



# **Disadvantaged Business Enterprise Program for Concho Valley Transit**

*Pursuant to 49 CFR Part 26*

**This policy document is the exclusive property of  
The Concho Valley Council of Governments  
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## **POLICY STATEMENT**

Objectives/Policy Statement – Section 26.1, 26.23

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

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

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

The Concho Valley Transit District General Manager has been designated the accountable executive regarding DBEs; whereas, the Procurement Supervisor has been delegated as the DBE Liaison Officer (DBELO). In that capacity with CVTD, the DBELO is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by CVTD in its financial assistance agreements with the Department of Transportation.

CVTD has disseminated this policy statement to the Concho Valley Transit District Board of Directors and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts.

## **GENERAL REQUIREMENTS**

### Objectives – Section 26.1

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

### Applicability – Section 26.3

CVTD is the recipient of federal –aid highway funds authorized under Titles I (Highways), III (Public Transportation) and V (Research) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act – Legacy for Users of 2004 (SAFETEA-LU), Pub. L. 109-59.

### Definitions – Section 26.5

CVTD will adopt the definitions contained in 49 CFR Section 26.5 for this program.

### Non-discrimination Requirements – Section 26.7

CVTD 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, CVTD 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 – Section 26.11

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

CVTD will report DBE participation to DOT as follows:

CVTD will report DBE participation on a semi-annual basis in TEAM. These reports will reflect payments actually made to DBEs on DOT-assisted contracts.

#### Bidders List: 26.11(c)

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

CVTD will collect this information in the following ways:

CVTD will request prime bidders to report the names, addresses, DBE or non-DBE status, age, and annual gross recipients of all firms who quote to them on subcontracts.

CVTD will require prime contractors to maintain records and documents of payments to DBEs for three (3) years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of CVTD or DOT. This reporting requirement also extends to any certified DBE subcontractor.

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

Federal Financial Assistance Agreement – Section 26.13

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

Assurance: 26.13(a)

CVTD shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. CVTD'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 CVTD of its failure to carry out its approved program, the Department may impose sanction as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

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

Contract Assurance: 26.13b

CVTD 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.

**ADMINISTRATIVE REQUIREMENTS**

DBE Program Updates – Section 26.21

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

Policy Statement – Section 26.23

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

DBE Liaison Officer (DBELO) – Section 26.25

Concho Valley Transit District has designated the following individual as the DBE Liaison Officer:

Procurement Supervisor  
Concho Valley Council of Governments  
2801 W. Loop, #306  
San Angelo, TX 76904  
(325) 944-9666

In that capacity with CVTD, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that CVTD complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Executive Director of CVTD concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in *Attachment A* to this program.

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

1. Gathers and reports statistical data and other information as required by DOT.
2. Makes recommendations on third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall three-year goals.
4. Advises that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment and identifies ways to improve progress.
6. Analyzes CVTD's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO\governing body on DBE matters and achievement.
9. Participates in pre-bid and pre-construction meetings.
10. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
11. Plans and participates in DBE training seminars.
12. Certifies DBEs according to the criteria set by DOT and acts as liaison to the Uniform Certification Process in the State of Texas.
13. Provides outreach to DBEs and community organizations to advise them of opportunities.
14. Maintains CVTD's updated directory on certified DBEs.
15. Analyzes shortfall if the overall goal is not reached. If required, will develop a corrective action plan and submit the plan to FTA.

#### DBE Financial Institutions – Section 26.27

It is the policy of CVTD to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community,

to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contract to make use of these institutions.

CVTD continuously researches the availability of DBE owned financial institutions at <http://www.federalreserve.gov/releases/mob> and/or <https://txdot.txdotcms.com/>.

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

#### Prompt Payment Mechanisms – Section 26.29

CVTD will include the following or similar clauses in each DOT-assisted prime contract:

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

#### Directory – Section 26.31

CVTD provides instructions to potential bidders to access the State of Texas's online Uniform Certification Program Directory and TxDOT's online Certified Firm Information Directory, which identify all firms eligible to participate as DBEs. These directories list the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE.

The State of Texas Uniform Certification Program Directory location is included in *Attachment B*.

#### Overconcentration – Section 26.33

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

#### Business Development Programs – Section 26.35

CVTD has not established a business development program.

#### Monitoring and Enforcement Mechanisms – Section 26.37

CVTD will monitor and provide written certification for every contract/project on which DBEs are participating, ensuring the DBEs are in fact performing the work. CVTD will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. CVTD will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
2. CVTD will consider similar action under CVTD's own legal authorities, including responsibility determinations in future contracts. *Attachment C* lists the regulation, provisions, and contract remedies available to CVTD in the events of non-compliance with the DBE regulation by a participant in CVTD's procurement activities.

3. CVTD will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by auditing the DBE contractor or subcontractor to verify that the firm is performing a commercially useful function that may include: performing, managing and supervising the work; negotiating price, determining quality and quantity, ordering, installing and paying for material and supplies; evaluating the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract or subcontract is commensurate with the work actually performed and the DBE credit claimed for its performance of the work; and other relevant factors.
4. CVTD will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

#### Small Business Provision – Section 26.39

CVTD will foster small business participation when reasonable in the following ways:

- Make RFPs/solicitations more attractive to small businesses
- Unbundling of contracts in order to simplify or reduce bonding requirement
- Post solicitations-valued greater than \$25,000 in a public location

#### **GOALS, GOOD FAITH EFFORTS, AND COUNTING**

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

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

##### Overall Goals – Section 26.45

A description of the methodology to calculate the overall goal and the goal calculations can be found in *Attachment D* to this program. This section of the program will be updated every three years.

In accordance with Section 26.45(f) CVTD will submit its overall goal to DOT on **August 1 every three years**. Before establishing the overall goal every three years CVTD will consult with the persons or groups with whom this consultation normally occurs, without limiting consultation to these groups or persons local organizations and agencies to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and CVTD's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, CVTD will publish a notice of the proposed overall goals in a daily newspaper of general circulation, on CVTD's website informing the public that the proposed goal and its rationale are available for inspection during normal business hours at CVTD's principal office for 30 days following the date of the notice and informing the public that CVTD and DOT will accept comments on the goals for 45 days from the date of the notice. Normally, CVTD will



issue this notice by June 1 the year the goal is due. The notice must include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

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

**CVTD will begin using our overall three-year goal on October 1 of each year, unless CVTD has received other instructions from DOT.** If CVTD establishes 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.

Transit Vehicle Manufacturers Goals – Section 26.49

CVTD will request 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, CVTD 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.

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

The breakout of estimated race-neutral and race-conscious participation can be found in *Attachment E* to this program. This section of the program will be updated every three years when the goal calculation is updated.

Contract Goals – Section 26.51(d-g)

CVTD does not intend to use contract goals to meet any portion of the overall goal. If CVTD projects that it will not be able to meet the goal using race-neutral means it may decide to add race-conscious means and add contract goals. If this becomes necessary CVTD will advise the FTA.

Good Faith Efforts Procedures – Section 26.53/Demonstration of good faith efforts (26.53(a) & (c))

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

The DBELO is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

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

Information to be submitted (26.53(b))

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

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

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal (*Attachment F, Form 1*);
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment (*Attachment F, Form 2*) and
6. If the contract goal is not met, evidence of good faith efforts.

Administrative reconsideration (26.53(d))

Within 30 days of being informed by CVTD that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration.

Bidder/offerors should make this request in writing to the following reconsideration official:

CVTD General Manager

Concho Valley Transit

510 N. Chadbourne

San Angelo, TX 76903

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

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

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

CVTD will not allow termination for convenience. Prime contractors may not terminate DBE subcontractors from projects without "good cause" and written approval from CVTD.

CVTD will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. CVTD will require the prime contractor to notify the DBE Liaison officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

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

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

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of CVTD 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/offers, including those who qualify as a DBE. A DBE contract goal of .41 percent has been established for this contract. The bidder/offers shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (*Attachment F, Form 1*), to meet the contract goal for DBE participation in the performance of this contract.

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

*[Note: If a contract goal is established pursuant to the recipient's DBE program, the sample bid specification can be used to notify bidders/offers of the requirements to make good faith efforts. The forms found at Attachment F can be used to collect information necessary to determine whether the bidder/offers has satisfied these requirements. The sample specification is intended for use in both non-construction and construction contracts for which a contract goal has been established. Thus, it can be included in invitations for bid for construction, in requests for proposals for architectural/engineering and other professional services, and in other covered solicitation documents. A bid specification is required only when a contract goal is established.]*

Counting DBE Participation – Section 26.55

CVTD will count DBE participation toward overall as provided in 49 CFR 26.55.

**COMPLIANCE AND ENFORCEMENT**

Information, Confidentiality, Cooperation – Section 26.109

CVTD will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. Pursuant to Section 552.128, Texas Statute, all information submitted by applicant firms with their applications for certifications and affidavits of continued eligibility, including their personal net worth statements, are confidential and exempt from the requirements of Texas’s public records laws. Notwithstanding any contrary provisions of state or local law, CVTD will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

Monitoring Payments to DBEs

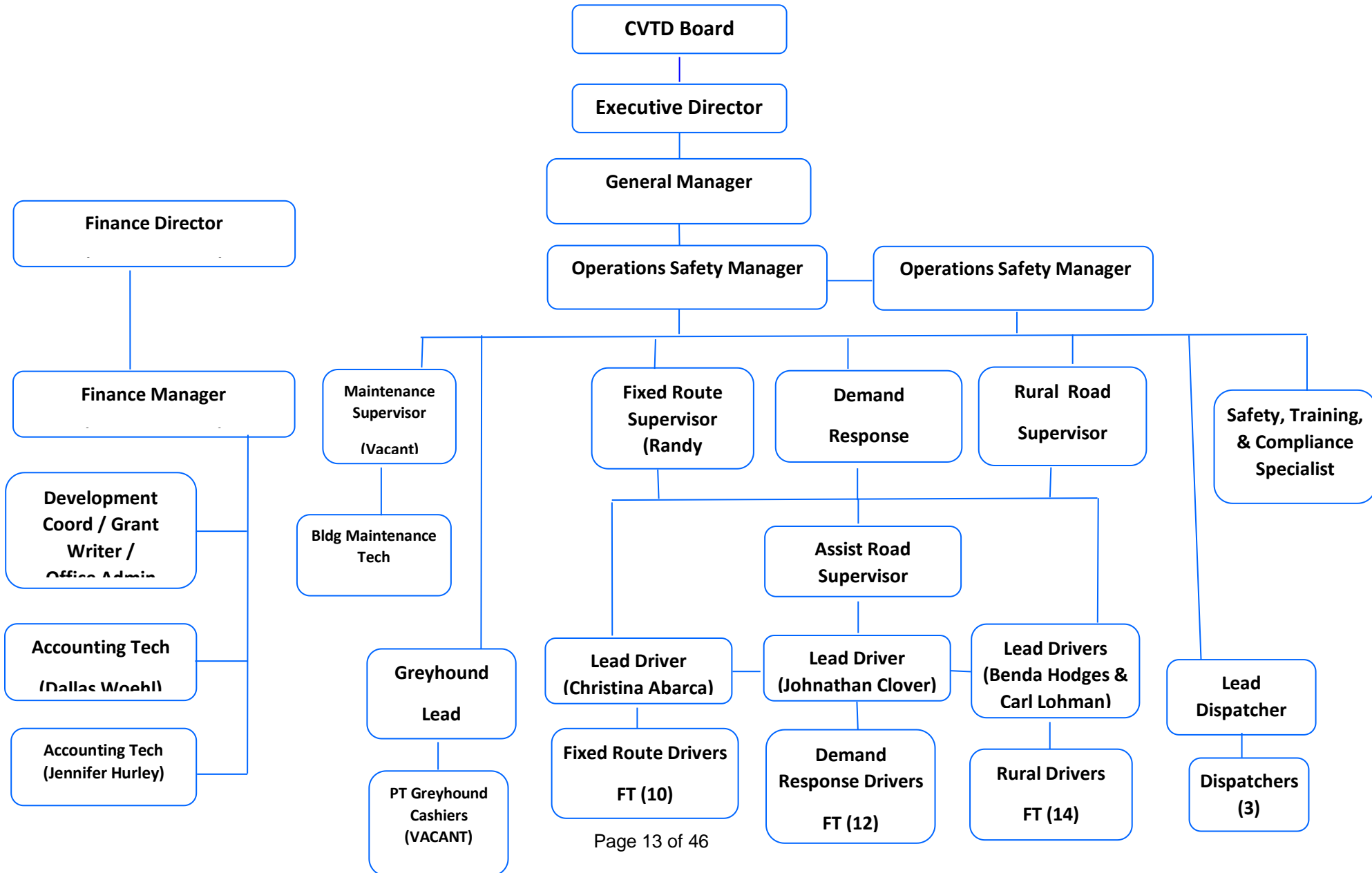
CVTD will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of CVTD or DOT. This reporting requirement also extends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

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

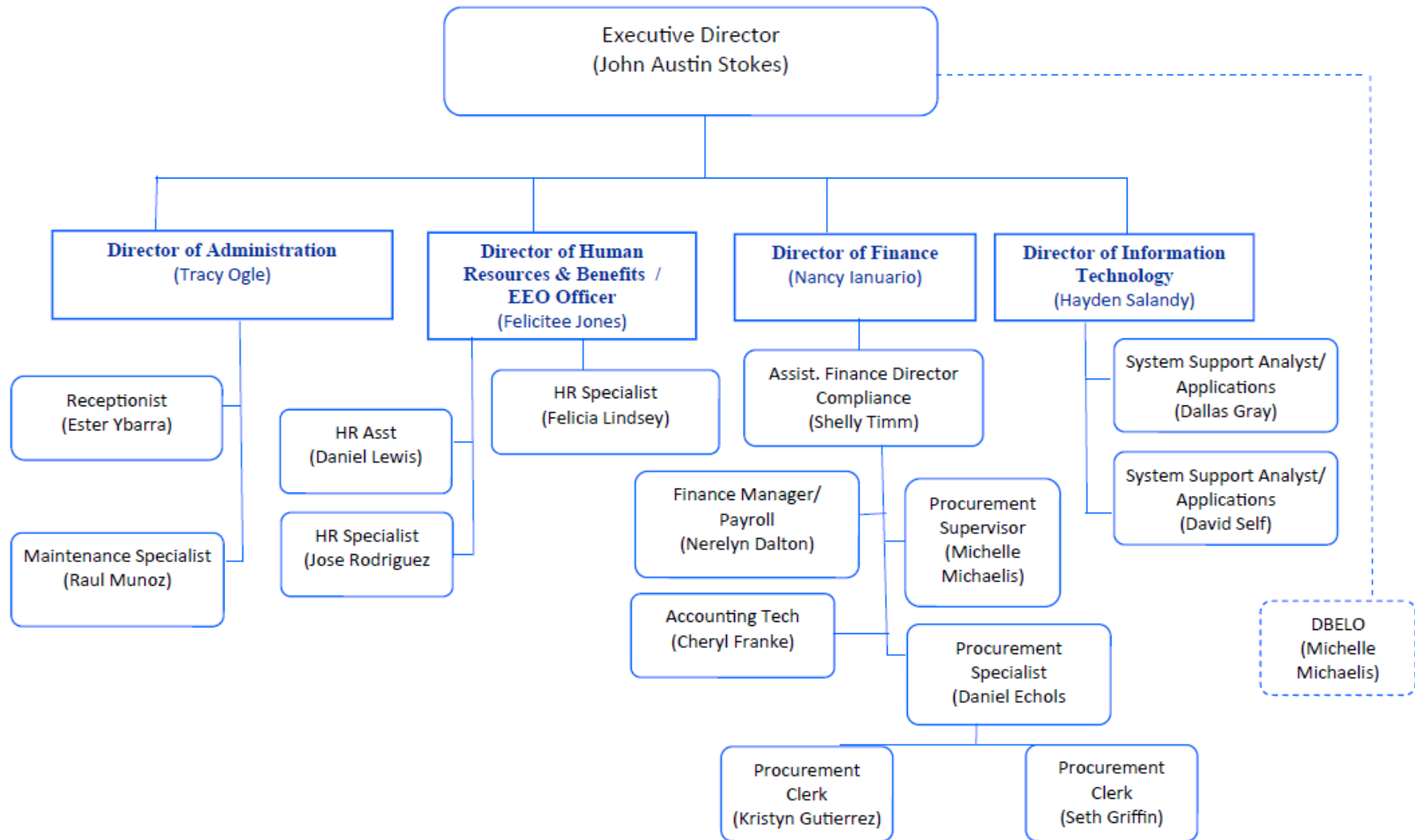
*ATTACHMENTS*

Attachment A	CVTD and CVCOG Organizational Charts
Attachment B	DBE Directory
Attachment C	Monitoring and Enforcement Mechanisms
Attachment D	Overall Goal Calculation
Attachment E	Breakout of Estimated Race-Neutral & Race-Conscious Participation
Attachment F	Form 1 & 2 for Demonstration of Good Faith Efforts
Attachment G	Certification Application Forms
Attachment H	Regulations: 49 CRR - part 2

# Concho Valley Transit District Work Chart



**CONCHO VALLEY COUNCIL OF GOVERNMENTS  
ADMINISTRATION DEPARTMENT WORK CHART**



## **Attachment B**

### DBE Directory

A copy of the Texas Unified Certification Program DBE Information Directory can also be obtained on the world-wide web at <https://www.txdot.gov/inside-txdot/division/civil-rights/tucp.html> or a copy can be requested from Concho Valley Transit District DBE Liaison Officer.

## **Attachment C**

### Monitoring and Enforcement Mechanisms

Concho Valley Transit District (CVTD) will monitor and provide written documentation for every contract/project on which DBEs are participating, ensuring the DBEs are in fact performing the work. CVTD has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

1. The suspension of any payment or part thereof until such time as the issues concerning compliance are resolved; and/or
2. Work stoppage; and/or
3. Termination, suspension, or cancellation of the contract in whole or in part; and/or
4. In the event that a bidder fails to achieve the DBE goals of this program, after contract completion, the bidder's eligibility to receive any future CVTD contract will be conditioned upon the bidder making up the deficit in DBE participation in such future contracts by having DBEs perform equal to double the dollar value of the deficiency in the DBE requirement in the prior 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:

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

## Attachment D

### Overall Goal Calculation

#### **Amount of Goal**

Concho Valley Transit District's (CVTD) overall goal for 2017-2019 is the following: .41% of the Federal Financial assistance we will expend in DOT-assisted contracts, which is exclusive of FTA funds to be used for the purchase of transit vehicles.

#### **Methodology used to Calculate Overall Goal**

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

Determine the base figure for the relative availability of DBEs.

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

$$\text{Base figure} = \frac{\text{Ready, willing, and able DBEs (7)}}{\text{All firms ready, willing and able (1720)}} = 0.41\%$$

The data source or demonstrable evidence used to derive the numerator was: All DBE firms listed for Sterling, Coke, Reagan, Irion, Tom Green, Concho, McCulloch, Crockett, Schleicher, Sutton, Menard, and Kimble, Ector, Midland, Martin, Howard, Mitchell, Nolan & Taylor Counties as provided by Texas Unified Certified Program Disadvantaged Business Enterprise Directory through Texas Department of Transportation.

The data source or demonstrable evidence used to derive the denominator was: U.S. Census Bureau North American Industry Classification System (NAICS) 2012 County Business Patterns

When CVTD divided the numerator by the denominator we arrived at the base figure for our overall goal and that number was .41%

#### **Base Figure Analysis**

##### **Market Area:**

CVTD selected the following Counties as the market area for this analysis: Sterling, Coke, Reagan, Irion, Tom Green, Concho, McCulloch, Crockett, Schleicher, Sutton, Menard, and Kimble, Ector, Midland, Martin, Howard, Mitchell, Nolan & Taylor



**Sources of Data:**

The data source for identifying ready, willing and able DBEs is the Texas Unified Certification Program (TUCP) DBE Category Listing. The web address is:

<http://www.dot.state.tx.us/business/tucp/default.htm>

The data source for identifying all firms ready, willing and able is the U.S. Census Bureau North American Industry Classification System (NAICS) 2012 County Business Patterns. The web address is: <http://factfinder2.census.gov>

**Applicable North American Industry Classification System (NAICS) Codes:**

The Federal funds will be used to construct an intermodal transit and administration facility as well as support daily transit operations. Based on the nature of the work required to construct a transit and administration facility and run transit services, CVTD selected the following NAICS codes for identifying the data required to calculate the overall goal base figure. The data compiled for the market area as defined above includes ready, willing and able DBEs and all firms ready, willing and able.

*221122 Electric power distribution*

*This U.S. industry comprises electric power establishments primarily engaged in either (1) operating electric power distribution systems (i.e., consisting of lines, poles, meters, and wiring) or (2) operating as electric power brokers or agents that arrange the sale of electricity via power distribution systems operated by others.*

Base figure = 
$$\frac{\text{Ready, willing, and able DBEs (0)}}{\text{All firms ready, willing and able (51)}}$$

*236220 Commercial and Institutional Building Construction*

This industry comprises establishments primarily responsible for the construction (including new work, additions, alterations, maintenance, and repairs) of commercial and institutional buildings and related structures, such as stadiums, grain elevators, and indoor swimming pools. This industry includes establishments responsible for the on-site assembly of modular or prefabricated commercial and institutional buildings. Included in this industry are commercial and institutional building general contractors, commercial and institutional building operative builders, commercial and institutional building design-build firms, and commercial and institutional building project construction management firms.

Base figure = 
$$\frac{\text{Ready, willing, and able DBEs (0)}}{\text{All firms ready, willing and able (59)}}$$

*237310 Highway, Street, and Bridge Construction*

This industry comprises establishments primarily engaged in the construction of highways (including elevated), streets, roads, airport runways, public sidewalks, or bridges. The work performed may include new work, reconstruction, rehabilitation, and repairs. Specialty trade contractors are included in this group if they are engaged in activities primarily related to highway, street, and bridge construction (e.g., installing guardrails on highways).

Base figure =  $\frac{\text{Ready, willing, and able DBEs (5)}}{\text{All firms ready, willing and able (30)}}$

*238110 Poured Concrete Foundation and Structure Contractors*

This industry comprises establishments primarily engaged in pouring and finishing concrete foundations and structural elements. This industry also includes establishments performing grout and shotcrete work. The work performed may include new work, additions, alterations, maintenance, and repairs.

Base figure =  $\frac{\text{Ready, willing, and able DBEs (0)}}{\text{All firms ready, willing and able (28)}}$

*238120 Structural Steel and Precast Concrete Contractors*

This industry comprises establishments primarily engaged in: (1) erecting and assembling structural parts made from steel or precast concrete (e.g., steel beams, structural steel components, and similar products of precast concrete); and/or (2) assembling and installing other steel construction products (e.g., steel rods, bars, rebar, mesh, and cages) to reinforce poured-in-place concrete. The work performed may include new work, additions, alterations, maintenance, and repairs.

Base figure =  $\frac{\text{Ready, willing, and able DBEs (0)}}{\text{All firms ready, willing and able (3)}}$

*238150 Glass and Glazing Contractors*

This industry comprises establishments primarily engaged in installing glass panes in prepared openings (i.e., glazing work) and other glass work for buildings. The work performed may include new work, additions, alterations, maintenance, and repairs.

Base figure = 
$$\frac{\text{Ready, willing, and able DBEs (0)}}{\text{All firms ready, willing and able (9)}}$$

*238210 Electrical Contractors*

This industry comprises establishments primarily engaged in installing and servicing electrical wiring and equipment. Electrical contractors included in this industry may include both the parts and labor when performing work. Electrical contractors may perform new work, additions, alterations, maintenance, and repairs.

Base figure = 
$$\frac{\text{Ready, willing, and able DBEs (1)}}{\text{All firms ready, willing and able (168)}}$$

*238220 Plumbing, Heating, and Air-Conditioning Contractors*

This industry comprises establishments primarily engaged in installing and servicing plumbing, heating, and air-conditioning equipment. Contractors in this industry may provide both parts and labor when performing work. The work performed may include new work, additions, alterations, maintenance, and repairs.

Base figure = 
$$\frac{\text{Ready, willing, and able DBEs (0)}}{\text{All firms ready, willing and able (230)}}$$

*238910 Site Preparation Contractors*

This industry comprises establishments primarily engaged in site preparation activities, such as excavating and grading, demolition of buildings and other structures, septic system installation, and house moving. Earth moving and land clearing for all types of sites (e.g., building, nonbuilding, mining) is included in this industry. Establishments primarily engaged in construction equipment rental with operator (except cranes) are also included.

Ready, willing, and able DBEs (0)  
Base figure = \_\_\_\_\_  
All firms ready, willing and able (84)

*238990 All Other Specialty Trade Contractors*

This industry comprises establishments primarily engaged in specialized trades (except foundation, structure, and building exterior contractors; building equipment contractors; building finishing contractors; and site preparation contractors). The specialty trade work performed includes new work, additions, alterations, maintenance, and repairs.

Ready, willing, and able DBEs (0)  
Base figure = \_\_\_\_\_  
All firms ready, willing and able (89)

*323110 Commercial lithographic printing*

This U.S. industry comprises establishments primarily engaged in lithographic (i.e., offset) printing without publishing (except books, grey goods, and manifold business forms). This industry includes establishments engaged in lithographic printing on purchased stock materials, such as stationery, letterhead, invitations, labels, and similar items, on a job order basis.

Ready, willing, and able DBEs (1)  
Base figure = \_\_\_\_\_  
All firms ready, willing and able (14)

*441310 Automotive parts and accessories stores*

This industry comprises one or more of the following: (1) establishments known as automotive supply stores primarily engaged in retailing new, used, and/or rebuilt automotive parts and accessories; (2) automotive supply stores that are primarily engaged in both retailing automotive parts and accessories and repairing automobiles; and (3) establishments primarily engaged in retailing and installing automotive accessories.

Ready, willing, and able DBEs (0)  
Base figure = \_\_\_\_\_  
All firms ready, willing and able (109)

*447110 Gasoline stations with convenience stores*

This industry comprises establishments engaged in retailing automotive fuels (e.g., diesel fuel, gasohol, gasoline) in combination with convenience store or food mart items. These establishments can either be in a convenience store (i.e., food mart) setting or a gasoline station setting. These establishments may also provide automotive repair services.

Ready, willing, and able DBEs (0)  
Base figure = \_\_\_\_\_  
All firms ready, willing and able (318)

*447190 Other gasoline stations*

This industry comprises establishments known as gasoline stations (except those with convenience stores) primarily engaged in one of the following: (1) retailing automotive fuels (e.g., diesel fuel, gasohol, gasoline) or (2) retailing these fuels in combination with activities, such as providing repair services; selling automotive oils, replacement parts, and accessories; and/or providing food services.

Ready, willing, and able DBEs (0)  
Base figure = \_\_\_\_\_  
All firms ready, willing and able (54)

*453210 Office supplies and stationery stores*

This industry comprises establishments primarily engaged in one or more of the following: (1) retailing new stationery, school supplies, and office supplies; (2) retailing a combination of new office equipment, furniture, and supplies; and (3) retailing new office equipment, furniture, and supplies in combination with selling new computers.

Ready, willing, and able DBEs (0)  
Base figure = \_\_\_\_\_  
All firms ready, willing and able (20)

*488410 Motor vehicles towing*

This industry comprises establishments primarily engaged in **towing** light or heavy **motor vehicles**, both local and long distance. These establishments may provide incidental services, such as storage and emergency road repair services.

Ready, willing, and able DBEs (0)  
Base figure = \_\_\_\_\_  
All firms ready, willing and able (14)

*517110 Wired telecommunications carriers*

This industry comprises establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services; wired (cable) audio and video programming distribution; and wired broadband Internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.

Base figure = Ready, willing, and able DBEs (0)

All firms ready, willing and able (88)

*517210 Wireless telecommunications carriers*

This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular phone services, paging services, wireless Internet access, and wireless video services.

Base figure = Ready, willing, and able DBEs (0)

All firms ready, willing and able (31)

*541618 Other management consulting services*

This U.S. industry comprises establishments primarily engaged in providing management consulting services (except administrative and general management consulting; human resources consulting; marketing consulting; or process, physical distribution, and logistics consulting). Establishments providing telecommunications or utilities management consulting services are included in this industry.

Base figure = Ready, willing, and able DBEs (0)

All firms ready, willing and able (20)

*561612 Security systems services (except locksmiths)*

This U.S. industry comprises establishments primarily engaged in (1) selling security alarm systems, such as burglar and fire alarms, along with installation, repair, or monitoring services or (2) remote monitoring of electronic security alarm systems.

Base figure =  $\frac{\text{Ready, willing, and able DBEs (0)}}{\text{All firms ready, willing and able (11)}}$

All firms ready, willing and able (11)

*561710 Exterminating and pest control services*

This industry comprises establishments primarily engaged in exterminating and controlling birds, mosquitoes, rodents, termites, and other insects and pests (except for crop production and forestry production). Establishments providing fumigation services are included in this industry.

Base figure =  $\frac{\text{Ready, willing, and able DBEs (0)}}{\text{All firms ready, willing and able (34)}}$

All firms ready, willing and able (34)

*561720 Janitorial services*

This industry comprises establishments primarily engaged in cleaning building interiors, interiors of transportation equipment (e.g., aircraft, rail cars, ships), and/or windows.

Base figure =  $\frac{\text{Ready, willing, and able DBEs (0)}}{\text{All firms ready, willing and able (81)}}$

All firms ready, willing and able (81)

*811111 General Automotive Repair*

This industry comprises establishments primarily engaged in providing mechanical or electrical repair and maintenance services for automotive vehicles, such as passenger cars, trucks and vans, and all trailers. These establishments may specialize in a single service or may provide a wide range of these services.

Base figure =  $\frac{\text{Ready, willing, and able DBEs (0)}}{\text{All firms ready, willing and able (135)}}$

All firms ready, willing and able (135)

*811192 Car washes*

This U.S. industry comprises establishments primarily engaged in cleaning, washing, and/or waxing automotive vehicles, such as passenger cars, trucks, and vans, and trailers.

Base figure =  $\frac{\text{Ready, willing, and able DBEs (0)}}{\text{All firms ready, willing and able (37)}}$

*812330 Linen and uniform supply*

This industry comprises establishments primarily engaged in supplying, on a rental or contract basis, laundered items, such as uniforms, gowns and coats, table linens, bed linens, towels, clean room apparel, and treated mops or shop towels.

Base figure =  $\frac{\text{Ready, willing, and able DBEs (0)}}{\text{All firms ready, willing and able (3)}}$



**Step 2: 26.45(d)**

Based on past DBE participation and knowledge of DBE commitments, CVTD will use the base figure of .41% as the overall goal.

**Public Participation**

We published our goal information in these publications: San Angelo Standard Times; and the CVTD and CVCOG websites

We received comments from these individuals or organizations: \_\_\_\_\_

Summaries of these comments are as follows: \_\_\_\_\_

Our responses to these comments are: \_\_\_\_\_

**Breakout of Estimated**  
**Race-Neutral & Race Conscious Participation**

Concho Valley Transit District (CVTD) will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. CVTD uses the following race-neutral means to increase DBE participation:

- Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE, and other small businesses, participation (e.g., unbundling large contracts to make them more accessible to small businesses, requiring or encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces);
- Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing);
- Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);

CVTD estimates that, in meeting our overall goal of .41%, we will obtain .41% from race-neutral participation and 0% from race-conscious participation.

CVTD's DBE program will be implemented with entirely race-neutral means. In order to ensure that CVTD's DBE program will be narrowly tailored to overcome the effects of discrimination, if we use contract goals we will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)) and we will communicate this change to the program to FTA. If we revise our program and use contract goals we will track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry DBE goal; DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award, unbundling contracts and simplify or reduce bonding requirement.

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

Attachment F

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

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

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

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

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

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

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

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

FORM 2: LETTER OF INTENT

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

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

Concho Valley Transit District: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

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

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

Concho Valley Transit District: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

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

Description of work to be performed by DBE firm:

-----  
-----  
-----  
-----

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

**Affirmation**

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

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

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

(Submit this page for each DBE subcontractor.)

**Attachment G**

*Certification Application Forms*

**Concho Valley Transit District  
Disadvantaged Business Enterprise Program  
Certification as Disadvantaged Business Form**

1. Name of Firm \_\_\_\_\_
2. Address \_\_\_\_\_  
\_\_\_\_\_
3. Phone Number \_\_\_\_\_
4. Fax Number \_\_\_\_\_
5. E-mail Address \_\_\_\_\_

If the above firm has been certified as a DBE by the SBA or the DOT and there have been no changes in its circumstances that affect its status as a DBE, CVTD will accept that certification and that certification will automatically qualify the vendor as a DBE. Attach appropriate documentation of the certification. Do not answer Questions 6. through 19. at this time. Sign, date, and submit this form.

6. Legal Structure: Sole-Proprietorship \_\_\_ Partnership \_\_\_ Corporation \_\_\_ Joint Venture \_\_\_  
Other, Specify \_\_\_\_\_  
\_\_\_\_\_
7. Nature of Business \_\_\_\_\_
8. Number of Years in Business \_\_\_\_\_
9. Ownership: Identify those who own 5% or more. Ownership Percentage and Voting Percentage need to be provided only if the firm is less than 100 % owned by disadvantaged individuals.

Name	Race Voting %	Sex	Years of Ownership	Ownership %
_____				
_____				
_____				

With firms less than 100% owned by disadvantaged persons, list the contributions of money, equipment, real estate, or expertise of each of the owners.

Name	Money	Equipment	Real Estate	Expertise

10. Control of Firm: Identify by name, race sex, and title in the firm those individuals (including owners and non-owners) who are responsible for day-to-day management and policy decision-making, including, but not limited to those with prime responsibility for:

Name	Race	Sex	Title
a. Financial decisions:			
b. Management decisions: (estimating, marketing, sales, personnel & purchasing administration)			
c. Supervision of field operations:			

11. For each of those listed in question 10., provide a brief summary (attach a separate page) of the person's experience and number of years with the firm, indicating the person's qualifications for the responsibilities given him/her.

12. Describe or attach a copy of any stock options or other ownership options that are outstanding, and any agreements between owners or between owners and third parties who restrict ownership or control of minority owners.

13. Identify any owner (see item 9) or management official (see item 10) of the named firm who is or has been an employee of another firm that had an ownership interest in or a present business relationship with the name firm. Present business relationships include shared space, equipment, financing, or employees as well as both firms having some of the same owners.

14. Provide the amount of gross receipts of the firm for each of the last three years:

Year ending \_\_\_\_\_ gross receipts \$ \_\_\_\_\_

Year ending \_\_\_\_\_ gross receipts \$ \_\_\_\_\_

Year ending \_\_\_\_\_ gross receipts \$ \_\_\_\_\_

Total \$ \_\_\_\_\_

15. Name of bonding company, if any: \_\_\_\_\_

Bonding Limit \_\_\_\_\_

16. Are you authorized to do business in the state as well as locally? Yes \_\_\_ No \_\_\_

Licenses held: \_\_\_\_\_

17. Indicate if this firm or other firms with any of the same officers have previously received or been denied certification or participation as a DBE and describe the circumstances.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

18. As described in CFR 49 Part 26.67, CVTD will presume that citizens of the United States who are women, Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Subcontinent Asian Americans, or other minorities found to be disadvantaged by the SBA, are socially and economically disadvantaged individuals.

You must submit a signed, notarized certification that each presumptively disadvantaged owner, is in fact, socially and economically disadvantaged.

19. Each individual owner must submit a signed, notarized statement of personal net worth, with appropriate supporting documents.



I, \_\_\_\_\_, for \_\_\_\_\_, attest to the accuracy and truthfulness of the information and  
(Printed or typed name) (Name of firm)

attachments provided for completion of this Certification as Disadvantaged Business Form.

\_\_\_\_\_  
Signature Title Date

For CVTD or DOT use:

Certified \_\_\_\_\_ or Denied Certification \_\_\_\_\_

Certifying Authority \_\_\_\_\_

Date \_\_\_\_\_

**Concho Valley Transit District  
Disadvantaged Business Enterprise Program  
Bidder/Proposer Receipt of Policy and Program**

As a bidder/proposer, \_\_\_\_\_, has received a copy of the Concho Valley Transit District

(name of firm)

Disadvantaged Business Enterprise Program. This firm accepts this copy as its notification of applicable requirements

and it has reviewed the Program and accepts its responsibilities for compliance with CVTD DBE Program.

\_\_\_\_\_  
Name of firm

\_\_\_\_\_  
Signature                                      Title                                      Date

**Concho Valley Transit District  
Disadvantaged Business Enterprise Program  
Bidder/Proposer DBE Compliance Statement**

1. \_\_\_\_\_ Bid meets or exceeds the established DBE percentage participation goal.

Bidder/Proposer must submit the Schedule of DBE Utilization along with bid/proposal. If bidder/proposer is a certified DBE, complete the first set of questions on Schedule of DBE Utilization for yourself.

2. \_\_\_\_\_ Bid does not meet the established DBE percentage participation goal, but you have made bona fide good faith efforts to reach the goal.

If this statement applies, you must submit the Schedule of DBE Utilization and the Schedule of DBE Unavailability along with the bid, together with all other documentation of good faith efforts that you wish CVTD to consider in its evaluation of your bid.

3. \_\_\_\_\_ Bid does not meet the established DBE percentage participation goal, but you believe this procurement meets the following exception to the DBE Policy.

This solicitation is for the procurement of a standard manufactured item or other similar procurement not open to subcontracting opportunities. Firm must fully explain in its bid/proposal response the facts on which it bases its belief that this contract meets the terms of exception. Attach a separate page or pages giving such facts, which pages shall be signed on behalf of Contractor and headed "the DBE Compliance Statement – Exception Information.

\_\_\_\_\_  
Name of Firm

\_\_\_\_\_  
Signature Title Date \_\_\_\_\_

Note: Failure to complete and return the forms as indicated above will result in rejection of bid. The making of a material misrepresentation of fact could be a basis for disqualification and may cause a firm to be considered for classification as an irresponsible contractor and barred from CVTD work.

**Concho Valley Transit District  
Disadvantaged Business Enterprise Program  
Schedule of DBE Utilization**

List all DBE's expected to participate in performing the contract resulting from this solicitation.

\_\_\_\_\_ Total Amount of Bid \$ \_\_\_\_\_ Bid Number: \_\_\_\_\_  
Name of Prime Contractor (print)

Note: If Prime Contractor is a certified DBE, complete first section below for self.

---

Name of DBE Subcontractor or DBE Prime Contractor: \_\_\_\_\_  
Address & Telephone Number: \_\_\_\_\_  
Type of Work to be Performed: \_\_\_\_\_  
Project Commencement & Completion Dates: \_\_\_\_\_  
Dollar Amount of Work: \_\_\_\_\_

---

Name of DBE Subcontractor of DBE Prime Contractor: \_\_\_\_\_  
Address & Telephone Number: \_\_\_\_\_  
Type of Work to be Performed: \_\_\_\_\_  
Project Commencement & Completion Dates: \_\_\_\_\_  
Dollar Amount of Work: \_\_\_\_\_

---

Name of DBE Subcontractor of DBE Prime Contractor: \_\_\_\_\_  
Address & Telephone Number: \_\_\_\_\_  
Type of Work to be Performed: \_\_\_\_\_  
Project Commencement & Completion Dates: \_\_\_\_\_  
Dollar Amount of Work: \_\_\_\_\_

---

The undersigned will enter into a formal agreement with DBE Subcontractors for work listed above in this schedule conditioned upon execution of a contract with CVTD.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

(Bidder may make as many copies of this schedule as needed to reflect all potential DBE subcontractors contacted)

**Concho Valley Transit District  
Disadvantaged Business Enterprise Program  
Schedule of DBE Unavailability**

Give requested information for each DBE contacted to participate in the contract resulting from this solicitation.

Name of Prime Contractor: \_\_\_\_\_ Bid  
Number: \_\_\_\_\_

---

Name of certified DBE Subcontractor: \_\_\_\_\_

Address & Telephone Number: \_\_\_\_\_

Type of work: \_\_\_\_\_

Contract Items or Parts to be Performed: \_\_\_\_\_

Reason Unavailable: \_\_\_\_\_

---

Name of certified DBE Subcontractor: \_\_\_\_\_

Address & Telephone Number: \_\_\_\_\_

Type of work: \_\_\_\_\_

Contract Items or Parts to be Performed: \_\_\_\_\_

Reason Unavailable: \_\_\_\_\_

---

Name of certified DBE Subcontractor: \_\_\_\_\_

Address & Telephone Number: \_\_\_\_\_

Type of work: \_\_\_\_\_

Contract Items or Parts to be Performed: \_\_\_\_\_

Reason Unavailable: \_\_\_\_\_

---

The undersigned certifies that the above certified DBEs were contacted, in good faith, and said certified DBEs were unable to submit an acceptable response on bid. The above certified DBEs listed will be

contacted and verification of reason of unavailability made. (Please attach additional documentation of good faith efforts to meet the goal.)

---

Signature

Title

Date

(Bidder may make as many copies of this schedule as needed to reflect all potential DBE subcontractors contacted)

**Concho Valley Transit District  
Disadvantaged Business Enterprise Program  
Certification of Eligibility Affidavit**

The undersigned swears that the foregoing statements are true and correct and include all material information necessary to identify and explain the terms and operations of our business and our intended participation in the undertaking. Further, the undersigned agrees to provide Concho Valley Transit District (CVTD) current, complete and accurate information regarding actual work performed on the project, the payment thereof, and any changes or proposed changes of the foregoing arrangements. The undersigned also agrees to permit the audit and examination of books, records and files of the firm. Any material misrepresentation will be grounds for terminating the contract which may be awarded and for initiating action under Federal, State, and local laws concerning false statements.

If, after filing the Certification as Disadvantaged Business Form and Certification of Eligibility Affidavit, and before the work of this firm is completed on the contract covered by this regulation, there is any significant change in the information submitted, the firm will inform CVTD of the change.

\_\_\_\_\_  
Name of firm

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

Corporate seal (where appropriate)

\_\_\_\_\_  
Date

State of \_\_\_\_\_

County of \_\_\_\_\_



**Concho Valley Transit District  
Disadvantaged Business Enterprise Program  
Joint Venture Eligibility Form**

Note: this form need not be completed if all joint venture firms are owned by disadvantaged individuals.

1. Name of Joint Venture \_\_\_\_\_

2. Address \_\_\_\_\_  
\_\_\_\_\_

3. Phone Number \_\_\_\_\_

4. Fax Number \_\_\_\_\_

5. E-mail address \_\_\_\_\_

6. Identify the firms that comprise the joint venture.

\_\_\_\_\_  
\_\_\_\_\_

(a.) Describe the role of the DBE firm in the joint venture.

\_\_\_\_\_  
\_\_\_\_\_

(b.) Describe very briefly the experience and business qualifications of each non-DBE firm in the joint venture.

\_\_\_\_\_  
\_\_\_\_\_

7. Nature of joint venture business:

\_\_\_\_\_  
\_\_\_\_\_

8. Provide a copy of the joint venture agreement.

9. What is the claimed percentage of DBE ownership? \_\_\_\_\_

10. Ownership of joint venture (this need not be completed if described in the joint venture agreement in response to 8. above):

(a.) Profit and loss sharing \_\_\_\_\_

(b.) Capital contributions, including equipment \_\_\_\_\_

(c.) Other applicable ownership interests \_\_\_\_\_

11. Control of and participation in this contract. Identify by name, race, sex, and "firm" those individuals (and their titles) who are responsible for day-to-day management and policy decision making, including, but not limited to, those with prime responsibility for:

(a.) Financial decisions \_\_\_\_\_  
\_\_\_\_\_

(b.) Management decisions, such as:

(1.) Estimating \_\_\_\_\_  
\_\_\_\_\_

(2.) Marketing and sales \_\_\_\_\_  
\_\_\_\_\_

(3.) Hiring/Firing of management personnel \_\_\_\_\_  
\_\_\_\_\_

(4.) Purchasing of major items/supplies \_\_\_\_\_  
\_\_\_\_\_

(5.) Supervision of field operations \_\_\_\_\_  
\_\_\_\_\_

I, \_\_\_\_\_, for \_\_\_\_\_, attest to the accuracy and truthfulness of the information and attachments provided for completion of this Joint Venture Eligibility Form.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**Concho Valley Transit District  
Disadvantaged Business Enterprise Program  
Joint Venture Certification of Eligibility Affidavit**

The undersigned swears that the foregoing statements are true and correct and include all material information necessary to identify and explain the terms and operations of our business and our intended participation in the undertaking. Further, the undersigned agrees to provide Concho Valley Transit District (CVTD) current, complete and accurate information regarding actual work performed on the project, the payment thereof, and any changes or proposed changes of the foregoing arrangements. The undersigned also agrees to permit the audit and examination of books, records and files of the firm. Any material misrepresentation will be grounds for terminating the contract which may be awarded and for initiating action under Federal, State, and local laws concerning false statements.

If, after filing the Joint Venture Eligibility Form and Joint Venture Certification of Eligibility Affidavit, and before completion of the joint venture's work on the contract covered by this regulation, there is any significant change in the information submitted, the joint venture must inform CVTD.

**Firm # 1**

\_\_\_\_\_  
Name of firm

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

On this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me appeared \_\_\_\_\_, to me personally known, who being duly sworn, did execute the foregoing affidavit, and did state that he/she is properly authorized by \_\_\_\_\_ (name of firm) to execute the affidavit and did so as his/her free act and deed.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Commission expires

(seal)

\_\_\_\_\_  
date

State of \_\_\_\_\_

County of \_\_\_\_\_

**Firm # 2**

\_\_\_\_\_  
Name of firm

\_\_\_\_\_  
Signature Title Date

On this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me appeared \_\_\_\_\_,  
to me personally known, who being duly sworn, did execute the foregoing affidavit, and did state that  
he/she is properly authorized by \_\_\_\_\_ (name of firm)  
to execute the affidavit and did so as his/her free act and deed.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Commission expires

(seal)

\_\_\_\_\_  
date

State of \_\_\_\_\_

County of \_\_\_\_\_

**Concho Valley Transit District  
Disadvantaged Business Enterprise Program  
Transit Vehicle Manufacturer Certification  
Of Compliance with 49CFR Part 26 Section 26.49  
(or PTN 130)**

This procurement is subject to the provisions of Section 26.49 of 49CFR Part 26. Accordingly, as a condition of permission to bid, the following certification must be completed and submitted with the bid. A bid which does not include the certification will not be considered.

Transit Vehicle Manufacturer Certification

\_\_\_\_\_ (Name of Firm), a TVM, hereby certifies that it has complied with the requirements of Section 26.49 of 49CFR Part 26 by submitting a current annual DBE goal to DOT. The goals apply to Federal Fiscal year \_\_\_\_\_ (October 1, \_\_\_\_\_ to September 30, \_\_\_\_\_) and have been approved or not disapproved by DOT.

\_\_\_\_\_, (Name of Firm), hereby certifies that the manufacturer of the transit vehicle to be supplied,

\_\_\_\_\_, (Name of Manufacturer), has complied with the above references requirement of 49CFR Part 26.

\_\_\_\_\_  
Name of Firm

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

## **Attachment H**

*Regulations: 49 CFR Part 26*

A copy of Title 49 Code of Federal Regulation, Part 26, Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs, can be viewed on the world-wide web at the following URL:

[http://www.access.gpo.gov/nara/cfr/waisidx\\_06/49cfr26\\_06.html](http://www.access.gpo.gov/nara/cfr/waisidx_06/49cfr26_06.html)