facilitate DBE participation).
- (6) Whether the offeror provided interested DBEs with adequate information about the plans, specifications, scope of work and requirements of the contract.
- (7) Whether the offeror negotiated in good faith with interested DBEs regarding their capabilities, not rejecting DBEs as unqualified without sound reasons based on a thorough investigation.
- (8) Whether the offeror negotiated in good faith with interested DBEs regarding price, using good business judgment and not rejecting reasonable quotes from interested DBE firms.
- (9) Whether the offeror made efforts to assist interested DBEs in obtaining bonding, lines of credit, insurance, etc., as required by the Authority or the offeror.
- (10) Whether the offeror made efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
- (11) Whether the Offeror effectively used the services of available minority and women community organizations; contractor groups; local, State, and Federal business assistance offices; and other organizations that provide assistance in the identification of DBEs.
- (12) Whether the offeror obtained written documentation from a bona fide surety company indicating that bonding was denied and for what reason(s), prior to the DBE being rejected as a potential subcontractor for failing to obtain offeror-required bonding. Documentation furnished by a surety company will be subject to verification by the Authority; and
- (13) Whether other offerors have attained a sufficient level of DBE participation to meet the contract goals.

(d) The Authority will look not only at the different kinds of efforts that the offeror has made, but also the quantity and intensity of those efforts. Efforts that are merely pro forma are not good faith efforts to meet the goal (even if they are sincerely motivated) if, given all relevant circumstances, the offeror's efforts could not reasonably be expected to produce a level of DBE participation sufficient to meet the goal.

(e) Offerors are reminded that the issue of whether or not the offeror has met or exceeded the established goal and/or demonstrated good faith efforts is considered a matter of the offeror's responsibility. The Authority will only award contracts to offerors determined to be responsible. The Contracting Officer, after affording the Authority's DBE personnel an opportunity to make a recommendation, shall be responsible for determining the sufficiency of an offeror's good faith effort to meet contract goals.

(f) An offeror that the Contracting Officer determines is not responsible may request administrative review and reconsideration under the Authority's Procurement Regulations. As part of any reconsideration, if requested, the offeror may elect to meet in person with the Reconsideration Official (Chief of Administration) to discuss credit toward meeting the DBE goal or whether the offeror made adequate good faith efforts.

## 7. Offeror's DBE Obligation

The offeror's DBE obligation is outlined in an Exhibit C provision entitled Disadvantaged Business Enterprise (DBE) Participation, and the provision entitled Non-Discrimination Assurance found in Exhibit E of this contract.

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of PSTA to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal, as referenced above, has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26, to meet the contract goal for DBE participation in the performance of this contract.

The bidder will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform and NAICS code(s); (3) the dollar amount of the participation of each DBE firm participating; (4) written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (6) if the contract goal is not met, evidence of good faith efforts.

## 8. Prompt Payment Documentation and Reporting

The Contractor agrees to pay each subcontractor under the prime contract for satisfactory performance of its contract no later than ten (10) calendar days from receipt of each payment the Contractor receives from PSTA. The Contractor agrees to return retainage payments to each subcontractor within ten (10) calendar days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced period may occur only for good cause following written approval of PSTA. This language applies to both DBE and non-DBE subcontracts. Failure to satisfy prompt payment to subcontractors no later than ten (10) calendar days from the receipt of payment from PSTA may constitute a breach of contract and may result in termination of the Contractor for default or such remedy as the Authority may deem appropriate.

The Contractor and any subcontractors shall report and verify prompt payment through the Authority's Vendor Compliance System, B2Gnow. The Contractor and all subcontractors are responsible for responding by any noted response date or due date to any instructions or request for information, and to check the Vendor Compliance System on a regular basis to manage contract information and contract records.

As provided elsewhere in this contract, the Authority may withhold all or part of any payment otherwise due the Contractor if the Contractor fails to respond to the Authority by noted response dates and/or make prompt payments to its subcontractors, suppliers, materialmen or laborers.

## 9. Sanctions for Noncompliance with the Authority's DBE Program Provisions

Failure of the Contractor to carry out the Authority's DBE program provisions shall constitute a breach of contract and may result in termination of the Contractor for default or such remedy as the Authority may deem appropriate. The Authority reserves the right to apply legal and contract remedies available under Federal, state and local law, including but not limited to, responsibility determinations in future contracts, suspension and debarment procedures as outlined in 49 CFR Part 29, and forfeiture of profits as provided for elsewhere. The Authority will bring to the attention of the Department of Transportation (DOT) any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take steps provided in 49 CFR Section 26.107.

## 10. Submission of Subcontractor Utilization Forms and Related Documentation

- (a) Each offeror should submit to the Authority an executed Intent to Perform As a DBE Subcontractor form (Attachment 1) for each proposed subcontractor when the initial response to the Authority's solicitation is due. Good faith documentation (if necessary) should also be submitted at this time. The submission of this information is considered an issue of responsibility, and the Authority will not award a contract to any offeror who has not supplied this documentation.
- (b) The Intent to Perform As A DBE Subcontractor form for each proposed subcontractor shall constitute a representation by the offeror to the Authority that it believes such firm is ready, willing, and able to perform the work indicated. It shall also represent a commitment by the offeror that if it is awarded the contract, it will enter into a subcontract with such subcontractor for the work described at the approximate price set forth in the Intent to Perform As A DBE Subcontractor form.
- (c) If the DBE subcontractor participation changes after the forms have been submitted, but prior to award of the contract, the offeror is required to immediately notify the Contracting Officer of the changed amount and the reason(s) for the change. The modification and substitutions of DBE firms that occur shall be governed by DBE Modification or Substitutions provision of this Exhibit.
- (d) Except as authorized by the Contracting Officer, the successful offeror shall enter into formal agreements with the subcontracting firms shown in the submitted Intent to Perform As A DBE Subcontractor form(s) within ten (10) business days after receipt of a contract executed by the Authority. The Contractor shall provide the Contracting Officer two (2) copies of each agreement within three (3) business days of execution and copies to the DBE Liaison Officer.
- (e) If an offeror is a DBE and lists itself on the Intent to Perform As A DBE Subcontractor form, it is required to perform the work indicated with its own work force.

#### 11. Vendor Compliance System

The Authority's Vendor Compliance System, B2Gnow, can be accessed at <https://psta.gob2g.com/>.

The Contractor and any subcontractors shall provide any noted and/or requested contract compliance-related information electronically in the Authority's Vendor Compliance System, B2Gnow. The Contractor and all subcontractors are responsible for responding by any noted response date or due date to any instructions or request for information, and to check the Vendor Compliance System on a regular basis to manage contract information and contract records. The Contractor is responsible for ensuring all subcontractors have completed all requested items and that their contract information is up to date.

PINELLAS SUNCOAST TRANSIT AUTHORITY (PSTA)  
ST. PETERSBURG, FLORIDA

**ATTACHMENT 1 TO EXHIBIT G  
(INTENT TO PERFORM AS A DBE SUBCONTRACTOR FOR A CONTRACT AWARD)**

**All DBE subcontracting firms to be used on this solicitation must fill out this form**

DBE firms participating in PSTA's contracting opportunities must have "current" certification status with Florida's Unified Certification Program (UCP) prior to award of this contract. If PSTA determines that the firm is not an eligible DBE firm for PSTA contracts and subcontracts, the prime contractor will be notified of the ineligibility of the listed firm. The submission of this form is considered an issue of responsibility and PSTA will not award a contract to any offeror who has not supplied this documentation.

PSTA Solicitation : \_\_\_\_\_

DBE has current FL UCP certification YES NO

**DBE** Subcontracting Firm \_\_\_\_\_

The **DBE** subcontractor is prepared to perform the following described work and/or supply the materials listed in connection with the above project. DBE regular dealers or distributors must complete the Regular Dealer/Distributor Affirmation Form.

Description \_\_\_\_\_ NAICS code(s) \_\_\_\_\_

At the following price \$ \_\_\_\_\_.

BY \_\_\_\_\_  
Signature of **DBE** subcontracting owner, president, or authorized agent

Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Print Name \_\_\_\_\_ Phone \_\_\_\_\_

Email \_\_\_\_\_

**DECLARATION OF PRIME CONTRACTOR**

I HEREBY DECLARE AND AFFIRM that I am the \_\_\_\_\_  
Title of Declarant

and a duly authorized representative of \_\_\_\_\_  
Name of Prime Contractor

to make this declaration and that I have personally reviewed the material and facts set forth in this Intent to Perform As A DBE Subcontractor form. To the best of my knowledge, information and belief, the facts and representations contained in this form are true, the owner or authorized agent of the subcontracting firm signed this form in the place indicated, and no material facts have been omitted.

Except as authorized by the Contracting Officer, the undersigned will enter into a formal agreement with the listed DBE subcontracting firm for work as indicated by this form within ten (10) business days after receipt of the contract executed by the Pinellas Suncoast Transit Authority. The undersigned will provide the Contracting Officer a copy of that agreement within three (3) business days of execution.

The prime contractor designated the following person as their DBE Liaison Officer

Print Name \_\_\_\_\_ Phone \_\_\_\_\_ Email \_\_\_\_\_

Pursuant to 49 CFR Section 26.107, any person [entity] who makes a false or fraudulent statement in connection with participation of a DBE in any DOT-assisted program or otherwise violates applicable Federal statutes and may be referred to the Department of Transportation, and possibly the Department of Justice, for prosecution.

Name of Declarant \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

PINELLAS SUNCOAST TRANSIT AUTHORITY (PSTA)  
ST. PETERSBURG, FLORIDA

**ATTACHMENT 2 TO EXHIBIT G**  
**(SUBCONTRACTOR UTILIZATION - SUMMARY OF SUBCONTRACTOR(S)/SUBCONSULTANT(S)/SUPPLIER(S))**

Offerors should provide information on **all** of their prospective subcontractor(s)/subconsultant(s)/supplier(s) who will participate on this solicitation. Use additional sheets as necessary.

Project Name: \_\_\_\_\_ PSTA Solicitation # \_\_\_\_\_

Names and Addresses of SUBCONTRACTOR(s)/Subconsultant(s)	Type of Work to be Performed	✓	OWNER'S ETHNICITY & GENDER	✓	PREVIOUS YEAR'S ANNUAL GROSS RECEIPTS	\$ AMOUNT ON CONTRACT
NAME & ADDRESS	TYPE OF WORK		Black American		less than \$500K	
			Hispanic American			
			Native American		\$500K - \$2 mil	
			Subcont Asian Amer		\$2 mil - \$5 mil	
			Asian Pacific American			
			Non-Minority Woman		more than \$5 mil	
			Other			
CONTACT'S NAME, PHONE, EMAIL	<b>NAICS code</b> _____ <b>EIN #</b> _____ <b>AGE OF FIRM</b> _____ <b>Is this a FL UCP certified DBE?</b> YES NO					
NAME & ADDRESS	TYPE OF WORK		Black American		less than \$500K	
			Hispanic American			
			Native American		\$500K - \$2 mil	
			Subcont Asian Amer		\$2 mil - \$5 mil	
			Asian Pacific American			
			Non-Minority Woman		more than \$5 mil	
			Other			
CONTACT'S NAME, PHONE, EMAIL	<b>NAICS code</b> _____ <b>EIN #</b> _____ <b>AGE OF FIRM</b> _____ <b>Is this a FL UCP certified DBE?</b> YES NO					
NAME & ADDRESS	TYPE OF WORK		Black American		less than \$500K	
			Hispanic American			
			Native American		\$500K - \$2 mil	
			Subcont Asian Amer		\$2 mil - \$5 mil	
			Asian Pacific American			
			Non-Minority Woman		more than \$5 mil	
			Other			
CONTACT'S NAME, PHONE, EMAIL	<b>NAICS code</b> _____ <b>EIN #</b> _____ <b>AGE OF FIRM</b> _____ <b>Is this a FL UCP certified DBE?</b> YES NO					

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

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

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

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

Print name/title of person completing this form: \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_



## ATTACHMENT 7 -- DBE GOOD FAITH EFFORTS (GFE) DOCUMENTATION FORM

Name of offeror \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

If the bidder/offeror has indicated on Attachment 2 to Exhibit G it will not meet the DBE goal, bidder/offeror must complete this GFE Documentation Form. All GFE documentation should be submitted when the initial response to the Authority's solicitation is due. Failure to submit this form, or a facsimile, with a bid may render the bid non-responsive. PSTA may require that the bidder/offeror provide additional substantiation of good faith efforts. You may use your own report format as long as it contains the required information as listed per question.

### 1. List certified DBEs contacted to bid on this contract

Dates of Initial and Follow Up Solicitation	DBE Name and Contact Person Information	Method of Contact (call, mail, email)	Results of Solicitation	Description/plans, SOW, and/or specifications provided YES / NO
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### 2. List offeror's efforts to assist DBEs in obtaining insurance, bonding, line of credit

DBE Name Contact Person Information	Assistance Required	Dates Assistance Provided
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### 3. List offeror's efforts to assist DBEs in obtaining equipment, supplies, materials, or related assistance

DBE Name Contact Person Information	Assistance Required	Dates Assistance Provided
--	---------------------	---------------------------

### 4. List of DBEs interested but rejected for this contract (ex. due to qualifications, price quote, denied bonding)

DBE Name Contact Person Information	Explanation (if bonding denied, attach copy of surety company's response)
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### 5. List below any bid submission made by a non-DBE if selected over a DBE

Date	DBE Name and Contact Person Information	Non-DBE Name and Contact Person Information	Submitted Quote (\$)
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### 6. List of publications, general circulation, trade association, minority/women focus media advertisement, etc.

Name of Publication, general circulation, trade association, etc.	Dates of Publication
---	----------------------

### 7. List any agencies contacted to obtain assistance in contacting, recruiting, and using DBEs

Name of Agency	Date of Contact
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*The sole purpose of this form is to serve as a guide in assisting prime contractors in what constitutes GFEs.  
The use of this form is not mandatory. For more information see Title 49 CFR Part 26 Appendix A  
Guidance Concerning Good Faith Efforts.*

# ATTACHMENT 8 – DBE REGULAR DEALER/DISTRIBUTOR AFFIRMATION FORM

OMB Approval Pending 04/17/2024



U.S. Department of  
Transportation

## DBE Regular Dealer/Distributor Affirmation Form

Bidder Name:

Contract Name/Number:

Sections 26.53(c)(1) of Title 49 Code of Federal Regulations requires recipients to make a preliminary counting determination for each DBE listed as a regular dealer or distributor to assess its eligibility for 60 or 40 percent credit, respectively, of the cost of materials and supplies based on its demonstrated capacity and intent to perform as a regular dealer or distributor, as defined in section 26.55(e)(2)(iv)(A),(B),(C), and (3) under the contract at issue. The regulation requires the recipient's preliminary determination to be made based on the DBE's written responses to relevant questions and its affirmation that its subsequent performance of a commercially useful function will be consistent with the preliminary counting of such participation. The U.S. Department of Transportation is providing this form as a tool for recipients, prime contractors, regular dealers, and distributors to use to carry out their respective responsibilities under this regulation. The form may be used by each DBE supplier whose participation is submitted by a bidder for regular dealer or distributor credit on a federally-assisted contract with a DBE participation goal. The form may also be used by prime contractors in connection with DBE regular dealer or distributor participation submitted after a contract has been awarded provided such participation is subject to the recipient's prior evaluation and approval. If this form is used, it should be accompanied by the bidder's commitment, contract, or purchase order showing the materials the DBE regular dealer or distributor is supplying. Use of this tool is not mandatory. If a recipient chooses a different method for complying with Section 26.53(c)(1), it must include that method in its DBE Program Plan.

**DISCLAIMER: This form has not yet received OMB/PRA approval and is subject to change. We are making it available for your voluntary use.**

DBE Name:

Total Subcontract/Purchase Order Amount:

Authorized DBE Representative (Name and Title):

NAICS Code(s) Related to the Items to be Sold/Leased:

1. Will **all** items sold or leased be provided from the on-hand inventory at your establishment? ☐ YES ☐ NO

(If "YES," you have indicated that your performance will satisfy the regular dealer requirements and may be counted at 60%. **STOP here. Read and sign the affirmation below.** If "NO" Continue.)

- a) Are you selling bulk items (e.g., petroleum products, steel, concrete, concrete products, sand, gravel, asphalt, etc.) or items not typically stocked due to their unique characteristics (aka specialty items)?

☐ YES ☐ NO (If "YES," Go to Question 2. If "NO" Continue.)

- b) Will at least 51% of the items you are selling be provided from the inventory maintained at your establishment, and will the minor quantities of items delivered from and by other sources be of the general character as those provided from your inventory?

☐ YES ☐ NO\* (If "YES," you have indicated that your performance will satisfy the regular dealer requirements and may be counted at 60%. **STOP here. Read and sign the affirmation below.**

\*If 1., 1.a), and 1. b) above are "NO," your performance on the whole will not satisfy the regular dealer requirements; therefore, only the value of items to be sold or leased from inventory can be counted at 60%. (Go to Question 3. to determine if the items delivered from and by other sources are eligible for Distributor credit.)

2. Will you deliver all bulk or specialty items using distribution equipment you own (or under a long-term lease) and operate?

☐ YES ☐ NO<sup>1</sup>

(If "YES," you have indicated that your performance will satisfy the requirements for a regular dealer of bulk items and may be counted at 60%. **STOP here. Read and sign the affirmation below.**)

<sup>1</sup> If "NO," your performance will not satisfy the requirements for a regular dealer of bulk items; the value of items to be sold or leased cannot be counted at 60%. (Go to Question 3.)

3. Will the written terms of your purchase order or bill of lading from a third party transfer responsibility, including risk for loss or damage, to your company at the point of origin (e.g. a manufacturer's facility)?

☐ YES<sup>2</sup> ☐ NO<sup>3</sup>

- a) Will you be using sources **other than** the manufacturer (or other seller) to deliver or arrange delivery of the items sold or leased?

☐ YES<sup>2</sup> ☐ NO<sup>3</sup>

<sup>2</sup> If your responses to 3 and 3.a) are "YES," you have indicated that your performance will satisfy the requirements of a distributor; therefore, the value of items sold or leased may be counted at 40%.

<sup>3</sup> If you responded "NO" to either 3 or 3.a), counting of your participation is limited to the reasonable cost of fees or commissions charged, including transportation charges for the delivery of materials or supplies; the cost of materials or supplies may not be counted.

I affirm that the information that I provided above is true and correct and that my company's subsequent performance of a commercially useful function will be consistent with the above responses. I further affirm that my company will independently negotiate price, order specified quantities, and pay for the items listed in the bidder's commitment. This includes my company's responsibility for the quality of such items in terms of necessary repairs, exchanges, or processing of any warranty claims for damaged or defective materials.

Printed Name and Signature of DBE Owner/Authorized Representative:

The bidder acknowledges its responsibility for verifying the information provided by the DBE named above and ensuring that the counting of the DBE's participation is accurate. Any shortfall caused by errors in counting are the responsibility of the bidder.

Printed Name and Signature of Bidder's Authorized Representative:



# ATTACHMENT 9 -- UNIFORM REPORT OF DBE COMMITMENTS/AWARDS AND PAYMENTS

UNIFORM REPORT OF DBE COMMITMENTS/AWARDS AND PAYMENTS										
**Please refer to the instruction sheet for directions on filling out this form**										
1 Submitted to (check only one)		<input type="checkbox"/> FHWA <input type="checkbox"/> FAA <input type="checkbox"/> FTA - Recipient ID Number								
2 AIP Numbers (FAA Recipients); Grant Number (FTA Recipients):										
3 Federal Fiscal year in which reporting period falls		FY 20XX		4. Date This Report Submitted:						
5 Reporting Period		<input type="checkbox"/> Report due June 1 (for period Oct 1-Mar 31)		<input type="checkbox"/> Report due Dec 1 (for period April 1-Sep 30)		<input type="checkbox"/> FAA annual report due Dec 1				
6 Name and address of Recipient:										
7 Annual DBE Goal(s):		Race Conscious Projection:		Race Neutral Projection:		OVERALL Goal:				
Awards/Commitments this Reporting Period										
		A	B	C	D	E	F	G	H	I
	AWARDS/COMMITMENTS MADE DURING THIS REPORTING PERIOD (Total contracts and subcontracts committed during this reporting period)	Total Dollars	Total Number	Total to DBEs (dollars)	Total to DBEs (number)	Total to DBEs/Race Conscious (dollars)	Total to DBEs/Race Conscious (number)	Total to DBEs/Race Neutral (dollars)	Total to DBEs/Race Neutral (number)	Percentage of total dollars to DBEs
8	Prime contracts awarded this period	\$ -	0	\$ -	0			\$ -		
9	Subcontracts awarded/committed this period	\$ -	0	\$ -	0	\$ -	0	\$ -		
10	TOTAL			\$ -	0	\$ -	0	\$ -		
	BREAKDOWN BY ETHNICITY & GENDER	Total to DBE (dollar amount)			Total to DBE (number)					
		Women	Men	Total	Women	Men	Total			
11	Black American	\$ -	\$ -	\$ -	0	0	0			
12	Hispanic American	\$ -	\$ -	\$ -	0	0	0			
13	Native American	\$ -	\$ -	\$ -	0	0	0			
14	Asian-Pacific American	\$ -	\$ -	\$ -	0	0	0			
15	Subcontinent Asian Americans	\$ -	\$ -	\$ -	0	0	0			
16	Non-Minority	\$ -	\$ -	\$ -	0	0	0			
17	TOTAL	\$ -	\$ -	\$ -	0	0	0			
Payments Made this Period										
		A	B	C	D	E	F			
	PAYMENTS ON ONGOING CONTRACTS	Total Number of Prime Contracts	Total Dollars Paid	Total Number of Prime and Subcontracts with DBEs	Total Payments to DBE firms	Total Number of DBE firms Paid	Percent to DBEs			
18	Prime and subcontracts currently in progress	0	\$ -	0	\$ -	0				
	TOTAL PAYMENTS ON CONTRACTS COMPLETED THIS REPORTING PERIOD	A	B	C	D	E				
		Number of Contracts Completed	Total Dollar Value of Contracts Completed	DBE Participation Needed to Meet Goal (Dollars)	Total DBE Participation (Dollars)	Percent to DBEs				
19	Race Conscious	0	\$ -	\$ -	\$ -					
20	Race Neutral	0	\$ -	\$ -	\$ -					
21	Totals	0	\$ -	\$ -	\$ -					
22	Submitted by:	23. Signature:			24. Phone Number:					

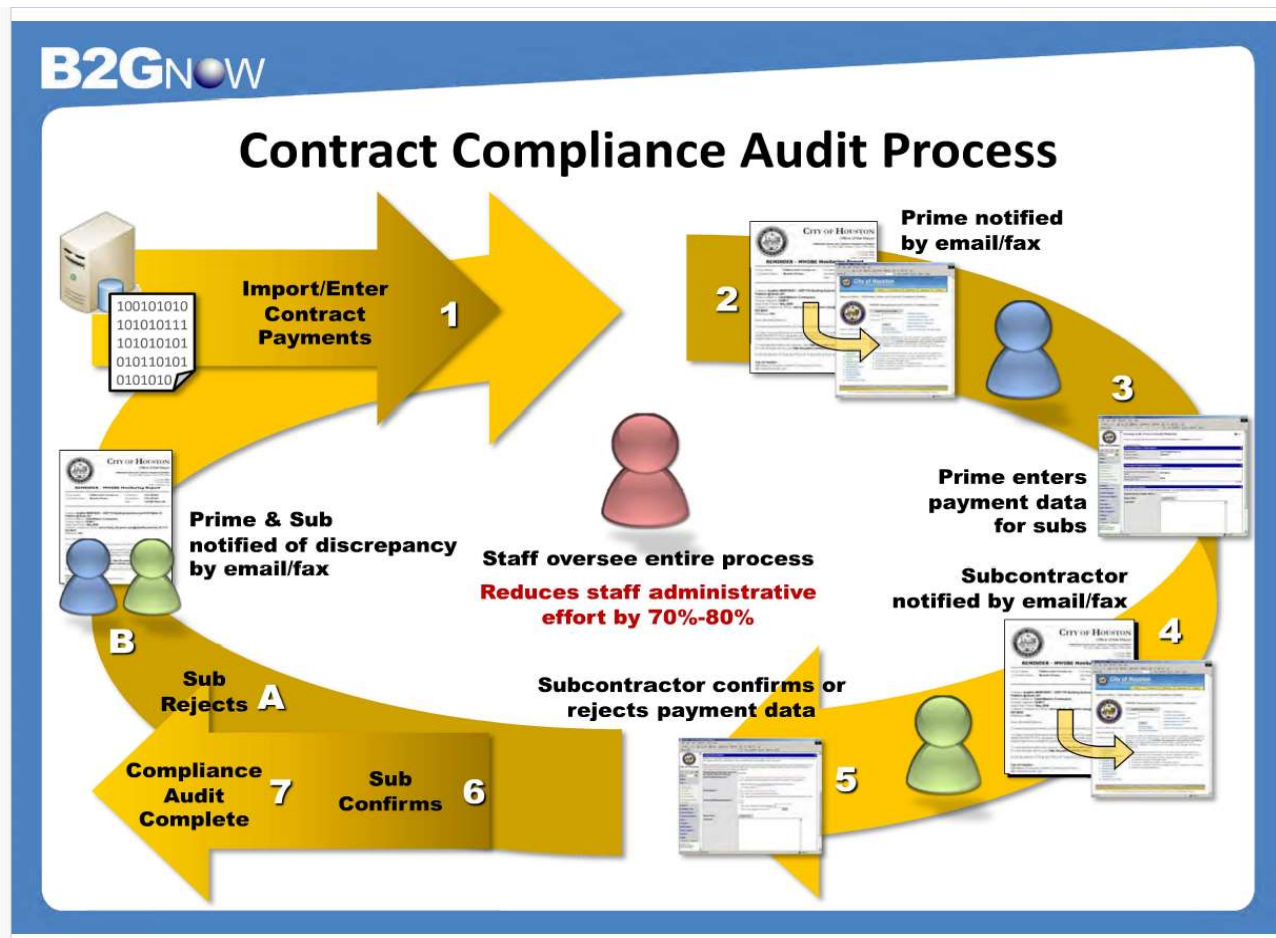
ATTACHMENT 10 -- DATA ENTRY FORM - CERTIFIED DBE CONTRACTORS ON FTA ASSISTED CONTRACTS

Data Entry Form Template: Certified DBE Contractors Used ON (FAA/FHWA/FTA)-Assisted Contracts (Award/Committed and Closed):												
Enter the Firm and Contractor for all data entered in Sections A, B, & D of the DBE Uniform Form for the fiscal year ending month.												
#	DBE Firm	Street Address	City	State	Zip	Contact Email Address	Contact Phone Number	Type of Work	NAICS	Awarded Dollar Amount of Contract if for Section A	Final Dollar Amount of Completed Contract if for Section D	Contract Number
	Name of the DBE Firm	Street number, street name, suite number (if applicable)		2 digit format	5 digit format		10 digit format	Short description of the work performed by the DBE firm on the contract	6 digit NAICS code related to the work performed by the DBE firm on the contract			
1	Required	Required	Required	Required	Required	Required	Recommended	Required	Required	Required if for Section A	Required if for Section D	Required
2												
3												
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List of Required Data

DBE Firm	Name of DBE Firm	Required
Street Address	Street number, street name, suite number (if applicable)	Required
City		Required
State	Two-digit format	Required
ZIP	Five-digit format	Required
Contact Email Address		Required
Contact Phone Number	Ten-digit format	Recommended
Type of Work	Short description of the work performed by the DBE firm on the contract	Required
NAICS	Six-digit NAICS code related to the work performed by the DBE firm on the contract	Required
Awarded Dollar Amount of Contract if for Section A	Numeric format	Required if for Section A
Final Dollar Amount of Completed Contract if for Section D	Numeric format	Required if for Section D
Contract Number		Required
Disadvantaged Group (from list)	Enter one of: Black American Hispanic American, Native American; Subcontinent Asian American; Nonminority Other	Recommended
Gender (female / male)	Enter one of Female or Male	Recommended

## ATTACHMENT 11 -- CONTRACT COMPLIANCE AUDIT PROCESS



## ATTACHMENT 12 – OPEN ENDED PERFORMANCE PLAN (OEPP)

This new DBE counting format will be used on proposals for design-build contracts. Individual goals will be set on each portion of the design and construction phases providing offerors the flexibility to hire DBEs through the life of the project. Once awarded, PSTA will monitor and evaluate whether the prime is using good faith efforts to comply with the OEPP and schedule.

The OEPP will include:

1. A commitment to meet the anticipated DBE goal and provide details of the types of subcontracting work or services (with projected dollar amount) the proposer will solicit DBEs to perform.
2. An estimated time frame in which actual DBE subcontracts would be executed
3. A plan for bringing on DBEs throughout the life of the project to meet the DBE goal.
4. Allow for written revisions of the OEPP throughout the life of the project, e.g., replacing the type of work items the design-builder will solicit DBEs to perform.
5. The ability to adjust the proposed schedule, as long as the design-builder continues to use good faith efforts to meet the goal

A complete OEPP must include anticipated work type, timeframe, and dollar value of work opportunities adding up to the dollar value of the goal percentage

### Example of an Open-Ended Performance Plan OEPP

<b>DBE Plan Work Activities / DBE Contractor</b>	<b>Time Frame</b>	<b>Estimated Dollar Value for DBE Participation</b>	<b>Anticipated DBE %</b>
Surveying	Year 1, Q1	\$7,500	0.38%
Design Support	Year 1 - Q1, Q2	\$5,500	0.25%
Traffic Control	Year 1 – Q2, Q3	\$20,000	1.00%
Excavation	Year 1 - Q1, Q2	\$67,000	3.38%
Erosion Control	Year 1 – Q3, Q4	\$100,000	5.00%
Striping	Year 2 - Q1, Q2	\$10,000	0.50%
Landscaping	Year 2 - Q1, Q2	\$10,000	0.50%
<b>Sum</b>		<b>\$220,000</b>	<b>11.00%</b>