



# Disadvantaged Business Enterprise Program

May 2017  
Draft for Review

# Disadvantaged Business Enterprise Program

May 2017

## Moving People, Creating Jobs, and Strengthening Communities

**Our Mission:** To collaboratively plan, prioritize, and fund the delivery of diverse transportation options.

**Our Vision:** Our work will have measurable positive impact by ensuring transportation projects are well selected, funded, and delivered.

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# Policy Statement

## Objectives/Policy Statement (§26.1, §26.23)

The Broward Metropolitan Planning Organization (Broward MPO) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the Federal Transit Administration (FTA), 49 CFR, Part 26. The Broward MPO has received federal financial assistance from FTA and, as a condition of receiving this assistance, it has signed an assurance that it will comply with 49 CFR, Part 26. This requirement most recently was reinstated by Congress in the Fixing America's Surface Transportation Act (FAST Act), (P.L. 114-94).

It is the policy of the Broward MPO to ensure that DBEs as defined in Part 26 have an equal opportunity to receive and participate in FTA-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of FTA-assisted contracts;
2. To create a level playing field on which DBEs and small businesses can compete fairly for FTA-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR, Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs and small businesses in FTA-assisted contracts;
6. To promote the use of DBEs in all types of federally-assisted contracts and procurement activities conducted by the Broward MPO;
7. To assist the development of firms that can compete successfully in the marketplace outside the DBE Program; and
8. To provide appropriate flexibility to recipients of federal financial assistance in establishing and providing opportunities for DBEs.

Christopher Ryan, Broward MPO's Deputy Executive Director and Title VI/DBE Coordinator, has been delegated as the DBE Liaison Officer (DBELO). In that capacity, the DBELO is responsible for implementing all aspects of the DBE program. Other Broward MPO staff will assist the DBELO, as needed, with DBE requirements and compliance. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the Broward MPO in its financial assistance agreements with FTA.

The Broward MPO has disseminated this policy statement to the Broward MPO Board and all components of our organization. The Broward MPO has published and distributed notice of this document and the DBE goal in general circulation publications and on the Broward MPO website.

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Gregory Stuart  
Executive Director

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Date

# Subpart A—General Requirements

## Objectives (§26.1)

The eight objectives of the Broward MPO's DBE Program are found in the policy statement at the beginning of this document.

## Applicability (§26.3)

The Broward MPO is the recipient of federal transit funds authorized by Titles I, III, V, and VI of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240, or by federal transit laws in Title 49, U.S. Code, or Titles I, III, and V of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), Pub. L. 105-178. Titles I, III, and V of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109-59, 119 Stat. 1144; Divisions A and B of the Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, 126 Stat. 405; and the Fixing America's Surface Transportation Act (FAST Act), Sec. 1109, Surface Transportation Block Grant Program.

This DBE Program is also applicable to all Broward MPO sub-recipients. Broward MPO sub-recipients are not anticipated to have any contracting opportunities between fiscal year FY 2018 and FY 2020 using US Department of Transportation (DOT)-assisted funding that would impact this DBE Program or the corresponding Goal proposed for FY 2018 through FY 2020. Sub-recipients are required to sign annual certifications and assurances confirming their compliance with Broward MPO and federal, state, and local regulations, as appropriate.

## Definitions of Terms (§26.5)

Broward MPO will adopt the definitions contained in 49 CFR, §26.5 for this program.

## Nondiscrimination Requirements (§26.7)

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

### Uniform Report of DBE Award or Commitment and Payments (§26.11(a))

The Broward MPO will report DBE participation to FTA using the Uniform Report of DBE Awards or Commitments and Payments, found in Appendix B to Part 26.

### Bidders List (§26.11(c))

The Broward MPO has created and maintains a bidders list consisting of information about all DBE and non-DBE firms that bid or quote on its contracting opportunities. The bidders list will include the name, address, and DBE/non-DBE status.

The Broward MPO will collect this information by requiring prime bidders to report the names, addresses, and possibly other information of DBE subcontractors to the Broward MPO prior to the time of bid opening or finalization of a contract agreement. For non-formal bids, such information will be required on the quotation.

### Record Keeping (§26.11(d))

The Broward MPO 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 the Broward MPO or FTA. This reporting requirement also extends to any certified DBE subcontractor.

The Broward MPO will perform interim audits of contract payments to DBEs. The audit will review payments to DBE sub-contractors to ensure that the actual amount paid to DBE sub-contractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

The Broward MPO will keep a running tally of actual payments to DBE firms for work committed to them at the time of the contract award. The Broward MPO will perform interim reviews of contract payments to DBEs and will monitor 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.

### Reporting (§26.11(e))

FDOT will report to the DOT's Office of Civil Rights, by January 1, of each year, the percentage and location in the state of certified DBE firms in the UCP Directory controlled by the following:

1. Women;
2. Socially and economically disadvantaged individuals (other than women); and,

3. Individuals who are women and are otherwise socially and economically disadvantaged individuals.

## Federal Financial Assistance Agreement (§26.13)

The Broward MPO has signed the following assurance, applicable to all FTA-assisted contracts and their administration. When the Broward MPO has sub-recipients, this language will appear in financial assistance agreements with such sub-recipients and will require their signature.

### Federal Financial Assistance Agreement Assurance (§26.13(a))

The following language will appear in financial assistance agreements with sub-recipients:

The Broward MPO shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any FTA-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 FTA-assisted contracts. The recipient's DBE Program, as required by 49 CFR, Part 26 and as approved by FTA, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Broward MPO 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.).

### 26.13(b) Contract Assurance

The Broward MPO will ensure that the following clause is placed in every FTA-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 FTA-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

1. Withholding monthly progress payments;

2. Assessing sanctions;
3. Liquidated damages; and/or
4. Disqualifying the contractor from future bidding as non-responsible.

## Subpart B—Administrative Requirements

### DBE Program Updates (§26.21)

The Broward MPO will continue to carry out this program until all funds from FTA financial assistance have been expended. The Broward MPO will provide to FTA updates representing significant changes in the program.

### DBE Liaison Officer (§26.25)

The Broward MPO has designated the following individual as the DBELO:

Christopher Ryan  
Deputy Executive Director, Title VI/DBE Coordinator  
Broward MPO  
100 West Cypress Creek Road, 6th Floor, Suite 650  
Fort Lauderdale, FL 33309  
(954) 876-0036  
ryanc@browardmpo.org

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

1. Gathers and reports statistical data and other information as required by FTA;
2. Reviews third-party contracts and purchase requisitions for compliance with this program;
3. Set overall annual goals;
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment, as appropriate) and identifies ways to improve progress;
6. Analyzes the Broward MPO's progress toward attainment and identifies ways to improve progress;
7. Participates in pre-bid meetings;
8. Advises the Broward MPO Board on DBE matters and achievement;

9. Provides DBEs with information and assistance in preparing bids and obtaining bonding and insurance;
10. Plans and participates in DBE training seminars;
11. Acts as a liaison to the State of Florida UCP, as necessary;
12. Provides outreach to DBEs and community organizations to advise them of opportunities; and
13. Maintains the Broward MPO's updated directory on certified DBEs.

An organization chart displaying the DBELO's position in the organization is found in Attachment 1 to this program.

## DBE Financial Institutions (§26.27)

It is the policy of the Broward MPO 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 FTA-assisted contracts to make use of these institutions. The Broward MPO has reviewed FDOT's website DBE Directory and has determined there are no listings for financial institutions owned and controlled by socially and economically disadvantaged individuals. The Broward MPO will reevaluate every twelve (12) months whether DBE financial institutions are available.

## Prompt Payment Mechanisms (§26.29)

### 26.29(a) Prompt Payment (§26.29(a))

The Broward MPO will include the following clause in each FTA-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 contractor receives from The Broward MPO. The prime contractor agrees further to return retainage payments to each subcontractor within thirty (30) days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced timeframe may occur only for good cause following written approval of the Broward MPO. This clause applies to both DBE and non-DBE subcontracts.

### Retainage (§26.29(b))

The Broward MPO does not collect retainage payments.

## Satisfactory Completion (§26.29(c))

For purposes of this section, a subcontractor's work is determined to be satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the recipient. When a recipient has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

## 26.29(d) Monitoring and Enforcement

The Broward MPO shall require in all FTA-funded contracts language that allows it to monitor and enforce that prompt payment is, in fact, occurring on any contract that involves sub-contracting. Previous payment and disbursement forms required for payment are included in Attachment 2. Any delay or postponement of payment among the parties may take place only for good cause with prior written approval by the Broward MPO. The following mechanisms are to be used in all DOT-funded contracts to ensure prompt payment:

1. A contract clause that requires prime contractors to include in their subcontracts language providing that prime contractors and subcontractors will use appropriate alternative dispute resolution mechanisms to resolve payment disputes.
2. A contract clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.

The Broward MPO will bring to the attention of FTA any false, fraudulent, or dishonest conduct in connection with the program, so that FTA can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the USDOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in Section 26.109. The Broward MPO will also consider similar action under state legal authorities, including responsibility determinations in future contracts, removal of firms from the prequalified bidders and consultants' lists, or revocation of DBE certification if applicable, pursuant to Section 337.105; 337.16; and 339.0805, F.S.

## Directory (§26.31)

The Broward MPO uses the FDOT DBE directory, which is available on-line at the following website: <http://www.dot.state.fl.us/equalopportunityoffice/eoc.shtm>.

FDOT's website provides a list of UCP agencies that provide certification services and non-certification services in Florida, which includes the Broward County Office of Economic and Small Business Development. See <http://www.dot.state.fl.us/equalopportunityoffice/DBECertification/UCP%20CERTIFYING%20ADDRESSES%200516.pdf>.

The Broward MPO website provides a link to the State of Florida UCP Directory on its Title VI/DBE webpage under the Working with MPO section of the MPO's website.

<https://osd.dms.myflorida.com/directories>

## Overconcentration (§26.33)

The Broward MPO has not identified that overconcentration exists in the types of work that DBEs perform. The Broward MPO will continue to monitor DBE participation and usage and will use appropriate measures designed to assist DBEs if any overconcentration areas are identified.

## Business Development Programs (§26.35)

The Broward MPO fosters mentoring/business development for DBEs and small businesses through the following activities:

- Regularly displaying the Transportation Improvement Program (TIP) interactive tool at various outreach events. Broward MPO staff attend and staff a table at small business events, such as Chambers of Commerce meetings and Conference of Minority Transportation Officials (COMTO) events, to promote the TIP as a business development tool.
- Participating in annual workshops for the Minority Institutes of Higher Education (MIHE) to provide the opportunity for Broward MPO staff to talk about transportation and research possibilities to universities and colleges throughout Florida.

In addition, in March/April 2017 the Broward MPO partnered with DOT's Office of Small Business and FDOT to engage the small business community the \$195 million Fort Lauderdale Wave Streetcar Project. The MPO hosted a very successful kick-off event in March followed by four sessions of bonding training for small businesses. The training sessions culminated in a field visit of the Wave Streetcar corridor to gain first-hand experience of the route and the potential business opportunities. The Broward MPO will continue to explore opportunities to partner with DOT's Office of Small Business and/or FDOT on similar training opportunities in the future.

## Monitoring & Enforcement Mechanisms (§26.37)

The Broward MPO will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR, Part 26:

1. Bring to the attention of FTA any false, fraudulent, or dishonest conduct in connection with the program, so that FTA can take the steps (e.g., referral to the

- Department of Justice for criminal prosecution, referral to the FTA Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in §26.109.
2. Consider similar action under its own legal authorities, including responsibility determinations in future contracts.
  3. Provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs; this compliance monitoring shall include the following steps:
    - a) The prime contractor shall provide the Broward MPO with an accurate list of all DBEs who are or who are anticipated to be subcontractors working on the project, which list shall include the allocation of contract budget assigned to each DBE (see Attachment 2). This list shall be updated any time there is a change in the DBEs working on the project or a change in the allocation of work between or among DBEs. The prime contractor shall provide this list with a sworn certification that it is true and accurate. The Broward MPO may request, and prime contractor shall provide, copies of any subcontracts or other contractual documentation between prime contractor and any subcontractors to confirm the scope of work for each.
    - b) The prime contractor shall provide to the Broward MPO a subcontractor utilization form (see Attachment 2) in its invoice package so that the Broward MPO can verify DBE participation in the project.
    - c) The prime contractor and its subcontractors shall agree to comply with any further measures that the Broward MPO determines to be necessary or appropriate to impose for the purpose of verifying DBE participation in the project.
  4. Require the prime contractor to keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award, verified at the time of any payment to the prime contractor for the project, and verified at the time DBE firms certify to the Broward MPO that they have been paid, as required under the prime contractor's subcontractor agreement.

A list of contract remedies available to the Broward MPO is found in Subpart F of this program.

## Fostering Small Business Participation (§26.39)

The Broward MPO instituted a small business participation program effective February 28, 2013. To facilitate competition by small businesses in projects, funded in part by FTA, the Broward MPO may unbundle projects as appropriate to help eliminate obstacles to small business participation.

### Small Business Definition

The Broward MPO uses the Small Business Administration's (SBA) definition and size standards (as it may be amended from time to time) to define a small business:

...a small business concern is one that is independently owned and operated, is organized for profit, and is not dominant in its field. Depending on the industry, size standard eligibility is based on the average number of employees for the preceding twelve months or on sales volume averaged over a three-year period.

## Set Asides

The Broward MPO has historically exceeded its DBE goal and has not used small business set-asides to facilitate participation. However, as part of the next triennial update of its DBE goal, the Broward MPO's DBELO will look to coordinate with the Broward County Office of Economic and Small Business Development to assess small business participation in its FTA-assisted contracting opportunities. This assessment may determine if implementing measures for increasing small business participation, including small business set asides, is necessary.

## Mega Project

Projects that are multi-year design build or other large contracts as determined by the Broward MPO are considered "mega projects." Bidders on a prime contract of a mega project will specify elements of the contract or specific subcontracts that are of a size that small businesses, including DBEs, can reasonably perform. Lack of small business participation will require the bidder to provide evidence of the good faith efforts that were made. The good faith effort requirement will be the same as identified in Section 26.53—Good Faith Procedures.

## Implementation

To support small businesses, the Broward MPO collaborates with local and regional partners whose initiatives encourage forming strong partnerships with small businesses. The Broward MPO will continue to support its partners offering technical assistance and training to those individuals pursuing entrepreneurialism. The objectives of this collaboration are to:

- Develop stronger workforce development systems;
- Support startup or expansion of new companies;
- Assist entrepreneurs and small businesses with technical assistance and assessments;
- Offer feasibility and technical assistance for small to mid-size companies;
- Increase awareness of transportation-related work opportunities in the South Florida region;
- Strengthen and develop community college programs to support small business needs; and
- Provide support to disadvantaged workers to access job training.



The Broward MPO will:

- Encourage prime contractors to subcontract portions of work normally done by their own forces when subcontractors submit a lower quote;
- Provide assistance in overcoming limitations that impede participation in the industry, such as inability to obtain bonding, financing, etc., by providing information on available resources through the Broward MPO outreach activities and communications along with various trainings and workshops;
- Connect small businesses with local and regional partner resources;
- Circulate upcoming contracting opportunities, training classes in business management, etc.; and
- Continue community outreach to foster small business development through business development workshops and training.

## Subpart C—Goals, Good Faith Efforts, and Counting

### Quotas (§26.43)

The Broward MPO does not use quotas in any way in the administration of this DBE program.

### Overall Goal (§26.45)

In accordance with §26.45, the Broward MPO will submit its triennial overall DBE goal to FTA on August 1, 2017. The Broward MPO will also request use of project-specific DBE goals as appropriate and/or will establish project-specific DBE goals as directed by FTA. Project- or contract-specific goals are adapted to the circumstances of each contract (e.g., type and location of work, availability of DBEs to perform the particular type of work).

The process used by the Broward MPO to establish overall DBE goals conforms with §26.45 of 49 CFR and is based on the demonstrable evidence of DBE firms ready, able, and willing to participate/perform contracting opportunities derived from the Broward MPO's FTA-assisted projects/contracts. The goal reflects the level of DBE participation anticipated, absent the effects of discrimination. Through this process, the Broward MPO has established an overall goal of 7 percent (7%) for DBE participation in FTA-assisted contracts from 2018 through 2020. The specifics for establishment of its goal are included in Attachment 3.

Before establishing the overall three-year goal, the Broward MPO will publish notice on its website and advertisements in the *Sun-Sentinel*, *South Florida Times*, and *El Sentinel* per its Public Participation Plan. The Broward MPO will also conduct the required direct

outreach activities to inform the public of the proposed overall goal and its rationale. Flyers and other communication sources will be used to communicate the proposed goal to the public and seek input. The proposed goal will also be available for inspection during normal business hours at the Broward MPO office for thirty (30) days following the date the proposed goal is made available on the Broward MPO website. The notice will inform the public that the Broward MPO will accept comments on the goal for thirty (30) days from the date of the notice and the opportunity scheduled for direct consultation, as required by 49 CFR Part 26. It is the goal of the Broward MPO to issue this notice by June 1<sup>st</sup> of the year the triennial DBE goal is due to FTA by August 1<sup>st</sup>. The notice must include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed. Documentation of the specific outreach efforts conducted for the FY 2018–2020 overall DBE goal setting process are included in Attachment 4.

The Broward MPO submission to FTA will include the goal, including the breakout of estimated race-neutral and race-conscious participation, as appropriate; a copy of the methodology used to develop the goal; a summary of information and comments received during the public participation process and the Broward MPO's responses; and proof of publication of the goal in any media outlets.

The Broward MPO will begin using the overall goal on October 1<sup>st</sup> of each year, unless it has received other instructions from FTA. If the Broward MPO establishes a goal on a project basis, it will begin using its goal by the time the first solicitation for an FTA-assisted contract for a project is advertised.

## Goal Setting and Accountability (§26.47)

If the awards and commitments shown on the Broward MPO's Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, the Broward MPO will:

1. Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments.
2. Establish specific steps and milestones to correct the problems identified in the analysis and to enable the Broward MPO to meet fully its goal for the new fiscal year.
3. Submit the plan to FTA within ninety (90) days of the end of the affected fiscal year, if requested by FTA.

## Transit Vehicle Manufacturers Goals (§26.49)

The Broward MPO has not historically used FTA-assisted funding or otherwise to procure transit vehicles. If this changes in the future, the Broward MPO will require each transit vehicle manufacturer to certify that it has complied with the requirements of this section

as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements. Alternatively, the Broward MPO 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 transit vehicle manufacturers (TVM) complying with this element of the program.

## Meeting Overall Goals and Contract Goals (§26.51)

### Race-Neutral and Race-Conscious Participation (§26.51(a-c))

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 5 of this program. This section of the program will be updated every three years when the goal calculation is updated. The Broward MPO will use contract goals to meet any portion of the overall goal the Broward MPO does not project being able to meet using race-neutral means.

### Contract Goal (§26.51(d-e))

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

The Broward MPO will establish contract goals only on those FTA-assisted contracts that have subcontracting possibilities. The Broward MPO need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work.)

The Broward MPO will express the contract goals as a percentage of the total amount of an FTA-assisted contract.

## Good Faith Efforts Procedures (§26.53)

### Award of Contracts with a DBE (§26.53(a))

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

## **26.53(b) Information to be Submitted (§26.53(b))**

The Broward MPO treats bidder compliance with good faith effort requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require each bidder to submit the following information:

1. Names and addresses of DBE firms that will participate in the contract;
2. Description of the work that each DBE will perform; to count toward meeting a goal, each DBE firm must be certificated in a NAICS code application to the kind of work the firm would perform on the contract.
3. Dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors' commitment; and
6. Evidence of good faith efforts if the contract goal is not met (see Appendix A of Part 26). The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract.

## **Demonstration of Good Faith Efforts (§26.53(c))**

The obligation of the bidder is to make good faith efforts. The bidder can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26.

The DBELO and the project manager are responsible for determining whether a bidder 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/offer's good faith efforts before the Broward MPO commits to the performance of the contract by the bidder.

## **26.53(d) Administrative Reconsideration (§26.53(b))**

Within three (3) working days of being informed by the Broward MPO that it is not responsive because it has not documented sufficient good faith efforts, a bidder may request administrative reconsideration. A bidder shall make this request in writing to the following reconsideration official: Deputy Executive Director, Broward MPO, Trade Centre South, 100 West Cypress Creek Rd., Suite 650, Ft. Lauderdale, FL 33309-2112. The reconsideration official will not have played any role in the original determination that the bidder did not document sufficient good faith efforts.

As part of this reconsideration, the bidder 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 will have the opportunity to meet in person with the reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. The Broward MPO will send the bidder 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 FTA.

### **Good Faith Efforts When a DBE is Terminated/Replaced on a Contract with Contract Goals (§26.53(f-g))**

The Broward MPO requires that prime contractors not terminate a DBE subcontractor listed on a bid/contract with a DBE contract goal without its prior written consent. Prior written consent shall be provided where there is "good cause" for termination of the DBE firm, as established by Section 26.53(f)(3) of Part 26.

Before transmitting to the Broward MPO its request to terminate, the prime contractor shall give notice in writing to the DBE of its intent to do so. A copy of this notice shall be provided to the Broward MPO prior to consideration of the request to terminate. The DBE shall have five (5) days to respond and advise the Broward MPO why it objects to the proposed termination. The five-day period may be reduced if the matter is one of public necessity, e.g., safety.

In those instances, in which "good cause" exists to terminate a DBE's contract, the Broward MPO 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. The Broward MPO will require the prime contractor to notify the DBELO immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, the Broward MPO will require the prime contractor to obtain prior approval of the substitute DBE and to provide copies of new or amended subcontracts or documentation of good faith efforts. If the contractor fails or refuses to comply in the time specified, the Broward MPO Executive Director or his designee shall issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the Executive Director or his designee may issue a termination for default proceeding.

### **Counting DBE Participation (§26.55)**

The Broward MPO will count DBE participation toward overall and contract goals as provided in 49 CFR, Part 26.55.

# Subparts D and E—Certification Standards and Procedures

## Unified Certification Programs (§26.81)

It is the policy of the Broward MPO to accept DBE certifications from agencies that have reviewed and certified the DBE firms in accordance with 49 CFR, Part 26. The Broward MPO is not a certifying agency and will use the UCP or information provided by the Broward County Office of Office of Economic and Small Business Development, which is a certifying member of the UCP. For information about the certification process or to apply for certification, firms should contact FDOT's Equal Opportunity Office (<http://www.dot.state.fl.us>).

## Re-Certification (§26.83)

The re-certifications of firms as DBEs will be based on UCP standards and will be conducted by the certifying agency listed above.

The Broward MPO will require all DBEs to inform it, in a written affidavit, of any change in its circumstances affecting its ability to meet size, disadvantaged status, ownership, or control criteria of 49 CFR, Part 26 or of any material changes in the information provided.

The Broward MPO will also require all owners of all DBEs to submit, on the anniversary date of their certification, a “no change” affidavit meeting the requirements of §26.83(j). The affidavit should, at a minimum, include the following language:

I swear (or affirm) that there have been no changes in the circumstances of [*name of DBE firm*] affecting its ability to meet the size, disadvantaged status, ownership, or control requirements of 49 CFR, Part 26. There have been no material changes in the information provided with [*name of DBE firm*]'s application for certification, except for any changes about which you have provided written notice to the Broward MPO under §26.83(j).

The Broward MPO requires DBEs to submit with the affidavit documentation of the DBE firm's size and gross receipts.

The Broward MPO will notify all currently-certified DBE firms of these obligations in writing. This notification will inform DBE firms that to submit the “no change” affidavit, their owners must swear or affirm that they meet all regulatory requirements of Part 26, including personal net worth. Likewise, if a firm's owner knows or should know that he or she or the firm fails to meet a Part 26 eligibility requirements (e.g., personal net worth), the obligation to submit a notice of change applies.

## De-Certification (§26.87)

The de-certification of firms as DBE's will be based on UCP standards and will be conducted by the certifying agency listed above.

## Certification Appeals (§26.89)

Any firm or complainant may appeal the decision in a certification matter to the certifying agency listed above.

## Procedures for Certification Decisions (§26.91)

The Broward MPO distributes information about FDOT's website, which provides a list of UCP agencies that provide certification services and non-certification services in Florida. <http://www.dot.state.fl.us/equalopportunityoffice/DBECertification/UCP%20CERTIFYING%20ADDRESSES%200516.pdf>.

Any firm or complainant may appeal the FDOT's decision in a certification matter to DOT. Such appeals may be sent to:

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

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

# SUBPART F—Compliance and Enforcement

## Confidentiality (§26.109)

The Broward MPO 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, the Broward MPO will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than FTA) without the written consent of the submitter.

## Consequences of Non-Compliance

In the event of a contractor's failure or refusal to comply with the terms of this program, as set forth in such contractor's contract with the Broward MPO, the Deputy Executive Director will issue an order to:

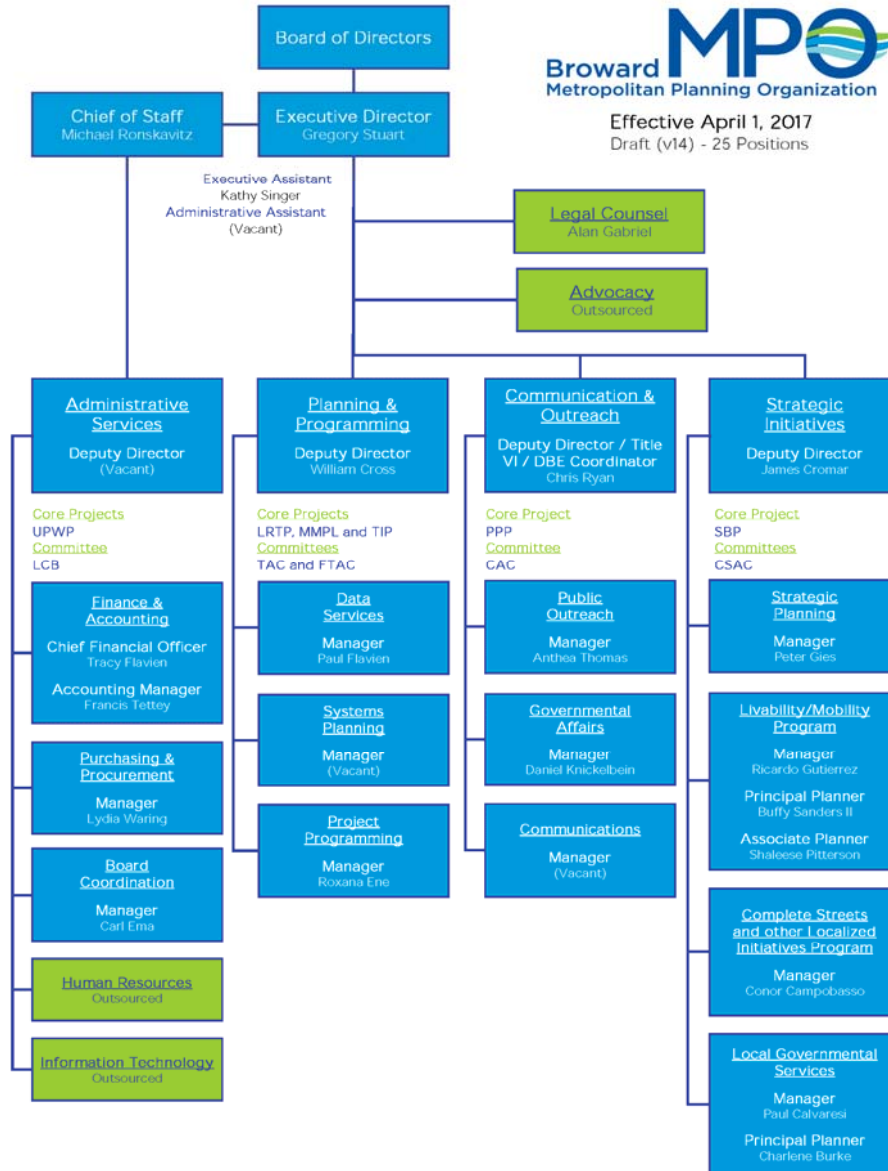
1. Withhold payments to the contractor under the contract until the contractor complies; and/or
2. Cancel, terminate or suspend the contract, in whole or in part.



# Attachment 1—Broward MPO Organization Chart



Effective April 1, 2017  
Draft (v14) - 25 Positions



**Legend**

**Core Products**

- Long Range Transportation Plan (LRTP)
- Multimodal Prioritization List (MMPL)
- Public Participation Plan (PPP)
- Strategic Business Plan (SBP)
- Transportation Improvement Program (TIP)
- Unified Planning Work Program (UPWP)

**Committees**

- Citizen's Advisory Committee (CAC)
- Complete Streets Advisory Committee (CSAC)
- Freight Transportation Advisory Committee (FTAC)
- Transportation Disadvantaged Local Coordinating Board (LCB)
- Technical Advisory Committee (TAC)

# Attachment 2—Monitoring and Compliance Mechanisms

## Subcontractor's Certificate of Previous Payment

Note: The Prime Contractor shall attach this statement to current payment invoices, completed by each Subcontractor whose work appears on the previous payment invoice.

KNOW ALL MEN BY THESE PRESENTS, That (name) \_\_\_\_\_  
representing \_\_\_\_\_, whose  
address is \_\_\_\_\_, with the  
title of \_\_\_\_\_, whom after being first duly sworn, upon oath  
deposes and says that pursuant to the provisions of the contract for:

CONTRACT NO. \_\_\_\_\_

CONTRACT NAME: \_\_\_\_\_

that all monies due him, in accordance with the agreed upon payment schedule, have been paid  
to him by \_\_\_\_\_, the Firm.

NOTARY STATEMENT  
STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_, by \_\_\_\_\_ who is personally known to me or who has  
produced \_\_\_\_\_ as identified and who did/did not take an oath.

WITNESS my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature of Notary

My Commission Expires \_\_\_\_\_

**Certificate of Disbursement of  
Previous Periodic Payment to Subcontractors**

RFP/RFQ No. \_\_\_\_\_ Date \_\_\_\_\_

Project Name: \_\_\_\_\_

Period of Work Invoiced For: \_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_/\_\_\_\_/\_\_\_\_

The Contractor for the above referenced contract, hereby certifies that all subcontractors and vendors having interest in this contract have received their pro rata share of all previous periodic payments made to date by the Broward Metropolitan Planning Organization for all work, materials and equipment furnished under the contract.

\_\_\_\_\_  
Firm

\_\_\_\_\_  
(Signature of Authorized Representative)

NOTARY STATEMENT  
STATE OF FLORIDA COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me the \_\_\_\_ day of \_\_\_\_\_,  
20\_\_, by \_\_\_\_\_ who is personally known to me or who has  
produced \_\_\_\_\_ as identification and who did/did not take an oath.

\_\_\_\_\_  
Signature of Notary

My Commission Expires \_\_\_\_\_

## VENDOR NAME/LOGO

Address  
City, State, Zip  
Tel #

### DBE REPORTING

**Service Period**      12/12/15 - 12/31/15

**DBE Contract Amt:** **\$ 36,000.00**

DBE Firm A:	<u>Company Name A</u>	DBE Firm A Amount Allocated:	\$ 10,000.00
DBE Firm B:	<u>Company Name B</u>	DBE Firm B Amount Allocated:	\$ 2,500.00
DBE Firm C:	<u>Company Name C</u>	DBE Firm C Amount Allocated:	\$ 2,000.00
DBE Firm D:	<u>Company Name D</u>	DBE Firm D Amount Allocated:	\$ 1,000.00
DBE Firm E:	<u>Company Name E</u>	DBE Firm E Amount Allocated:	\$ 5,000.00
DBE Firm F:	<u>Company Name F</u>	DBE Firm F Amount Allocated:	\$ 5,000.00
DBE Firm G:	<u>Company Name G</u>	DBE Firm G Amount Allocated:	\$ 10,500.00
DBE Firm H:	<u>Company Name H</u>	DBE Firm H Amount Allocated:	\$ 3,000.00
DBE Firm I:	<u>Company Name I</u>	DBE Firm I Amount Allocated:	\$ 4,000.00
DBE Firm J:	<u>Company Name J</u>	DBE Firm J Amount Allocated:	\$ 6,000.00
			<b>\$ 49,000.00</b>

DBE Firm	Amt Allocated	DBE Prev Billed	DBE Billed this period	YTD DBE Billed	DBE Remaining	Cummulative total % of DBE prev billed	% DBE this period	% YTD DBE
Company Name A	\$ 10,000.00	\$ 1,000.00	\$ 50.00	\$ 1,050.00	\$ 8,950.00	10.0%	0.5%	10.5%
Company Name B	\$ 2,500.00	\$ 50.00	\$ 60.00	\$ 110.00	\$ 2,390.00	2.0%	2.4%	4.4%
Company Name C	\$ 2,000.00	\$ 50.00	\$ 70.00	\$ 120.00	\$ 1,880.00	2.5%	3.5%	6.0%
Company Name D	\$ 1,000.00	\$ 50.00	\$ 80.00	\$ 130.00	\$ 870.00	5.0%	8.0%	13.0%
Company Name E	\$ 5,000.00	\$ 50.00	\$ 90.00	\$ 140.00	\$ 4,860.00	1.0%	1.8%	2.8%
Company Name F	\$ 5,000.00	\$ 50.00	\$ 100.00	\$ 150.00	\$ 4,850.00	1.0%	2.0%	3.0%
Company Name G	\$ 10,500.00	\$ 50.00	\$ 110.00	\$ 160.00	\$ 10,340.00	0.5%	1.0%	1.5%
Company Name H	\$ 3,000.00	\$ 50.00	\$ 115.00	\$ 165.00	\$ 2,835.00	1.7%	3.8%	5.5%
Company Name I	\$ 4,000.00	\$ 50.00	\$ 120.00	\$ 170.00	\$ 3,830.00	1.3%	3.0%	4.3%
Company Name J	\$ 6,000.00	\$ 50.00	\$ 125.00	\$ 175.00	\$ 5,825.00	0.8%	2.1%	2.9%
<b>Total</b>	<b>\$ 49,000.00</b>	<b>\$ 1,450.00</b>	<b>\$ 920.00</b>	<b>\$ 2,370.00</b>	<b>\$ 46,630.00</b>	<b>3.0%</b>	<b>1.9%</b>	<b>4.8%</b>

# Attachment 3—2018-2020 FTA Overall DBE Goal Calculation (\$26.45)

## DBE Goal Setting Process

The Broward MPO's overall goal for FY 2014 thru FY 2017 is eight percent (8%) of the federal financial assistance the Broward MPO will expend in FTA-assisted contracts. The DBE goal will be reviewed annually and updated every three (3) years in accordance with FTA regulations. It is estimated that the DBE goal will be seven percent (7%) based the calculation of the FY 2018 through FY 2020 DBE goal.

The methodology used to establish the overall goal, including determining the relative availability of DBEs in the normal market area for procurement of goods and services for the Broward MPO, consists of a multi-step process.

### A. Identifying the Geographic Scope of the Market Area

1. Before the calculation of the base goal can be made, the reasonable market area for procuring goods and services must be identified to establish geographic parameters for statistical analysis. The parameters are FDOT District 4 (Broward, Indian River, Martin, Palm Beach, and St. Lucie counties) and FDOT District 6 (Miami-Dade and Monroe counties).
2. The budget for proposed projects or any other relevant documents is examined by the Broward MPO to ascertain the type and scope of projects involving FTA funds proposed for the upcoming three fiscal years.
3. The list of projects is analyzed to determine the types of firms/services by North American Industry Classification System (NAICS) codes with which the Broward MPO would likely engage to execute FTA-assisted projects.
4. Using Census definitions, a list of relevant NAICS codes is compiled based on the firm types identified in Step A.3.

### B. Determining the Relative Availability of DBEs in the Market Area

1. Once the geographic scope of the market area is determined, the availability of DBEs in the market area can be ascertained. The primary source for this determination will be the State of Florida UCP directory.
2. From the UCP resource directory, the relative availability of all DBEs within the market area is identified and placed in a summary table format.
3. This list is further narrowed down through the identification of only firms that performed work relevant to the Broward MPO's federally-funded operating

expenses and capital improvements plan for FTA-assisted projects (i.e., the same NAICS codes identified in step A.3).

4. The DBE firms identified in Step B.2 are tallied.

#### C. Determining Relevant Market Conditions

1. Using the NAICS numbers identified in Step A, recent Census data for the service area are examined to determine the total number of firms that perform the type of work relevant to the Broward MPO's estimated FTA-assisted contracts.

#### D. Determining the "Base" DBE Goal

1. The number of (all) firms in the relevant NAICS categories from Step C serve as the denominator.
2. The number of DBE firms determined in Step B serve as the numerator.
3. The percent derived from items 1 and 2 is multiplied by the percent of future FTA-funded projects from Step A.2 for each contracting category. The total of this step provides the base goal.

#### E. Determining Adjustments for the "Overall" DBE Goal

After the base DBE goal has been developed in Steps A–D, additional information and data relevant to the Broward MPO's contracting experiences will be considered to determine what adjustment, if any, is needed to the base goal to derive a final overall goal.

In setting its overall goal, the Broward MPO considers the level at which DBEs have performed work on FTA-assisted contracts for the previous three years. If, historically, this percentage is higher than the established goal, the Broward MPO will see cause to adjust the base figure DBE goal by averaging the base goal and historical DBE performance percentage resulting in the adjusted overall DBE goal. The Broward MPO will continually assess the availability of research documents and demographic studies that may provide additional data on the extent to which DBE firms are "ready, willing, and able" to engage in contracting opportunities and successfully performing on contracts as determined by subcontract and prime contract awards.

Once the Broward MPO arrives at a DBE goal, it will publish the DBE goal information in the *Sun-Sentinel*, *South Florida Times*, and *El Sentinel* newspapers per the Broward MPO's Public Participation Plan and also will post it on the Broward MPO's webpage.

Details concerning the methodology used to obtain this goal will be available for review at the Broward MPO offices or website for thirty (30) days following the publication of the notice. Written comments via the U. S. Postal Service addressed and email comments will be accepted for thirty (30) days from the publication of the notice. Comments may also be directed to FTA Region IV, 230 Peachtree St NW, Suite 800, Atlanta, GA 30303.

## FY 2018–2020 DBE Goal Calculation

The Broward MPO, in compliance with 49 CFR, Part 26.45, Subpart C, has estimated a goal of seven percent (7%) for federal FYs 2018–2020 for DBE participation. The goal was developed using the methodology previously described in this attachment. The specific calculations supporting the FY 2018-2020 goal are provided below.

### Calculation of Base Goal

The Broward MPO's future anticipated FTA-assisted contracting opportunities through FY 2020 were identified and include the following categories:

- Professional services
  - Planning and engineering, including landscape architecture (urban design)
- Public outreach/relations
- Transit/fare technology and equipment
  - Includes NAICS codes and budget amounts provided by Broward County based on the project scope of services for two contracts funded through the Broward MPO's FTA funds
- Mobility Hub projects to design and construct transit and multi-modal infrastructure improvements as part of major intersection redevelopment opportunities.

Based on the above, 2017 NAICS codes for the identified contracting opportunities were identified. Table 1 identifies the categories of FTA-assisted contracting opportunities and associated NAICS codes.



**Table 1: NAICS Codes for Future FTA-Assisted Contracting Opportunities**

Contracting Category	NAICS Code(s)
Planning/Engineering	Engineering Services <a href="#">541320</a> Landscaping Architectural Services <a href="#">541330</a>
Public Outreach/Relations	Public Relations <a href="#">541820</a>
Transit/Fare Technology & Equipment	Custom Computer Programming Services <a href="#">518210</a> Sign Manufacturing <a href="#">339950</a> Data Processing, Hosting, and Related Services <a href="#">541511</a>
Mobility Hubs (Design and Construction)	Water and Sewer Line and Related Structures Construction <a href="#">237110</a> Oil and Gas Pipeline and Related Structures Construction <a href="#">237120</a> Power and Communication Line and Related Structures Construction <a href="#">237130</a> Highway, Street, and Bridge Construction <a href="#">237310</a> Commercial and Institutional Building Construction <a href="#">236220</a>

Table 2 presents the total amount and percent distribution of FTA-assisted contracting opportunities for each category.

**Table 2: Future FTA-Assisted Contracting Opportunities (FY 2018–2020)**

Contracting Category	Total Contracting Opportunity (\$ Amount)	Total Contracting Opportunity (% Distribution)
Planning/Engineering	\$2,144,867	17.7%
Public Outreach/Relations	\$1,412,700	11.7%
Transit/Fare Technology & Equipment: Custom Computer Programming Services	\$2,524,140	20.8%
Transit Technology: Sign Manufacturing	\$852,750	7.0%
Transit Technology: Data Processing, Hosting, and Related Services	\$34,110	0.3%
Mobility Hubs: Design and Construction	\$5,143,940	42.5%

*Note: Contracting opportunities identified by Broward MPO for April 1, 2017–September 30, 2020.*

Table 3 presents the percent of DBEs available and willing to perform the work identified by the Broward MPO for FTA-assisted contracts between now and FY 2020. The number of DBEs used to calculate the figures in this table are from the FDOT UCP DBE Directory for the geographic area identified (FDOT Districts 4 and 6) under the identified NAICS codes from Table 1. The total number of available firms for each NAICS category used to calculate the percent of available DBE are from the U.S. Census County Business Patterns (CPB). Based on available data, there are 0% available DBEs in the market area under the NAICS code for sign manufacturing, indicating a potential market for DBE firm growth. However, this NAICS code is one of three identified for the Transit/Fare Technology & Equipment projects to be funded through FTA-assisted contracts over the next three years. In total, this overall contracting category includes 3.04% of available DBEs (0.89% +2.15%).

**Table 3: Availability of DBEs to Perform Identified Work**

Contracting Category	% of Available & Willing DBEs
Planning/Engineering	3.32%
Public Outreach/Relations	6.30%
Transit/Fare Technology & Equipment: Custom Computer Programming Services	0.89%
Transit/Fare Technology & Equipment: Sign Manufacturing	0.00%
Transit/Fare Technology & Equipment: Data Processing, Hosting, and Related Services	2.15%
Mobility Hubs: Design and Construction	9.00%

The calculation of the base goal is presented in Table 4. The percent of contracting opportunity multiplied by the percent of available and willing DBEs for each contracting category is used to calculate the weighted result, the sum of which is the base goal of 5.3%.

**Table 4: Calculation of Base Goal**

Contracting Category	Total Contracting Opportunity (% Distribution)	% of Available & Willing DBEs	Result
Planning/Engineering	17.7%	3.32%	0.6%
Public Outreach/Relations	11.7%	6.30%	0.7%
Transit/Fare Technology & Equipment: Custom Computer Programming Services	20.8%	0.89%	0.2%
Transit Technology: Sign Manufacturing	7.0%	0.00%	0.0%
Transit Technology: Data Processing, Hosting, and Related Services	0.3%	2.15%	0.0%
Mobility Hubs: Design and Construction	42.5%	9.00%	3.8%
<b>Base DBE Goal %</b>			<b>5.3%</b>

### Adjustment to Base Goal

The Broward MPO historically has exceeded its established DBE goal; therefore, an adjustment to the base goal is appropriate if past performance once again indicates a higher capacity of DBEs to perform the work on FTA-assisted contracts. In reviewing the past three years of FTA-assisted contract payments, the MPO has achieved an average DBE percentage of 9% (see Table 5). The period of October 1, 2013 through March 31, 2017, is used to include three full fiscal years and the remaining part of the current fiscal year ending March 31, 2017, since the future funding period used to calculate the base goal starts April 1, 2017.

**Table 5: Historical DBE Participation in FTA-Assisted Contracts**

Period	DBE Contractor Payments	Total Contractor Payments	% DBE
Oct 01, 2013 – Mar 31, 2014	\$64,502	\$802,144	8.0%
Apr 01, 2014 – Sep 30, 2014	\$107,017	\$904,361	11.8%
Oct 01, 2014 – Mar 31, 2015	\$52,569	\$788,390	6.7%
Apr 01, 2015 – Sep 30, 2015	\$0	\$37,286	0.0%
Oct 01, 2015 – Mar 31, 2016	\$9,613	\$156,714	6.1%
Apr 01, 2016 – Sep 30, 2016	\$14,485	\$134,369	10.8%
Oct 01, 2016 – Mar 31, 2017	\$27,394	\$231,140	11.9%
<b>Total</b>	<b>\$275,580</b>	<b>\$3,054,405</b>	<b>9.0%</b>

Table 6 presents the Broward MPO's FTA overall DBE goal for FYs 2018–2020. The base goal of 5.3% is averaged with the historical participation of 9% to provide an overall goal of 7.2% (rounded to 7%).

**Table 6: Calculation of Overall DBE Goal**

Base DBE Goal	Historical Participation	Adjusted Overall DBE Goal
5.3%	9.0%	<b>7.2%</b>

The Broward MPO's overall FTA DBE goal for FYs 2018-2020 is seven percent (7%). The next update of the Broward MPO's DBE goal will be due to FTA by August 1, 2020.

# Attachment 4—Public Outreach Activities for Goal Setting

To be provided following the 30-day public comment period from June 1-30, 2017:

- Newspaper advertisements for the *Sun-Sentinel*, *South Florida Times*, and *El Sentinel*
- DBE Program informational flyers
- DBE Program assessment survey instrument and results
- DBE direct consultation activity (webinar) scheduled for June 22, 2017 at 2:00 PM
- Other outreach activities completed for the Broward MPO's 2018–2020 FTA overall DBE goal-setting process

# Attachment 5—Breakout of Estimated Race-Neutral & Race-Conscious Participation

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

The Broward MPO historically has exceeded its DBE goal through race-neutral measures and estimates that, in meeting the overall goal of 7%, 7% will be obtained from race-neutral participation and 0% through race-conscious measures. The following is a summary of the basis of the Broward MPO's estimated breakout of race-neutral and race-conscious DBE participation:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications and delivery schedules in ways that facilitate DBE participation.
2. Providing assistance in overcoming limitations such as inability to obtain bonding or financing.
3. Providing technical assistance.
4. Carrying out information and communication programs on contracting procedures and specific contract opportunities. These information and communication programs may include, but are not limited to the following:
  - a) Annually, the Broward MPO will provide all small businesses that have bid on contracts during the last fiscal year a summary on major policy manuals or important changes in contracting procedures.
  - b) The Broward MPO shall supply the same information to all firms applying for DBE certification.
  - c) The Broward MPO shall provide a summary of key DBE policies to persons responsible for contracting activities in the FDOT's Central Office and Districts.
  - d) The Broward MPO shall provide DBEs with job listings and listings of the potential prime bidders.
5. Providing services to help DBEs improve long-term development, increase opportunities to participate in a variety of kinds of planning work, handle increasingly significant projects, and achieve eventual self-sufficiency. These services may include but are not limited to:
  - a) Providing semi-annual workshops for newly-certified DBE businesses to explain Broward MPO business processes; and
  - b) Conducting conferences at least once a year to bring together DBEs and the Broward MPO's prime contractors.

To ensure that the Broward MPO's DBE program will be narrowly tailored to overcome the effects of discrimination, if it uses contract goals, it will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see §26.51(f)) and it 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 it obtains through customary competitive procurement procedures;
- DBE participation through a subcontract on a prime contract that does not carry a DBE goal;
- DBE participation on a prime contract exceeding a contract goal; and
- DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.



Move People | Create Jobs | Strengthen Communities

### **Broward Metropolitan Planning Organization**

Trade Centre South  
100 West Cypress Creek Road, Suite 650, 6<sup>th</sup> Floor  
Fort Lauderdale, FL 33309

[info@browardmpo.org](mailto:info@browardmpo.org)

(954) 876-0033 Office

(954) 876-0062 Fax

For more information on activities and projects of the Broward MPO, please visit:

[BrowardMPO.org](http://BrowardMPO.org)

For complaints, questions, or concerns about civil rights or nondiscrimination or for special requests under the

Americans with Disabilities Act, please contact

Christopher Ryan, Deputy Executive Director/Title VI/DBE Coordinator

(954) 876-0036 or [ryanc@browardmpo.org](mailto:ryanc@browardmpo.org).

For more information, please contact:

Christopher Ryan, Deputy Executive Director /Title VI/DBE Coordinator

Broward Metropolitan Planning Organization

Trade Centre South, 100 West Cypress Creek Road, Suite 650, Fort Lauderdale, FL 33309

Phone: (954) 876-0036 | Email: [ryanc@browardmpo.org](mailto:ryanc@browardmpo.org)