



Disadvantaged Business Enterprise (DBE) Program

Brownsville METRO (B-METRO)



For Projects Funded in Whole or In Part
By United States Department of Transportation Funds

Brownsville, Texas

POLICY STATEMENT

§26.1, 26.23 – Objectives/Policy Statement

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

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

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

The Brownsville Metro (B-METRO) Director has been delegated the City's DBE Liaison Officer (DBELO). In that capacity, the B-METRO Director is responsible for implementing and monitoring all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the City of Brownsville in its financial assistance agreements with the Department of Transportation.

The City of Brownsville has disseminated this policy statement to the City Commission and all the components of our organization. We have distributed this statement to DBE and non-DBE communities that perform work for us on DOT-assisted contracts.

City of Brownsville Chief Executive Officer

Date

INTRODUCTION

The City of Brownsville is pleased to submit the following Disadvantaged Business Enterprise (DBE) Program for the procurement of goods and services for the Brownsville METRO (B-METRO) transportation Department which are funded in whole or in part by the United States Department of Transportation.

This document complies with 49 CFR Part 26 and has been adopted by the City Commission of the City of Brownsville. Attached are support documents to this plan.

RESOLUTION

The Resolution thus adopted is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BROWNSVILLE, TO ADOPT THE REVISED DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM AS TO MEET THE REQUIREMENTS OF FEDERAL REGULATIONS FROM THE DEPARTMENT OF TRANSPORTATION (DOT).

WHEREAS, the City of Brownsville and its contractors shall not discriminate on the basis of race, color, religion, national origin, handicap, age, or sex in the award and performance of those contracts which are funded in part or in full by the United States Department of Transportation (US DOT).

WHEREAS, the United States Department of Transportation (US DOT) under 49 CFR Part 26 requires that DBEs and Small Businesses are afforded the maximum opportunity to participate in the performance of contracts which are financed in whole or in part by the DOT.

WHEREAS, the City of Brownsville has agreed to participate in the Texas Unified Certification Program (TUCP) which certifies Disadvantaged Business Enterprises (DBEs) within the State of Texas for participation under the regulations of 49 CFR Part 26.

WHEREAS, the City of Brownsville shall take all necessary and appropriate actions as required under 49 CFR Part 26 and, minimally, shall 1) Identify all contracting opportunities that are funded in part or in full by DOT funds; 2) Utilize the Texas Unified Certification Program (TUCP) database of certified vendors to analyze the availability of DBE vendors; 3) Work with the City Manager, B-METRO Director and the Assistant Finance Director to establish DBE participation goals for each project and on an annual basis for those projects and services that are funded in whole or in part by DOT funds; 4) Use good faith efforts in meeting the annual goals; 5) Track and report the use of certified DBE vendors to the DOT as required on an annual basis; 6) Establish and maintain a procurement policy that includes the DBE Program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF BROWNSVILLE, TEXAS:

Section 1. That the City of Brownsville shall adhere to the established purchasing policy regarding competitive bidding and the Disadvantaged Business Enterprise program for DOT funded programs.

Section 2. That the City of Brownsville supports and is committed to the spirit of 49 CFR Part 26, as amended, in providing opportunity to Disadvantaged Business Enterprises.

Section 3. That the City of Brownsville is authorized to set forth and execute business policies in connection with its procurement needs.

Section 4. That the City of Brownsville has designated the B-METRO DBE Consultant as the agent responsible for the development of the annual DBE Goal.

Section 5. That the City of Brownsville has designated the B-METRO Director to serve as the City's DBE Liaison Officer (DBELO) for the program.

SUBPART A – GENERAL REQUIREMENTS

§26.1 – Objectives

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

§26.3 – Applicability

The City of Brownsville is the recipient of federal transit funds authorized under Titles I, III 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, II, and V of the Transportation Equity Act for the 21st Century (TEA-21, Pub. L. 105-178).

§26.5 – Definitions

In accordance with 49 CFR Section 26.5, the following definitions apply to the City of Brownsville's DBE Program.

* **Affiliation** - As defined in the Small Business Administration (SBA) regulations, 13 CFR Part 121:

Except as otherwise provided in 13 CFR Part 121, concerns are affiliates of each other when, either directly or indirectly:

- a. One concern controls or has the power to control the other;
- b. A third party or parties controls or has the power to control both; or
- c. An identity of interest between or among parties exists such that affiliations may be found.

In determining whether affiliation exists, it is necessary to consider all appropriate factors, including common ownership, common management, and contractual relationships. Affiliates must be considered together in determining whether a concern meets small business size criteria and the statutory cap on the participation of firms in the DBE program.

* **Affirmative Action** Specific and positive activities undertaken by the City of Brownsville and its contractors to eliminate discrimination and its effects, to ensure nondiscriminatory results and practices in the future, and to involve disadvantaged business enterprises fully in contracts and programs funded by the DOT.

* **Alaska Native** A citizen of the United States who is a person of one-fourth degree or more Alaskan Indian (including Tsimshian Indians not enrolled in the Metlakta Indian Community), Eskimo, or Aleut blood, or a combination of those bloodlines. The term includes, in absence of proof of a

minimum blood quantum, any citizen whom a Native village or Native group regards as an Alaska Native if their father or mother is regarded as an Alaska Native.

- * **Alaska Native Corporation** Any Regional Corporation, Village Corporation, Urban Corporation, or Group Corporation organized under the laws of the State of Alaska in accordance with the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, et seq.).
- * **Appeal** A formal filing by a business entity that has been denied certification by the Texas Unified Certification Program as a Disadvantaged Business Enterprise (DBE).
- * **Applicant** One who submits an application, request, or plan to be approved by a departmental official or by a primary recipient as a condition of eligibility for DOT financial assistance; and application means such an application, request, or plan.
- * **Bidders List** A list of all prime and subcontractors, DBE and non-DBE, that have bid or quoted on DOT-assisted contracts. The bidders list will include the name, address, DBE, non-DBE, Small Business status, age and annual gross receipts of these firms. The list will enable the calculation of overall goals by use of the bidders list approach and provide data for the determination of the market area for various trades.
- * **Challenge** A formal filing by a third party to rebut the presumption that a particular business meets the definition of DBE.
- * **Commercially Useful Function** Work performed by a DBE firm in a particular transaction that in light of industry practices and other relevant considerations, has a necessary and useful role in the transaction, i.e., the firm's role is not a superfluous step added in an attempt to obtain credit toward goals.
- * **Compliance** The condition existing when a recipient or contractor has a correctly implemented the requirements of the program.
- * **Contract** A legally binding relationship or any modification thereof obligating the seller to furnish supplies or services, including construction, and the buyer to pay for them.
- * **Contracting Opportunity** Any decision by the City of Brownsville or its contractors to institute a procurement action to obtain a product or service commercially (as opposed to intergovernmental actions).
- * **Contractor** One who participates, through a contract or subcontract (at any tier), in a DOT-assisted highway, transit, or airport program covered by this part; and includes lessees.
- * **DBE Directory** The list of Certified Firms developed and maintained by the TUCP which is used by the City of Brownsville and its contractors to identify DBE potential prime and subcontractors and suppliers.
- * **DBE Liaison Officer** The official designated by the City of Brownsville to have overall responsibility for promotion of DBE participation.

- * **Department or DOT** The U.S. Department of Transportation, including the Office of the Secretary, the Federal Highway Administration (FHA), the Federal Transportation Agency (FTA), and the Federal Aviation Administration (FAA).
- * **Disadvantaged Business Enterprise (DBE)** A for-profit small business concern:

That is at least 51% owned by one or more individuals who are both socially and economically disadvantaged; or in the case of a corporation, in which at least 51% of the stock is owned by one or more such individuals; and

Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
- * **DOT-Assisted Contract** Any contract or modification of a contract between the City of Brownsville and a contractor (at any tier) that is funded for in whole or in part with DOT financial assistance, including letters of credit or loan guarantees, except a contract solely for the purchase of land.
- * **Equal Opportunity** The requirements of non-discrimination in employment with regard to race, religion, creed, color, national origin, ancestry, physical handicap, medical condition, age, marital status, or sex, and in accordance with Government Code, Section 12490.
- * **Goal** The annual percentage of DOT-assisted dollars intended to be awarded to DBEs. The annual overall DBE goal is achieved through a combination of race-neutral and race-conscious measures, including contract-specific goals.
- * **Good Faith Efforts** Efforts to achieve a DBE goal or other requirement of the program, which by their scope, intensity, and appropriateness to the objective, can be expected to fulfill the program requirement.
- * **Immediate Family Member** Father, mother, husband, wife, son, daughter, brother, sister, grandmother, grandfather, grandson, granddaughter, mother-in-law, or father-in-law.
- * **Indian Tribe** Any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native Corporation, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or is recognized as such by the State in which the tribe, band, nation, group, or community resides. See definition of “tribally-owned concern” in these definitions.
- * **Joint Development** The planning and implementation of an income producing real estate development which is adjacent to or physically related to an existing or proposed public transportation facility (e.g. transit station, Park and Ride, or bus facility).
- * **Joint Venture** An association of a DBE firm and one or more other firms to carry out a single for profit business enterprise, for which the parties contribute their property, capital, efforts, skills, and knowledge, and in which the DBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital, contribution, control, management, risks, and profits of

the joint venture is commensurate with its ownership interest.

- * **Lessee** A business or person that leases, or is negotiating to lease, property from a recipient or the department on the recipient's facility for the purpose of operating a transportation-related activity or for the provision of goods or services to the facility or to the public on the facility.
- * **Level Playing Field** The objective of the DOT and City of Brownsville's DBE program; wherein an environment is created to achieve the level of participation by DBEs that would reasonably be expected in the absence of discrimination.
- * **Manufacturer** A business that operates, or maintains a factory or establishment that produces on the premises the materials or supplies obtained by the contractor.
- * **Native Hawaiian** Any individual whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.
- * **Native Hawaiian Organization** Any community service organization serving Native Hawaiians in the State of Hawaii which is a not-for-profit organization chartered under the State of Hawaii, is controlled by Native Hawaiians, and whose business activities will principally benefit such Native Hawaiians.
- * **Noncompliance** The condition existing when a recipient or contractor has not correctly implemented the requirements of the program.
- * **Operating Administration or OA** Any of the following parts of the DOT; the Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and the Federal Transit Administration (FTA). The "Administrator" of an operating administration includes his or her designees.
- * **Personal Net Worth** The net value of the assets of an individual remaining after total liabilities are deducted. An individual's personal net worth does not include the individual's ownership interest in an applicant or participating DBE firm; or the individual's equity in his or her primary place of residence. An individual's personal net worth includes only his or her own share of assets held jointly or as community property with the individual's spouse.
- * **Pre-Bid/Pre-Proposal Conference** A meeting held by the City of Brownsville, prior to the bid/proposal closing date of a particular project, at which prospective bidders/proposers are advised of the City of Brownsville specification requirements, which include DBE provisions.
- * **Pre-Bid/Pre-Construction Conference** A meeting held by the City of Brownsville after award of contract on a particular construction project, but prior to the beginning of any work, at which the prime contractor is advised of its federal compliance obligations and any final technical requirements.
- * **Preponderance of the Evidence** The standard of evidence used in DBE eligibility criteria. Pertains to the total context of factual submissions.

- * **Primary Industry Classification** The six-digit North American Industry Classification System (NAICS, pronounced Nakes) was developed as the standard for use by Federal statistical agencies in classifying business establishments for the collection, analysis, and publication of statistical data related to the business economy of the U.S. NAICS was developed under the auspices of the Office of Management and Budget (OMB), and adopted in 1997 to replace the old Standard Industrial Classification (SIC) system.
- * **Primary Recipient** A recipient who received DOT financial assistance and passes some or all of this assistance on to another recipient.
- * **Principal Place of Business** The business location where the individuals who manage the firm's day-to-day operations spend most working hours and where top management's business records are kept. If the offices from which management is directed and where business records are kept are in different locations, the recipient will determine the principal place of business for DBE program purposes.
- * **Program** Any undertaking by a recipient to use DOT financial assistance, and includes the entire activity any part of which receives DOT financial assistance.
- * **Race-Conscious Measure or Program** One that is focused specifically on assisting DBEs, including women-owned DBEs.
- * **Race-Neutral Measure or Program** One that is, or can be, used to assist all small businesses. For the purposes of this part, race-neutral includes gender-neutrality.
- * **Rebuttable Presumption** A fact related to DBE eligibility criteria that is held to meet the standards of eligibility unless proven otherwise.
- * **Recipient** Any entity, public or private, to which DOT financial assistance is extended, whether directly or through another recipient, through the programs of the FAA, FHWA, or FTA, or who has applied for such assistance.
- * **Regular Dealer** A firm that owns, operates or maintains a store, warehouse or other establishment in which the materials or supplies required for the performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business. To be a regular dealer, the firm must engage in, as its principal business, and in its own name, the purchase and sale of the products in question. A regular dealer in such bulk items as steel, cement, gravel, stone, and petroleum products need not keep such products in stock, if it owns or operates distribution equipment. Brokers and packagers shall not be regarded as manufacturers or regular dealers within the meaning of this definition.
- * **Relative Availability** The percentage of available DBE firms in light of local circumstances and the number of total available firms.
- * **Secretary** The Secretary of Transportation or his/her designee.

* **Set-Aside** A contracting practice restricting eligibility for the competitive award of a contract solely to one type of firm, such as DBE firms.

* **Small Business Administration or SBA** The United States Small Business Administration.

* **Small Business Concern (with respect to firms seeking to participate as DBEs in DOT-assisted contracts)** A small business as defined pursuant to Section 3 of the Small Business Act (13 CFR 121), and regulations implementing it, that does not exceed the cap on gross receipts specified in 49 CFR 26.65(b).

* **Socially and Economically Disadvantaged Individuals (for purposes of DOT-assisted projects)** Any individual who is a citizen (or lawfully admitted permanent resident) of the United States, and who is:

Any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis;

Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:

“Black American”, which includes persons having origins in any of the black racial groups of Africa;

“Hispanic American”, which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

“Native American”, which includes persons that are American Indians, Eskimos, Aleuts or Native Hawaiians;

“Asian-Pacific American”, which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Javalu, Nauru, Federal States of Micronesia, or Hong Kong;

“Subcontinent Asian Americans”, which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;

Women;

Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

The City of Brownsville will make a rebuttable presumption that individuals in the above groups are socially and economically disadvantaged. The City of Brownsville may, on a case-by-case basis, determine or accept the determination by another DOT recipient, individuals who are socially and economically disadvantaged in accordance with 49 CFR 26, SECTION 4.

- * **Transit Vehicle Manufacturer** A manufacturer of vehicles used by FTA recipients for the primary program purpose of public mass transportation (e.g. buses, railcars, vans). The term does not apply to firms that rehabilitate old vehicles or to manufacturers of locomotives or ferry boats. The term refers to distributors of or dealers in transit vehicles with respect to requirements of 49 CFR part 23.67 of the regulations.
- * **Tribally Owned Concern** Any concern that is at least 51% owned by an Indian tribe as defined in these definitions.
- * **U.S. DOT Regulations (49 CFR part 23 and part 26)** Federal rules and regulations published in the Federal Register by the Department of Transportation, Office of the Secretary.

§26.7 – Non-discrimination Requirements

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

In administering its DBE program, the City of Brownsville 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.

§26.11 – Record Keeping Requirements

Reporting to DOT: 26.11(b)

The City of Brownsville will report DBE participation electronically on a quarterly basis, using the FTA’s TEAM System and the Implementation of SAFETEA-LU form entitled Uniform Report of DBE Commitments/Awards and Payments. These reports will reflect all commitments/awards with and payments actually made to all contractors/suppliers including DBEs on DOT-assisted contracts.

Bidders List: 26.11(c)

The City of Brownsville will create a bidders list, consisting of information about all DBE, non-DBE and Small Business firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidders list approach to calculating overall goals. It is also a useful tool in determining the market area for various trades. The bidder list will include the name, address, DBE, non-DBE and Small Business status, age, and annual gross receipts of firms.

We will collect this information by including a Bidder’s List Form (See Section 1) in all DOT funded RFPs.

§26.13 – Federal Financial Assistance Agreement

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

Assurance: 26.13(a)

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

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

[Note: This language is to be used verbatim, as it is stated in 26.13(a).]

Contract Assurance: 26.13(b)

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

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

[Note: This language is to be used verbatim, as it is stated in 26.13(b).]

SUBPART B – ADMINISTRATIVE REQUIREMENTS

§26.21 – DBE Program Updates

Since the City of Brownsville has received a grant of \$250,000 or more in FTA planning capital, and/or operating assistance in a federal fiscal year, we will continue to carry out this program until all funds

from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program.

§26.23 – Policy Statement

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

§26.25 – DBE Liaison Officer (DBELO)

We have designated the B-METRO Director as our DBE Liaison Officer. **Attachment 1** provides the current name and contact information for this individual. In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the City of Brownsville complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the City Manager concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in **SECTION 4** to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has sufficient staff and expert consultants, when needed, 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. Works with the Purchasing Department to ensure the review of third party contracts and purchase requisitions for compliance with this program.
3. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral/race-conscious methods and contract specific goals attainment).
4. Works with all departments to set annual goals in a timely manner.
5. Ensures that bid notices and requests for proposals are available to DBEs and Small Businesses in a timely manner.
6. Analyses City of Brownsville's progress toward goal attainment and identifies ways to improve progress.
7. Provides outreach to DBEs and community organizations to advise them of opportunities.
8. Encourages primes to use the DBE TUCP and TxDOT Small Business Enterprise directories.
9. Participates in pre-bid meetings.
10. Reviews bids with the legal counsel and project director to confirm DBE status and determine contractor compliance with good faith efforts.
11. Advises the CEO/governing body on DBE matters and achievement.
12. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
13. Provides information to DBEs according to the criteria set by DOT and the Uniform Certification Process in Texas; and refers to DOT UCP for certification.
14. Maintains the City of Brownsville's FTA bidders list.

§26.27 – DBE Financial Institutions

It is the policy of the City of Brownsville to encourage prime contractors on DOT-assisted contracts to make use of 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 to make use of these institutions. The most current information available in the TxDOT TUCP Directory shows there are no DBE certified financial institutions.

§26.29 – Prompt Payment Mechanisms

The City of Brownsville will include the following clause in each DOT-assisted prime contract:

“The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract to later than 10 days from the receipt of each payment the prime contract received from the City of Brownsville. The prime contractor further agrees to return retainage payments to each subcontractor within 10 days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the City of Brownsville. This clause applies to both DBE and non-DBE subcontracts.”

The City of Brownsville will notify the Surety of any circumstances of non-payment and instruct compliance through payment and performance bonds.

§26.31 – Directory

The City of Brownsville is a member of the Texas Unified Certification Program (TUCP) administered by the Texas Department of Transportation (TxDOT). The TxDOT directory of DBE certified firms lists the firm’s name, address, phone number, date of most recent certification, and the type of work the firm has been certified to perform as a DBE. You must search both the “Statewide” and desired “District” to locate all DBEs for your District or area. For any types not listed contact the TxDOT DBE Project Specialist at 512-486-5511.

The Directory is constantly updated and is available through the internet at:

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

or through a hard copy of the information held in the B-METRO Department and Finance Department. An example of the information available in the Directory is shown in **SECTION 5** of this document.

TxDOT also maintains a Certified Small Business Enterprise Directory. The Directory is constantly updated and is available through the internet at:

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

B-METRO encourages the use of Small Businesses on their projects.

§26.33 – Overconcentration

The City of Brownsville will take all necessary and appropriate steps to ensure that overconcentration does not occur in any area of procurement that will unduly overburden non-DBE vendors from participation. In the event that an overconcentration is noted, the City of Brownsville will remove any incentive for participation and will encourage the participation of non-DBE vendors in the process.

§26.35 – Business Development Programs

The City of Brownsville has not established a business development program.

§26.37 – Monitoring and Enforcement Mechanisms

The City of Brownsville will implement the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g. referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. **SECTION 1** lists the regulation, provisions, and contract remedies available to us in the event of non-compliance with the DBE regulation by a participant in our procurement activities.
3. We will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs and Small Businesses at contract award are actually performed by the DBEs and Small Businesses specified. This will be accomplished as described in **SECTION 1**.
4. We will keep a running tally of actual payments to DBE and Small Business firms for work committed to them at the time of contract award.

Section 26.39 – Fostering Small Business Participation Plan

Definition of Terms

The terms used in this program have the meanings defined in 49 CFR §26.39.

Objectives/Policy Statement (§§26.39, 26.21, 26.43, 26.53)

Brownsville METRO (B-METRO) has established a Small business Participation Plan (SBPP) in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26.

It is the policy of the Brownsville METRO to ensure that small businesses, as defined by the SBA, have an equal opportunity to receive and participate in DOT-assisted contracts at B-METRO. It is also our policy to:

1. Ensure nondiscrimination in the award and administration of DOT assisted contracts;
2. Create a level playing field on which small businesses can compete fairly for DOT assisted contracts;
3. Ensure that the Small Business Participation Plan is narrowly tailored in accordance with applicable law;
4. Ensure that Small Business firms are verified as meeting SBA standard 13 CFR 121 and/or certified by TxDOT as a Texas Certified Small Business Enterprise;
5. Help remove barriers to the participation of Small Businesses in DOT assisted contracts;
6. Assist the development of firms that can compete successfully in the market place outside the Small Business Participation Plan.

It is the policy of the Brownsville METRO that the SBPP will mirror their DBE Program with the following unique elements or exceptions:

1. The Brownsville METRO will establish a race-neutral small business set-aside for DOT assisted prime contracts under \$250,000. DBEs qualify as small businesses but are only a part of the qualified small business pool. Small Business set-aside contracts will not have a small business goal or be a part of the triennial goals.
2. The Brownsville METRO will increase time for preparation of RFPs by one week to enable more time unless prohibited by project timeline.
3. The Brownsville METRO will apply minimum bonding and insurance levels required for smaller projects.
4. In multi-year design-build contracts or other large contracts:
 - a. Bidders on the prime contract will be required to identify all subcontractors, specifying whether they are large business, small businesses or DBEs.
 - b. The Brownsville METRO will identify elements of the contract where unbundling might be considered in the future without impeding continual performance toward project completion.
5. On prime contracts not having DBE goals, prime contractors are required to specify elements that are of a size that all small businesses, including DBEs can reasonably perform.
6. §26.13(a) states a 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”. Should it become necessary, the Brownsville METRO will email all NAICS related TxDOT Certified Small Businesses Enterprises notice of RFP opportunities as described in SECTION 1.
7. Identified small businesses will require the same replacement procedure by like entities as is required of DBEs.

The Brownsville METRO will actively implement the SBPP elements to the extent enabled in their Small Business Plan.

Monitoring and Compliance

The Brownsville METRO will add Texas Certified Small Business Enterprises to all monitoring and enforcement mechanisms, where applicable, to ensure compliance with 49 CFR Part 26.39. Details of these mechanisms are stated in Section 26.37 above.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

§26.43 – Set-asides or Quotas

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

§26.45 – Overall Goals

A description of the methodology to calculate the overall goal and the goal calculations can be found in **Attachment 2** to this program. This section of the program will be updated triennially.

In accordance with Section 26.45(f) the City of Brownsville will submit its overall goal to DOT on August 1, 2010. Thereafter, in accordance with the DBE final rule changing 49 CFR Part 26 (26.45(f)), dated February 3, 2010, the City of Brownsville will submit overall goals for review every three years, per the FTA reporting schedule updated on July 30, 2010, beginning August 1, 2011. The next overall goal will be submitted by August 1, 2014.

Before establishing the overall goal each year, the City of Brownsville will review the Bidders List to refine the historic market area for the various trades to be used, work with the following agencies to obtain information concerning and review concerns presented by local small, minority, women owned business organizations and SBDCs to obtain information concerning the availability of disadvantaged, non-disadvantaged and small businesses, the effects of discrimination on opportunities for DBEs and small businesses, and the City of Brownsville's efforts to establish a level playing field for the participation of DBEs:

- Various small, minority and women's business organizations
- Minority Business Enterprise Division of the Small Business Administration
- Small Business Development Centers
- Texas Department of Transportation
- Local Chamber of Commerce and Hispanic Chamber of Commerce
- Lower Rio Grande Valley Development Council
- Southwest Minority Development Council – Valley District
- University of Texas – Pan America (SBDC)
- Other FTA and DOT Recipients

Following this consultation, we will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the City Hall for 30 days following the date of the notice, and the City of Brownsville and DOT will accept comments on the goals for 45 days from the date of the notice. The City of Brownsville publishes the notice in the local newspaper and available minority-focus media including addresses to which comments may be sent and addresses where the proposal may be viewed. A copy is shown in **SECTION 3**. The overall goal submission to DOT will include a summary of information and comments received during this public participation process and the City of Brownsville's responses.

The City of Brownsville will begin using our overall goal on October 1 of each goal period, unless we have received other instructions from DOT.

§26.49 – Transit Vehicle Manufacturers Goals

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

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

The breakout of estimated race-neutral and race-conscious participation can be found in **Attachment 2** of this program. This section of the program will be updated in accordance with the FTA goal submission schedule when the goal calculation is updated.

§25.51 (d-g) – Contract Goals

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

We will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We 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.)

We will express our contract goals as a percentage of the total amount of a DOT-assisted contract.

§26.53 – Good Faith Efforts

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. Examples of good faith efforts are found in Appendix A to Part 26.

The following personnel are responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith as responsive:

DBE Advisory Committee, consisting of the DBELO and the director of the departments participating in the project.

We 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))

The City of Brownsville treats bidder/offeror's 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 with their bid:

1. The names and addresses of all subcontractors that will participate in the contract identifying those who are DBE and/or Small Business subcontractors;
2. A description of the work that each will perform;
3. The dollar amount of the participation of each 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 and/or Small Business that it is participating in the contract as provided in the prime contractors commitment; and
6. If the contract goal is not met, evidence of good faith efforts.

Administrative reconsideration (26.53(d))

Within two working days of being informed by the City of Brownsville that 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 officials:

City Manager
City Attorney

Current names and contact information for the reconsideration officials are in **Attachment 1** of this program. The reconsideration officials will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

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

Good Faith Efforts when a DBE and/or Small Business are replaced on a contract (26.53(f))

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

In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and/or Small Business 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 the City of Brownsville 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 and/or Small Business. A DBE contract goal of _____ percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (**SECTION 7**), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) the names and addresses of all participants that will perform work in the contract identifying those who are DBE and/or Small Business subcontractors; (2) a description of the work that each firm will perform; (3) the dollar amount of the participation of each firm participating; (4) written documentation of the bidder/offeror's commitment to use a DBE and/or Small Business subcontractor whose participation it submits to meet the contract goal and/or Small Business commitment; (5) written confirmation from the DBE and/or Small Business 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.

§26.55 – Counting DBE Participation

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

SUBPART D – CERTIFICATION STANDARDS

§26-61–26.73 – Certification Process

The City of Brownsville ensures that only DBE firms currently certified on the TxDOT DBE Program directly will participate as DBEs in its program. To be certified as a DBE, a firm must meet all certification eligibility standards as set forth in 49 CFR Part 26 and administered by the Texas Department of Transportation.

TxDOT’s certification application forms and documentation requirements are found in **SECTION 6** marked “TUCP Application, Forms & Information”. For information about the certification process or to apply for certification, firms should contact the TxDOT website at http://www.dot.state.tx.us/business/business_outreach/dbe.htm or:

Roster of Certifying Agencies

If the firm has its principal place of business in another state and is currently certified in that state, the firm should contact the Texas Department of Transportation.

Texas DBE Certifying Agencies	
HOUSTON	City of Houston 713.837.0311
AUSTIN	City of Austin (Hays, Travis, Williamson, Caldwell and Bastrop counties) 512-974-7600
CCRTA	Corpus Christi Regional Transportation Authority 361-289-2712
NCTRCA	North Central Texas Certification Agency 817-640-0606
SCTRCA	South Central Texas Certification Agency 210-227-5712
TXDOT	Texas Department of Transportation 512-486-5500

SUBPART E – CERTIFICATION PROCEDURES

§26.81 – Unified Certification Programs

The City of Brownsville is a member of the Unified Certification Program (UCP) administered by the Texas Department of Transportation. The UPC will process all certifications and meet all of the requirements of this section. The TUCP is a "one stop" certification process for the Federal DBE Programs in Texas. The TUCP consolidates all DBE firms certified by six different agencies into one centralized DBE Directory for USDOT funded contracts for Airport, Highways, and Public Transit. (See SUBPART D above.)

§26.83 – Procedures for Certification Decisions

Re-certifications 26.83(a) & (c)

The TUCP will perform all of the requirements of this section of the DBE program. TUCP requires all DBEs to submit, on the anniversary of their certification, a “no change” affidavit in lieu of the three year re-certification application. TUCP performs on site visits every five years for corporations and every ten years for sole proprietorships. DBEs will be required to provide proof of compliance with this provision upon request.

“No Change Affidavits and Notices of Change (26.83(i))

The TUCP will perform all of the requirements of this section of the DBE program. TUCP requires all certified DBEs to submit, on the anniversary date of their certification, a “no change” affidavit. DBEs will be required to provide proof of compliance with this provision upon request.

§26.85 – Denials of Initial Requests for Certification

If a firm’s application is denied prior to the site visit, TUCP will not allow reapplication for six months. If after the site visit, TUCP will not allow reapplication for one year.

If a firm is decertified for non-response, it may not reapply for six months. If a firm is decertified for non-compliance, it may not reapply for one year.

§26.87 – Removal of a DBE’s Eligibility

The TUCP will perform all of the requirements of this section of the DBE program. In the event of removal of a DBE’s eligibility, the firm will be removed from the TUCP DBE directory. Requirements for reapplication are noted in §26.85.

§26.89 – Certification Appeals

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

Department of Transportation
Office of Civil Rights Certification Appeals Branch
400 – 7th Street, SW
Room 5414
Washington, D.C. 20590

We will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT-assisted contracting (e.g., honor the certification of a firm if DOT has determined that the TUCP denial of its application was erroneous). A firm must first appeal an unsatisfactory TUCP decision through the TUCP procedures. If the applicant is still unsatisfied, the Department of Transportation becomes the appeal of last resort.

SUBPART F – COMPLIANCE AND ENFORCEMENT

§26.109 – Information, Confidentiality, Cooperation

We will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. The Public Information Act of Texas (TPIA) is a series of laws designed to guarantee that the public has access to public records of government bodies at all levels in Texas. Texas Government Code, Chapter 552, gives citizens the right to access records at various levels of Texas government, without having to declare your purpose in doing so. The TPIA is available online at:

<http://www.tsl.state.tx.us/agency/customer/pia.html>

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

Monitoring Payments to DBEs

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

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

SECTIONS AND ATTACHMENTS

SECTIONS

1. Monitoring and Enforcement Mechanisms
Bidder's List and Vendor Payment Forms
2. Texas Unification Certification Program Letter of Agreement
3. Notice of Publication
4. Organization Chart
5. TUCP Directory
6. TUCP Application, Forms and Information
7. 49 CFR Part 26

ATTACHMENTS

1. Contact Information – DBELO
Reconsideration Officers
2. Current Updated Goals and Methodology Report



SECTION 1

**MONITORING AND ENFORCEMENT MECHANISM
BIDDER'S LIST AND VENDOR PAYMENT FORMS**

Monitoring and Enforcement Mechanisms

City of Brownsville will assign a Resident Engineer (RE) or Contract Manager (CM) to monitor and track actual DBE and/or Small Business participation through contractor and subcontractor reports of payments in accordance with the following:

1. Goals and Methodology Report Review/Preparation.
 - a. In March of each year, the DBELO, accountant and DBE consultant will review anticipated projects and reimbursable expenses.
 1. If triennial goals are due, the accountant will confirm submit annual estimated reimbursable expenses and the CM will prepare a detailed scope of work and estimated costs for each anticipated project. The scope of work will be sent to the DBELO and DBE consultant by May 1st to enable preparation of the goals prior to the June 15th publishing date required for completion of the 45 day comment period prior to submission to the FTA by August 1st.
 2. If triennial goals are not due, the DBELO, accountant and DBE consultant will review the estimated reimbursable expenses and projects as anticipated in their current goals to determine if an amendment is necessary.
 - b. The Goals or the results of the triennial goal review will be used by the DBELO and CM as a basis for their grant application(s).
2. RFPs and Contracts. FTA assisted project RFPs and Contracts will be updated to include language in accordance with both DBE and Small Business Participation.
 - a. Upon completion of the Triennial Goals and Methodology Report, the DBE consultant will forward the updated Bidder's List and a project list of the NAICS codes with the geographic market to the DBELO.
 - b. The DBELO or CM will email those on Bidder's List within the project market area whose NAICS codes are anticipated to be needed on the day of the publication of the RFP.
 - c. On the day of publication, a copy of the RFP will be emailed to local small, minority, woman owned business organizations and SBDCs.
 - d. The RFP publication will include reference to the TxDOT Certified DBE and Small Business Directories and encourage primes to use them for subcontract searches.
 - e. Should it be determined in the year-end review that further outreach is required to comply with the statement in §26.13(a) "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", B-METRO will email all NAICS related TxDOT Certified DBEs and/or TxDOT Certified Small Businesses Enterprises notice of RFP opportunities. To accomplish this the DBELO will go to the TxDOT DBE and/or Small Business Directory site and:
 1. Conduct a "Custom Search" by appropriate NAICS codes
 2. Copy email addresses of all required NAICS codes to a common excel document.
 3. Sort alphabetically eliminating duplicates.
 4. Copy first email address in to "To" field of email and balance in to "BCC" field.
 5. Click "Send". NOTE: You may be required to split up list dependent upon capacity of your email system.

3. Pre-Bid Conference. Agenda hand out includes DBE and Small Business language from RFP/Contract, encourages use of DBE and Small Business entities, lists the TxDOT DBE and TxDOT Small Business Directories for reference and states “(RFP project name) is an FTA funding assisted project subject to the 49 CFR Part 26 regulation.”
4. At Bid Opening/Contract Award Checklist.
 - a. Confirm receipt of “Bidder’s List” Form. Copies of Bidder’s List Form will be forwarded to DBE consultant. Consultant uses the document to maintain the B-METRO Bidder’s List.
 - b. Compare all businesses against the TxDOT Certified DBE and Small Business Directories to insure DBE participation is confirmed and Small Business participation noted.
 - c. Confirm receipt of TxDOT “Contract Participants” Form listing all companies participating in contract prior to award. Form will include company name, point of contact, phone, email address, DBE status, TxDOT Certified Small Business status, NAICS code for work being performed and anticipated contract amounts for ultimate awardee. Copies of Contract Participants Form will be forwarded to DM, accountant and DBE consultant.
 - d. Compare all companies on Contract Participants Form with TxDOT DBE Directory and TxDOT Certified Small Business Directory to ensure all DBEs and Small Businesses are certified in NAICS code to be performed.
 - e. Upon receipt of the FTA grant(s) and reimbursable expense confirmation, the DBELO will forward final Contract Participants Form to the B-METRO accountant for update of the worksheet used to prepare the annual Uniform Report of DBE Commitments/Awards and Payments.
 - f. In addition to the contract with the prime, B-METRO will require the prime to provide a copy of their contracts with subcontractor(s) in order to:
 1. Confirm participation of subcontractors.
 2. Enable B-METRO to confirm subcontract is also in compliance with DBE verbiage.
 3. Enable B-METRO to confirm prime pays in accordance with B-METRO’s prompt payment policy.
5. After Contract Award – Preconstruction Conference.
 - a. A preconstruction conference will be scheduled between the CM and the contractor, or their representative, to discuss the work DBE, Small Business and other subcontractors will perform.
 - b. Before work can be started on a subcontract, the RE/CM will require the subcontractor to submit a timeline of the work to be performed, suppliers/vendors/manufacturers used and identifying who will perform the work. When the CM receives the timeline, it will be checked for agreement with the prime contract. The CM will not approve the timeline when it identifies someone other than the DBE, Small Business or first tier subcontractor listed in the prime contract. When all discrepancies are resolved, the timeline will be approved. If an issue cannot be resolved, or there is some other concern, the CM will require the contractor to eliminate the subcontractor in question before signing the subcontracting request. A change in the DBE, Small Business and other subcontractors or first tier subcontractor may be addressed during a substitution

process at a later date.

- c. Suppliers, vendors, or manufacturers listed in the prime contract will be compared to those listed in timeline. Differences must be resolved by either making corrections or requesting a substitution.
- d. Substitutions will be subject to the approval of the DBELO. The City of Brownsville will require contractors to adhere to the provisions of state law and complete the TxDOT Substitution Request Form.
- e. Upon confirmation of all contract participants, the RE/CM will submit TxDOT Commitment Agreement, Material & Supplier Commitment Agreement and/or the Trucking Commitment Agreement.
- f. The CM will periodically perform project site reviews and submit TxDOT Form 2182 (Commercially Useful Function (CUF) Project Site Review).
- g. The B-METRO accountant will review payments to all subcontractors, DBE, non-DBE and/or Small Businesses, and submit reports as required to TxDOT. Copies of these reports will be sent to the DBELO. The DBELO will verify their status on the current TxDOT site (<http://www.dot.state.tx.us/business/tucp/default.htm>) and keep the CM informed of changes that affect the contract. The CM will require the contractor to act in accordance with existing contractual commitments regardless of decertification.
- h. The RE/CM will review the project progress and file the TxDOT Monthly Progress Report.
- i. The RE/CM will review all prime and subcontractor reports and payment records and at the end of the project file the Final Report. Any prime or subcontractor not providing required documentation will be subject to withholding of payments or cancellation of contract for default.

6. Construction Contract Monitoring

- a. The CM will ensure that the CM's staff (inspectors) knows what items of work each DBE, Small Business and other subcontractor is responsible for. Inspectors will notify the CM immediately of apparent violations.
- b. When someone other than the listed DBE and/or Small Business subcontractor is found performing work (i.e., employees noted earlier as contractors or non-DBE subcontractors), the CM notifies the contractor of the apparent violation and potential loss of payment. Based on the contractor's response, the CM will take appropriate action:
 1. If the contractor's response is that the employees will be on the listed DBE and/or Small Business subcontractor payroll, payrolls will be checked when received, and, if the employees in question are not on the listed DBE and/or Small Business subcontractor payroll, payment for the work will be withheld. If the employee is on the payroll the DBELO will perform a preliminary investigation to identify any potential issues related to the DBE and/or Small Business subcontractor performing a commercially useful function. Any substantive issues will be forwarded to TxDOT' Business Enterprise Program.
 2. If the contractor's response to the CM is anything other than in action 1) above, payment for the work will be withheld, and a letter will be sent to the contractor referencing the applicable specification violation and the required withholding of payment.

- c. If the contract requires the submittal of a monthly truck document, the contractor will be required to submit documentation to the CM showing the owner's name, truck unit#, year/make, VIN# and plate#. All DBE trucking firms will complete the Trucking Commitment Agreement Form. The numbers are checked regularly by inspectors to confirm compliance. The burden of proof of DBE and/or Small Business payment is the responsibility of the contractor.
- d. The CM will review change orders to:
 - 1. Confirm DBEs aren't eliminated without cause.
 - 2. Highlight excessive change orders to compensate for dishonorably low bid.

7. Termination and Substitution.

- a. When a DBE and/or Small Business substitution is requested, the CM/Contract Manager will request a letter from the contractor explaining why substitution is needed. The CM/Contract Manager will obtain a written concurrence from the DBE and/or Small Business regarding this change. If the contractor is not meeting the contract goal with this substitution, the contractor must provide the required good faith effort to the CM/Contract Manager for consideration of the DBELO.
- b. §26.53(f)(1) states the termination of a DBE must be for good cause only and be approved by the DBELO. Notice of termination must be in writing and provide DBE five (5) days to protest termination.
- c. If there is any doubt in the CM/Contract Manager's mind regarding the requested substitution, the CM/Contract Manager may contact the FTA for assistance and direction.

8. Record Keeping and Final Report Utilization of Disadvantaged Business Enterprises and/or Small Businesses.

- a. The contractor shall maintain records showing the name and address of each first tier subcontractor. The records shall also show:
 - 1. The name, business address, contact information and work/service provided, regardless of tier, of every DBE, Small Business and other subcontractor, DBE and/or Small Business vendor of materials and DBE and/or Small Business trucking company.
 - 2. The date of payment and the total dollar figure paid to each of the firms.
 - 3. The DBE and/or prime contractor shall also show the date of work performed by their own forces, along with the corresponding dollar value of the work claimed toward DBE goals.
- b. When a construction contract has been completed, the contractor will provide a summary of the records stated above.
- c. The CM will compare records submitted by all participants to confirm accuracy. A copy of the confirmed records will be sent to the B-METRO accountant.
 - 1. The B-METRO accountant will use the data to update the worksheet for the Annual Uniform Report of DBE Commitments/Awards and Payments. Copies of the Annual Uniform Report of DBE Commitments/Awards and Payments will be sent to the DBELO and DBE consultant.
 - 2. Final records of DBE reflecting participation with project monitoring and compliance notes will be reviewed by DBE consultant and DBELO. Significant variances from goals will be analyzed to determine steps to

improve DBE and SBE participation, increase efficiency and update procedures and timelines. If required, results of the analysis will be submitted to the FTA.

- d. The DBEs and/or Small Businesses shown should be the same as those originally listed unless an authorized substitution was allowed or the contractor used more DBEs and/or Small Businesses and they were added.
- e. The dollar amount should reflect any changes made in planned work done by the DBE and/or Small Business.
- f. The contractor will be required to explain in writing why the names of the subcontractors, the work items or dollar figures are different from what was originally shown when:
 1. There have been no changes made by the CM.
 2. The contractor has not provided a sufficient explanation. The complete explanation will be attached to the file. The CM will file this in the project records.

9. Monitoring Payments to DBEs and/or Small Businesses.

- a. City of Brownsville will require prime contractors to maintain records and documents of payments to DBEs and/or for three years following the performance of the contract. Any authorized representative of the City of Brownsville, TxDOT or DOT will make these records available for inspection upon request. This reporting requirement also extends to any certified DBE, Small Business and other subcontractor.
- b. We will keep a running tally of actual payments to DBE and/or Small Business firms for work committed to them at the time of contract award.
- c. The City of Brownsville will perform interim audits of contract payments to DBEs and/or Small Businesses. The audit will review payments to DBE, Small Business and other subcontractors to ensure that the actual amount paid to DBE, Small Business and other subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE and/or Small Business participation.
- d. Upon closure of any FTA funded project the CM and/or accountant will forward a list of all participants/primes and total dollars paid to each by B-METRO over the life of the project to the DBE consultant and accountant.
- e. The DBE consultant will double check all participants against the TxDOT certified DBE list to confirm all DBEs are still certified at the time of closure.
- f. The accountant will update the annual Uniform Report of DBE Commitment/Awards and Payments worksheet.
- g. The DBELO will review all forms and reports on projects and reimbursable expenses and prepare a letter certifying all monitoring and compliance mechanisms were implemented as described in the DBE Program. This letter will be signed, dated and attached to the annual file.

10. Reporting Violations. City of Brownsville will bring to the attention of the DOT 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. We also will consider similar action under our own legal authorities, including responsibility determinations in future contracts., including, but

not limited to, the following:

- a. Suspension or debarment proceedings pursuant to 49 CFR Part 26
- b. Enforcement action pursuant to 49 CFR Part 31
- c. Prosecution pursuant to 18 USC 1001

11. Annually at each Federal Year-End (September 30):

- a. Accountant will prepare the Uniform Report of DBE Commitments/Awards and Payments and submit via TEAM by December 1.
- b. §26.13(a) states a 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”. Should it become necessary, the Brownsville METRO will email all NAICS related TxDOT Certified DBEs and/or TxDOT Certified Small Businesses Enterprises notice of RFP opportunities as described in SECTION 1, Paragraph 2(e) under RFPs and Contracts above.
- c. In accordance with §26.47, if the overall goals were not met, the DBE consultant will analyze the shortfall, explain the reasons for it and described corrective actions.

Attachment 5b - Substitution Request Form



Disadvantaged Business Enterprise Program
Small Business Participaiton Plan
DBE/SBE Substitution Request Form

Form 5b
(Rev 04/12)

Project #:				Project Title:		
Request Date:				Substitution of: <input type="checkbox"/> DBE <input type="checkbox"/> SBE		
Prime Contractor:						
Date Prime determined DBE or SBE unwilling, unable or ineligible:						
Previously Approved Subcontractor:				Proposed Subcontractor:		
Bid Item	Work Description & NAICS Code	Dollar Amount	Remaining Dollar	Bid Item	Work Description & NAICS Code	Dollar Amount
Total \$			Total \$			

Will termination result in a goal shortfall? Yes No If so, how much? _____

Projected date Proposed Subcontractor will commence work? _____

- The listed DBE/SBE is no longer in business.
- The listed DBE/SBE failed or refused to perform the contract or furnish the listed materials.
- The work performed by the listed DBE/SBE was unsatisfactory and was not in accordance with the scheduled plans and specifications.
- The listed DBE/SBE requested removal.
- Other issues not listed:

Provide copy(s) of: Letter to terminate, DBE/SBE termination agreement statement or if applicable, DBE/SBE letter of voluntary removal request.	
Contractor Signature:	Date:
<input type="checkbox"/> Approved <input type="checkbox"/> Rejected Reason:	
DBELO Signature:	Date:

Attachment 5c - Commitment Agreement Form



**Disadvantaged Business Enterprise (DBE) Program
Small Business Participation Plan (SBE)
Commitment Agreement Form**

Form 5c
(Rev 04/12)

This commitment is subject to the award and receipt of a signed contract for the subject project

Project #:	Project Title:
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Items of work to be performed (attach a list of work items if more room is required):

Bid Item#	Item Description	Unit of Measure	Unit Price	Quantity	Total Per Item
Total					

The contractor certifies by signature on this agreement that subcontracts will be executed between the prime contractor and the DBE subcontractors as listed on the agreement form> If a DBE Subcontractor is unable to perform the work as listed on this agreement form, the prime contractor will follow the stustitution/ replacement approval process as outlined in the Contract.

IMPORTANT: The signatures of the prime contractor and the DBE, and the total commitment amount must always be on the same page.

Prime Contractor:	Name/Title (please print):
Address:	Signature:
Phone: Fax:	
E-mail:	Date:
DBE/SBE (Circle One):	Name/Title (please print):
Address:	Signature:
Phone: Fax:	
E-mail:	Date:
Subcontractor if the DBE/SBE (Circle One) will be a 2nd tier sub:	Name/Title (please print):
Address:	Signature:
Phone: Fax:	
E-mail:	Date:

Attachment 5-d - Material & Supplier Commitment Agreement Form



Disadvantaged Business Enterprise Program
 Small Business Participation Plan (DBE/SBE)
 Material & Supplier Commitment Agreement
 Form

Form 5d
 (Rev 04/12)

This commitment is subject to the award and receipt of a signed contract for the subject project.

Project #: _____ Project Title: _____

Items of material to be supplied (attach a list if more room is required):

Bid Item #	Item Description	Unit of Measure	Unit Price	Quantity	Total Per Item
			\$		\$
			\$		\$
			\$		\$

Total Commitment Amount (including attachments): \$ _____

(Manufacturer Goal Credit = 100%)

1. Is the material to be supplied, modified, blended quarried or fabricated by the DBE? If Yes, please explain in detail. 1

If you answered Yes to Question 1 above, you do not need to answer questions 2-4

(Regular Dealer Goal credit = 60%)

2. Where is the DBE material supplier getting the materials? 2

3. Where does the DBE material supplier store or warehouse the material before it is delivered to the project site? 3

4. Whose equipment will be used to deliver the DBE's material to the project site? Explain in detail any arrangements the DBE has with other distributors, hauling firms and freight companies. 4

IMPORTANT! The signatures of the prime contractor, DBE, _____ and _____ the total commitment amount must always be on the same page.

Prime Contractor: _____ Name/Title (please print): _____

Address: _____ Signature: _____

Phone: _____ Fax: _____

E-mail: _____ Date: _____

DBE: _____ Name/Title (please print): _____

Vendor No: _____

Address: _____ Signature: _____

Phone: _____ Fax: _____

E-mail: _____ Date: _____

Subcontractor (if the DBE will be a 2nd tier sub) _____ Name/Title (please print): _____

Address: _____ Signature: _____

Phone: _____ Fax: _____

E-mail: _____ Date: _____



**COMMERCIALLY USEFUL FUNCTION (CUF)
PROJECT SITE REVIEW
(CONSTRUCTION PROJECTS)**

Form 5f
(Rev 04/12)
Page 1 of 2

Per 49 CF 26.55, "A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved... A DBE does not perform a CUF if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation..." This is for the purposes of reviewing DBEs for compliance with the CUF requirements for credit.

Approved staff will perform CUF reviews on DBE subcontractors and Material Suppliers. Perform a minimum of one review for each DBE for each project with DBE goal. The review should be conducted when the DBE first begins work. Monitor compliance through the course of the project.

Project ID: Grant: Prime Contractor:	Project Reviewer: Reviewer's Title: Review Date:
--	--

DBE Name:

DBE is performing as: the Prime Contractor a Subcontractor an other Tier Subcontractor
 or Material Supplier: Manufacturer Regular Dealer Broker

Provide a brief description of the DBE's scope of work. (Obtain copy of Subcontract Agreement and/or Purchase Order if needed.)

	YES	NO
COMMENSURATE Is Payment received by the DBE commensurate with the work being performed?	<input type="checkbox"/>	<input type="checkbox"/>
PERFORMING Does the DBE have employees on the job to perform the work? Does the DBE's employees only work for the DBE? Is the DBE working without assistance from the prime contractor or another subcontractor? (Use of prime's equipment in an emergency is allowed but the cost associated with the use of the equipment cannot be credited towards Is the DBE only using equipment it owns, rents, or leases? (Attach equipment list and all ownership documents and rental/lease agreements.) Is the DBE performing at least 30% of their work?	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
HAULING FIRMS Does the DBE hauling firm own or lease their trucks? (If so, obtain verification of ownership or lease documents in the name of the DBE.) Does the DBE employ drivers for trucks owned by the company? (If leased trucks include operators, this should be indicated in the agreement.) Does a review of the haul tickets associated with the project indicate that hauling is being performed by the DBE?	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
MATERIALS Does the DBE's name appear on all invoices, haul tickets, and/or bills of lading? If joint checks are used, has the DBE Coordinator approved? Are joint checks signed by the DBE? (Obtain canceled check copies.)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
SUPERVISING Is the DBE supervising its employees and their work? Is the supervisor a full-time employee of the DBE?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
CUF Does the DBE appear to be performing a Commercially Useful Function (CUF)? (If no, provide comments.) If DBE is not performing a CUF, contact the DBELO.	<input type="checkbox"/>	<input type="checkbox"/>

COMMENTS



CUF DETERMINANTS

PERFORMING

- DBE must be responsible for performing its own work on the project
- At least 30% of the work must be performed by the DBE with its own workforces
- The DBE keeps a regular workforce and has its own employees
- The DBE is utilizing its own equipment
- Operation of the equipment must be subject to the full control of the DBE

RED FLAGS

- A portion of the DBE's work being done by the Prime Contractor or jointly with another contractor
- Employee working for both the Prime and the DBE
- Equipment used by DBE belongs to the Prime Contractor or another contractor with no formal lease agreement
- Equipment signs and markings cover another contractor's identity

RECORDS / DOCUMENTS

- Subcontract Agreement or Purchase Order
- Equipment ownership, rental, or lease documents
- Certified payrolls

MATERIALS (For material credit)

- DBE is responsible for the delivery of the materials
- DBE is ordering the material and invoices indicate that DBE is the customer
- Material invoices indicate that DBE owner or Superintendent is the contact person
- AE has approved the use of joint checks

RED FLAGS

- Materials for DBE credited work are delivered by the Prime Contractor
- Materials are ordered, billed to, and/or paid by the Prime Contractor
- Invoices do not indicate that DBE is the customer
- Prime's employee is listed as the contact person on invoices
- Materials come from Prime's stockpiles

RECORDS / DOCUMENTS

- Invoices
- Haul tickets or Bills of Lading
- Material on Hand documentation
- Joint check agreement
- Cancelled checks

SUPERVISING

- DBE supervisor is a full-time employee of the DBE
- Employees are being supervised by DBE supervisor
- DBE is scheduling work operations

RED FLAGS

- DBE's employees are being supervised by Prime Contractor or another contractor
- DBE provides little or no supervision of work
- DBE supervisor is not a full-time employee of the DBE

RECORDS / DOCUMENTS

- Certified Payrolls
- Document communication with DBE owner or Superintendent

BIDDER'S LIST FORM

BIDDER'S LIST FORM - AIP/Project Name:				
BIDDER/OFFEROR				
NAME, ADDRESS, CITY/STATE/ZIP	CONTACT/PHONE	CERTIFIED DBE and/or SBE	FIRM AGE	GROSS RECEIPTS (CHECK ONE)
				<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K-\$1M <input type="checkbox"/> \$1M-\$2M <input type="checkbox"/> \$2M-\$5M <input type="checkbox"/> \$5M-\$10M <input type="checkbox"/> \$10-\$15M <input type="checkbox"/> Over \$15M
SUB-CONTRACTORS				
NAME, ADDRESS, CITY/STATE/ZIP	CONTACT/PHONE	CERTIFIED DBE and/or SBE	FIRM AGE	GROSS RECEIPTS (CHECK ONE)
				<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K-\$1M <input type="checkbox"/> \$1M-\$2M <input type="checkbox"/> \$2M-\$5M <input type="checkbox"/> \$5M-\$10M <input type="checkbox"/> \$10-\$15M <input type="checkbox"/> Over \$15M
				<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K-\$1M <input type="checkbox"/> \$1M-\$2M <input type="checkbox"/> \$2M-\$5M <input type="checkbox"/> \$5M-\$10M <input type="checkbox"/> \$10-\$15M <input type="checkbox"/> Over \$15M
				<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K-\$1M <input type="checkbox"/> \$1M-\$2M <input type="checkbox"/> \$2M-\$5M <input type="checkbox"/> \$5M-\$10M <input type="checkbox"/> \$10-\$15M <input type="checkbox"/> Over \$15M
				<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K-\$1M <input type="checkbox"/> \$1M-\$2M <input type="checkbox"/> \$2M-\$5M <input type="checkbox"/> \$5M-\$10M <input type="checkbox"/> \$10-\$15M <input type="checkbox"/> Over \$15M
				<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K-\$1M <input type="checkbox"/> \$1M-\$2M <input type="checkbox"/> \$2M-\$5M <input type="checkbox"/> \$5M-\$10M <input type="checkbox"/> \$10-\$15M <input type="checkbox"/> Over \$15M
				<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K-\$1M <input type="checkbox"/> \$1M-\$2M <input type="checkbox"/> \$2M-\$5M <input type="checkbox"/> \$5M-\$10M <input type="checkbox"/> \$10-\$15M <input type="checkbox"/> Over \$15M

Use additional forms if necessary

INSTRUCTIONS FOR D.B.E. / S.B.E. VENDOR PAYMENT REPORT FORM

The D.B.E. / S.B.E. Vendor Payment Report Form is to be filled out by the Contractor and submitted with each invoice. The instructions below correspond to each item on the reverse side of the report. Please follow the instructions.

1. **Invoice Number**
Fill in the invoice number accompanying this report.
2. **Report Number**
Fill in the number of the report you are sending in sequence. For example: If this is the second invoice you are submitting, you are sending in Report Number 2.
3. **Reporting Periods.**
Fill in the period of time you are reporting for. Example: From: April 1, 2012 To: April 30, 2012
4. **City of Brownsville Contract Number**
Fill in the contract number assigned to your project by the City of Brownsville.
5. **Type of Contract.**
Designate the type of contract that has been awarded your company by the City of Brownsville.
6. **Contractor's Business Name, Address and Telephone Number.**
Fill in your company's name, address, and telephone number.
7. **Date of Contract Award.**
Fill in the date the contract was executed by both you and the City of Brownsville.
8. **Estimated Date of Completion.**
Fill in the completion date of contract as written in the contract.
9. **Original Contract Amount.**
Fill in dollar amount of original contract agreed upon by you and City of Brownsville.
10. **Current Contract Amount (Including modifications).**
Fill in dollar amount of contract including all modifications.
11. **Total amount received to date.**
Fill in the dollar amount paid to you by City of Brownsville (not including current invoice).
12. **Total Amount Owed.**
Fill in the dollar amount of the contract minus amount paid to you and City of Brownsville.
13. **Committed Disadvantaged/Small Business/Minority/Women-Owned Participation**
Fill in percentage of D/S/M/WBE participation you committed to obtain on the contract.
14. **Instructions for Calculation for Disadvantaged/Small Business/Minority/Women-Owned Business Enterprise Percentage.**
15. **Actual Disadvantaged/Small Business/Minority/Women-Owned Business Enterprise Percent Paid to Date.**
Fill in the calculated dollar amount paid to date to the D/S/M/WBE divided by the dollar amount your received from City of Brownsville.
16. **Name of the Vendor/Subcontractor.**
Fill in the name of the D/S/M/WBE Subcontractors (Use additional sheets as necessary).
17. **Disadvantaged/Small/Minority/Women-Owned Business Enterprise.**
State whether the subcontractor is a DBE/SBE/MBE/WBE.
18. **Description of Work.**
State the work performed by the D/S/M/WBE subcontractor.
19. **Amount and Date of Payment(s) Made during Current Invoice Period.**
State the amount and date of payment(s) made to each D/S/M/WBE subcontractor during current invoice period. Submit evidence of payment i.e. cancelled check, check register, etc.
20. **Subcontract Value.**
Add all amounts paid to each D/S/M/WBE subcontractor to date.
21. **Percent of Earned Progress to Date.**
State dollar amount paid to the D/S/M/WBE subcontractor divided by the amount committed to them.
22. **Total Amount Paid to Date.**
Add all amounts paid to each D/S/M/WBE subcontractor to date.
23. **Amount of This Invoice Allocated to the Subcontractor.**
Fill in how much of this invoice will be paid to each D/S/M/WBE subcontractor.



SECTION 2

TEXAS UNIFICATION CERTIFICATION PROGRAM LETTER OF AGREEMENT

[ftp://ftp.dot.state.tx.us/pub/txdot-
info/bop/tucp_moa.pdf](ftp://ftp.dot.state.tx.us/pub/txdot-info/bop/tucp_moa.pdf)

**TEXAS UNIFIED CERTIFICATION PROGRAM
LETTER OF AGREEMENT**

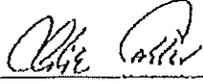
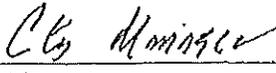
Federal Regulation, 49 CFR, Part 26, Subpart E, section 26.81 states that each state must implement a "one stop" certification process for Disadvantaged Business Enterprises (DBEs). Each entity receiving Department of Transportation (DOT) funds is required to enter into and sign an agreement establishing and supporting a Unified Certification Program (UCP) within the state. In response to this mandate, six agencies have agreed to perform the certification of DBEs within the state of Texas under the Texas Unified Certification Program (TUCP). The six agencies are: Texas Department of Transportation, North Central Texas Regional Certification Agency, South Central Texas Regional Certification Agency, City of Houston, City of Austin and the Corpus Christi Regional Transportation Authority.

The regulation requires the TUCP to construct and maintain a database directory in which the Texas Department of Transportation (TxDOT) has agreed to maintain. Specific responsibilities of the certifying entities and the territories for which they are responsible are specified in the attached Memorandum of Agreement.

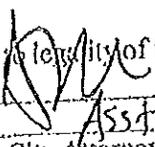
By signing this Letter of Agreement, City of Brownsville, TX certifies that it is willing to participate in the certification decisions of the six certifying agencies of the TUCP, which will conduct certification evaluations for DBEs within the state of Texas, according to the guidelines promulgated in 49 CFR, Part 26.

City of Brownsville, TX also acknowledges that the TUCP Memorandum of Agreement is, as currently structured, only a DBE certification program. Any changes to the structure of the TUCP will be placed before each recipient and its respective authority for consideration at least thirty days (30) prior to any changes being enacted. It may be amended if 49 CFR, Part 26 is amended by Congress.

Signed this 16th day of September, 2011

By  Title 
Signature Title

Print Name Charlie Cabler

Approved as to legality of form this 16 day of Sept, 2011.
Name: 
Title: Asst. City Atty
Office of the City Attorney
1001 E. Elizabeth St.
Brownsville, TX 78520
(956) 548-6011 Phone
(956) 546-4291 Fax





September 19, 2011

Tamela C. Saldana, Ph.D., Director
DBE & SBE Programs
Office of Civil Rights
TxDOT
125 E. 11th Street
Austin, TX 78701

Dear Dr. Saldana,

The City of Brownsville has executed a renewal Letter of Agreement for the Texas Unified Certification Program Memorandum of Agreement as a TUCP Non-Certifying Partner. Please note that this Letter of Agreement covers all divisions of the City of Brownsville, TX including both airport and transit (respectively):

- Brownsville – South Padre Island International Airport; and
- Brownsville Metro (formerly Brownsville Urban System)

Sincerely,

Norma H. Zamora
BUS Director





Texas Department of Transportation

DEWITT C. GREER STATE HIGHWAY BLDG. • 125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • (512) 463-8585

September 7, 2011

Norma Zamora
General Manager
Brownsville Urban System
700 Jose Colunga Jr. St.
Brownsville TX 78521

RECEIVED SEP 12 2011

Dear Industry Partner:

This is in regards to the Disadvantaged Business Enterprise (DBE) Program mandated by the United States Department of Transportation (USDOT). The USDOT Federal Regulations 49 CFR Part 26 outlines the requirements for participation by DBEs in USDOT programs. Section 26.81 requires all USDOT recipients that are required to have a DBE program to develop a UCP establishing a one-stop certification process for DBEs. Once a DBE firm is certified through the UCP program, they will be recognized by all USDOT recipients in Texas. A committee of USDOT recipients, sub-recipients and certifying partners have been established to form the Texas Unified Certification Program (TUCP) in the state of Texas.

Attached is a copy of Letter of Agreement that was previously signed by your entity indicating that it is willing to participate in the certification decisions of the six certifying agencies of the TUCP. The previous signed agreement since has expired in 2005.

A renewal Letter of Agreement is provided for your review and consideration as a TUCP Non-certifying entity. Please review and sign the Letter of Agreement by September 27, 2011 and return to the original via mail to Texas Department of Transportation, DBE & SBE Programs, 125 E. 11th Street, Austin, TX 78701. If the signed Letter Agreement is not returned by September 27, 2011 your organization will be removed from the TUCP Memorandum of Agreement as a TUCP Non-Certifying Partner. If you have any questions regarding the Letter of Agreement or Memorandum of Agreement, please contact Mr. Sonny C. Nugent at (512) 486-5090 or Ms. Gloria Brown at (512) 486-5500.



Sincerely,

Tamela C. Saldana, Ph.D., Director
DBE & SBE Programs
Office of Civil Rights

NOTE: The TUCP includes the City of Austin, Corpus Christi Regional Transportation Authority, City of Houston, North Central Texas Regional Certification Agency, and South Central Texas Regional Certification Agency.

Attachments

THE TEXAS PLAN

REDUCE CONGESTION • ENHANCE SAFETY • EXPAND ECONOMIC OPPORTUNITY • IMPROVE AIR QUALITY
PRESERVE THE VALUE OF TRANSPORTATION ASSETS

An Equal Opportunity Employer

TEXAS

MEMORANDUM OF AGREEMENT

for a

**DISADVANTAGED BUSINESS
UNIFIED CERTIFICATION PROGRAM**

U.S. DEPARTMENT OF TRANSPORTATION PARTNERS

*Texas Department of Transportation
City of Houston
City of Austin*

*Corpus Christi Regional Transportation Agency
North Central Texas Regional Certification Agency
South Central Texas Regional Certification Agency*

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STATE OF TEXAS
MEMORANDUM OF AGREEMENT

UNIFIED CERTIFICATION PROGRAM

This Memorandum of Agreement (MOA) establishes a Disadvantaged Business Enterprise (DBE) Unified Certification Program (UCP) in the State of Texas in accordance with Title 49 Parts 26 and 23 of the Code of Federal Regulations (49 CFR Parts 26 and 23). The TUCP Certifying Partners are the Texas Department of Transportation (TxDOT), City of Houston, City of Austin, Corpus Christi Regional Transportation Authority (CCRTA), North Central Texas Regional Certification Agency (NCTRCA), and South Central Texas Regional Certification Agency (SCTRCA).

Introduction

Each Certifying Partner in Texas is required to administer a DBE Certification Program in accordance with 49 CFR Part 26. Part 26.81 of this regulation requires each state to develop a UCP by March 4, 2002. Each TUCP Certifying Partner agrees to commit sufficient resources and expertise to carry out the requirements of 49 CFR Part 26.

Organization

The TUCP shall establish an Executive Committee consisting of representatives from each of the Certifying Partner agencies, who shall be designated by the signatories to this MOA Agreement. The Executive committee will also be responsible for resolving any conflicts between certification actions of its members. The Standard Operating Procedures of the TUCP Section III-Agency Compliance, outlines the process for dealing with matters regarding the compliance with certification requirements. Nothing in this agreement should be construed to contravene the sovereignty of each participant. The contact person for the TUCP is the Texas Department of Transportation, Business Opportunity Program Section.

A Certifying TUCP Partner may terminate its responsibilities under this Agreement and become a Non-Certifying TUCP Partner upon a six month notice to all TUCP Partners.

Purpose

The objectives of the Texas UCP are as follows:

- To follow the certification procedures and standards and the non-discrimination requirements of 49 CFR Parts 26 and 23.
- To cooperate fully with all oversight, review and monitoring activities of the United States Department of Transportation (USDOT) and its operating administrations.

- To Implement USDOT directives and guidance on DBE certification matters.
- To make all certification and decertification decisions on behalf of all TUCP Partners with respect to participation in the USDOT DBE Program. Certification decisions by the TUCP shall be binding on all TUCP Partners. Certification decisions must be made final before the due date for bids or offers on a contract on which a firm seeks to participate as a DBE.
- To provide a single DBE certification that will be honored by all TUCP Partners.
- To maintain a unified DBE directory containing at least the following information for each firm listed: address, phone number and approved NAICS codes. The TUCP shall make the directory available to the public electronically on the Internet as well as in print. TxDOT shall update the electronic version of the directory by including additions, deletions and other changes upon notification by the DBE and/or Certifying Partner.
- The TUCP Partners will commit adequate resources and expertise to carry out this agreement. The partners will continue to individually bear the costs of training staff, certifying firms and sharing DBE files, i.e. postage and copying costs. Travel to and from meetings will be the responsibility of individual partners.

The TUCP will be created and fully functional no later than 18 months from the date of approval by the Secretary of Transportation and in accordance with the Implementation Schedule as described herein.

Definitions

TUCP Certifying Partner

A State of Texas recipient with a current DBE Program Plan approved by an appropriate USDOT oversight modal agency. This includes those entities, North Central Texas Regional Certification Agency and South Central Texas Regional Certification Agency, who are not recipients, but were formed as domestic non-profit organizations for the purposes of performing certifications on behalf of recipients. A certifying partner can issue or revoke DBE certification.

TUCP Partner

All Texas State recipients participating in this Memorandum of Agreement, both Certifying and Non-certifying Partners.

Non-Certifying TUCP Partner

A State of Texas recipient, sub-recipient or grantee with a current DBE Program Plan approved by an appropriate USDOT oversight modal agency. A Non-Certifying Partner can neither issue nor revoke DBE certification.

Recipient

Any public entity which receives direct USDOT financial assistance.

Sub-recipient

Any public entity receiving USDOT financial assistance through another recipient.

Grantee

Any public entity that has received USDOT assistance.

TUCP PROGRAM DESCRIPTION

Partners' Roles, Responsibilities & Obligations

All TUCP Partners agree to maintain DBE certification application files, conduct site visits, make certification decisions and handle appeals and complaints. The Certifying TUCP Partners agree to utilize the USDOT Uniform Certification Application and Affidavit.

- All decisions related to eligibility and certification must agree with 49 CFR Parts 26 and 23.
- The TUCP Certifying Partners and Non-Certifying Partners must have an approved DBE Program. Additionally, each Certifying Partner must have clearly defined and written processes and procedures related to the administration of its DBE Program and certification decisions.
- Each TUCP Certifying Partner must adhere to the processes and procedures as set forth in the Standard Operating Procedures.

DBE Directory Management :

Upon approval of a firm for DBE certification by the UCP Certifying Partners, the originating Certifying Partner shall submit the firm's information for inclusion in the electronic database directly to the DBE Database Manager. This information shall include at a minimum:

- Name, Street Address, P.O. Box, City, County, State, Telephone and Fax Number, E-mail address and Federal Tax Identification Number/SSN;
- Name, Sex, Ethnicity, Race and Country of Origin of qualifying DBE owner(s);

- Type of work performed by the DBE using the North American Industry Classification System (NAICS) adopted by the SBA on October 1, 2000, as amended;
- Date Business was Established;
- Name of TUCP Certifying Partner;
- Certification and Annual Update Affidavit Dates;

The TUCP Certifying Partners agree that a UCP Database Manager will be designated. The DBE Database Manager shall assume the following responsibilities:

- Input all data and make any corrections, additions and/or deletions upon receipt of information from the Certifying TUCP Partners;
- Maintain and keep the electronic DBE database current;
- Make the electronic DBE database available to all TUCP Partners and other interested parties;
- Provide printed copies only of the list of firms that are DBE certified upon request and at a charge to be established; (Third parties should only be provided with a list of DBE certified firms. They should not be provided with information that a firm has been denied certification.)
- Maintain the TUCP Website.

DBE Directory & Internet Access

The DBE Directory will be located on the TUCP website. In accordance with 49 CFR Part 26.31 and 23.31(b), the DBE Directory will include the following minimum information for each firm:

- Name, address and telephone number of firm;
- Contact person
- Types of work performed by the firm with appropriate six (6) digit NAICS code and description.

The TUCP DBE Directory may contain additional information, including but not limited to the following:

- Geographic Location of the Firm (i.e., county)
- Website Address of the Firm
- Fax Number & E-Mail Address of the Firm
- Certification and Annual Update Affidavit Dates

TUCP PROGRAM COSTS AND FUNDING

The cost of creating and establishing the TUCP website and the electronic DBE Directory will be the responsibility of the Texas Department of Transportation.

Training and Resources

The TUCP Certifying Partners will conduct ongoing in-service training. The TUCP Certifying Partners will agree to rotate the duties of planning and conducting training sessions.

CERTIFICATION PROCEDURES AND PROCESS

In addition to the following procedures, the TUCP will follow all certification procedures and standards of 49 CFR Part 26, and will implement USDOT directives and guidance concerning DBE certification matters. A Standard Operating Procedure (SOP) has been developed and will be utilized by all Certifying TUCP Partners. They may be modified as needed and agreed upon by the Certifying TUCP Partners and approved by U.S. DOT.

- The TUCP will accept an application from the SBA, but will not automatically recognize the DBE certification of a firm certified by the Small Business Administration. (See attached SOP for process)
- The TUCP will utilize the USDOT approved Uniform Certification Application and other related certification documents to facilitate "one-stop shopping" for applicants.

Geographic & Industry Considerations

Six agencies have agreed to perform the certification process for DBE program applicants within the State of Texas by geographical location. If a DBE applicant/firm works only in the highway construction industry, TxDOT agrees to process the

application and/or have certification responsibility for the DBE firm. Therefore, the certifying TUCP partner to whom application is made will ascertain the geographical area of the applicant firm and/or its primary work type or industry, and take the appropriate action to either process the application or forward the application within three to five business days to the appropriate TUCP certifying partner.

City of Houston: Geographical: Counties of Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller.

Corpus Christi Regional Transportation Authority: Geographical: Counties of Aransas, Bee, Goliad, Jim Wells, Karnes, Kleberg, Live Oak, Nueces, Refugio, and San Patricio

North Central Texas Regional Certification Agency: Geographical: Counties of Collin, Dallas, Denton, Ellis, Erath, Hood, Jack, Johnson, Kaufman, Navarro, Palo Pinto, Parker, Rockwall, Somervell, Tarrant, and Wise.

South Central Texas Regional Certification Agency: Geographical: Counties of Atascosa, Bandera, Bexar, Comal, Frio, Guadalupe, Kendall, Kerr, McMullen, Medina, Uvalde, Wilson, Bastrop, Caldwell, Hays, Travis, and Williamson.

Texas Department of Transportation: Geographical: All other remaining counties in Texas.

Quality Assurance (New Certifications)

The SOP has been created to ensure consistent application of UCP program requirements among the Certifying TUCP Partners. Uniform documents have been developed for use by the Certifying TUCP Partners so that consistent information is obtained and used in certification determinations. At a minimum, there will be annual training of certification staff in order to maintain consistency in determinations.

Annual Review Process

DBEs will update their certifications annually using the TUCP Annual Update "No Change" Affidavit as required in the SOP. Failure to submit the required documentation may result in certification removal as outlined in 49 CFR Part 26.87 and the SOP. The annual review will be conducted by the responsible certifying TUCP Partner. A DBE on-site review will be conducted by the TUCP Partner every three years in conjunction with the DBE firm's submittal of the Annual Update Affidavit per 49 CFR Part 26.83(h).

Third-Party Challenges

Provisions exist in the Standard Operating Procedure for the Certifying TUCP Partners to accept written complaints from a third party alleging the ineligibility of a currently certified firm.

Appeals Process and Procedures

An appeals procedure has been established as part of the TX SOP for appeals of denial of original certification, and decertification that provides due process to the affected firm in accordance with 49 CFR Part 26.

Denials of Original Certifications and Decertification: The DBE applicant has the opportunity to appeal to U.S. DOT in accordance with 49 CFR Part 26.89. Firms that are decertified will have due process in accordance with 49 CFR Part 26.87.

IMPLEMENTATION SCHEDULE

The Certifying TUCP Partners will inform the public about the TUCP by holding public meetings throughout the State immediately upon approval by the USDOT of this MOA Agreement. Notification of the public meetings as well as the TUCP will occur in a variety of ways, including but not limited to the following: press releases, a notice on the Certifying TUCP Partners' website, and direct mailings to individual DBE firms, professional associations and community based organizations.

This MOA was submitted to the non-Certifying TUCP Partners, USDOT modal agencies and the Certifying TUCP Partners' respective counsels for their review and comment. Changes and revisions were made based on the comments received. The MOA was then re-submitted to all TUCP Partners for signature.

The following actions will be taken and completed by the Certifying Partners or designees no later than 18 months from the date of USDOT approval of this MOA Agreement:

Staff Training

- Develop and finalize training modules for SOP Manual, eligibility criteria, forms and procedures, on-site review, personal net worth analysis, internet-based system (DBE on-line directory).
- Recruit Instructors and determine locations for training workshops.
- Schedule Joint Training Sessions.
- Conduct Initial Training.

Unified DBE Directory

- Develop and complete parameters for Unified DBE Directory.

- Compare UCP Certifying Partners databases.
- Remove duplicate DBE firms.
- Develop common database.
- Develop procedures for electronic submission of DBE firms for inclusion in the Unified DBE Directory.
- Develop and issue press release on public access to online DBE Directory (information will be maintained on TXDOT Website).

Transition of Currently Certified DBEs

The following actions have been accomplished by the TUCP Partners: (1) Each TUCP Partner has ensured each DBE has been certified under 49 CFR Parts 26 and 23; (2) TUCP Partners have reviewed the DBE firms and determined which TUCP Partner will have responsibility for the DBE firm's continued participation in the DBE program in accordance with 49 CFR Parts 26 and 23, based upon the geographical location of the DBE's home office; (3) Each TUCP Partner has forwarded to the designated TUCP Partner, the DBE certification file for which it has assumed responsibility based upon the geographical location of the DBE's home office.

CHANGES TO THE MOA

Changes to this MOA Agreement shall require the approval of the TUCP Certifying Partners and U.S. DOT.

SUMMARY

As a result of the requirements set forth in 49 CFR Parts 26 and 23, we the undersigned, agree to participate in the STATE OF TEXAS'S Unified Certification Program in accordance with the provisions of this MOA and agree to abide by its contents

EXECUTED AND DELIVERED by and between the TUCP Partners as of the effective date of this MOA.

TUCP CERTIFYING PARTNERS

City of Austin June 1, 2005
Name _____ Title _____
Agency _____

City of Houston June 1, 2005
Name _____ Title _____
Agency _____

Corpus Christi Regional Transportation Authority June 1, 2005
Name _____ Title _____
Agency _____

North Central Texas Regional Certification Agency June 1, 2005
Name _____ Title _____
Agency _____

South Central Texas Regional Certification Agency June 1, 2005
Name _____ Title _____
Agency _____

Texas Department of Transportation June 1, 2005
Name _____ Title _____
Agency _____

APPENDIX A

Texas Unified Certification Program (TUCP) Participating Entities

Airports:

Abilene Regional Airport	McAllen Miller International Airport
Austin-Bergstrom International Airport	San Angelo Regional Airport/Mathis Field
Corpus Christi International Airport	San Antonio International Airport
Dallas-Fort Worth International Airport	Tyler Pounds Field
Easterwood Fields (Texas A&M)	Valley International Airport (Harlingen)
Gregg County Airport -- Longview	Victoria Regional Airport
Houston Airport System	Waco Regional Airport
Killeen Municipal Airport	Wichita Falls Municipal Airport
Southeast Texas Regional Airport	

Cities:

City of Amarillo	City of Garland	City of Wichita Falls
City of Arlington	City of Grand Prairie	City of Austin
City of Houston	City of Brownsville	City of Lewisville
City of Dallas	City of Longview	City of Denton
City of McAllen	City of DeSoto	City of Plano
City of El Paso	City of San Antonio	City of Fort Worth
City of Texarkana	City of Round Rock	

Transit:

Beaumont Municipal Transit	Brownsville Urban System
Capital Metropolitan Transportation Authority, Austin	City of Galveston, Island Transit
Corpus Christi Regional Transportation Authority	CTCOG (Central Texas Council of Governments) Transit, Belton
Dallas Area Rapid Transit (DART)	Fort Worth Transportation Authority
Golden Crescent RPC -- Transit, Victoria	Hill County Transit District, San Saba
Lower Rio Grande Valley Development Council Transit, McAllen	Lubbock Citybus System
Metropolitan Transit Authority of Houston	Texoma Council of Governments Transit, Sherman
The Mass Transit Department of the City of El Paso (Sun Metro)	VIA Metropolitan Transit Authority, San Antonio
Waco Transit System	

Other:

North Central Texas Regional Certification Agency	Fort Worth Housing Authority
South Central Texas Regional Certification Agency	Fort Worth Public Schools
Austin Water & Wastewater Utility	MHMR of Tarrant County
City Public Service, San Antonio	San Antonio Housing Authority
County of Bexar	San Antonio Water System
Dallas Community College District	Dallas County
Dallas Metrocare Services	Dallas Public Schools
Edward Aulfer Authority	



SECTION 3

NOTICE OF PUBLICATION

City of Brownsville
Brownsville Urban System
Disadvantaged Business Enterprise
(DBE)
Goal for Federal Fiscal Years 2012-2013-2014

The Brownsville Urban System of the City of Brownsville announces its Fiscal Years 2012-2014 Goal for Disadvantaged Business Enterprises (DBE) as required by the U.S. Department of Transportation under 49 CFR Part 26.

BUS has established the overall goal for the federal fiscal years 2012-2014 as 4.97% of the DOT-FTA assisted contracts. This has been broken down into 3.97% race-conscious and 1% race-neutral components.

This goal, along with a description of how it was calculated, is available for inspection between the hours of 8:00 a.m. to 5:00 p.m., Monday thru Friday, until August 26, 2011 at the Finance Department/BUS Accountant's Office, City Hall, 1001 E. Elizabeth Street, Brownsville, TX 78520.

The Brownsville Urban System of the City of Brownsville will accept comments during a 45-day period beginning July 18, 2010 and ending August 31, 2010. Comments are for informational purpose only.

Any DBE firm interested in doing business with the Brownsville Urban System of the City of Brownsville should submit a price list, brochures, and/or letters of interest stating the firm's products and/or letters of interest stating the firm's products and/or services to the address below.

Roberto Luna
Purchasing Director
City of Brownsville
City Hall, 1001 E. Elizabeth Street
Brownsville, TX 78520
Phone: (956) 548-6087
Fax: (956) 546-2711
www.purchasing@cob.us

For additional information please contact 541-4881.

July 17, 2011

El Sistema del Servicio Urbano
de la Ciudad de Brownsville
Iniciativa de negocios en desventaja
(DBE por sus siglas en Inglés)

Metas para el año fiscal federal 2012-2013-2014

El sistema del servicio urbano de la ciudad de Brownsville anuncia sus metas para el año fiscal 2012-2014 para negocios en desventaja (DBE) requerido por el departamento de transporte de los estados unidos bajo los requisitos 49 CFR Parte 26.

BUS ha establecido el objetivo general para el año fiscal federal 2012-2014 tales como 4.97% de asistencias por parte de DOT-FTA. Que ha sido dividido en 3.97% de aumentos-consciente y 1% en aumentos-neutrales.

Las metas así como la descripción de cómo fue calculado, estará disponible para inspección entre los siguientes horario de Lunes a Viernes de 8:00 am a 5:00 pm, estará disponible hasta el 26 de agosto de 2011 en el Departamento de Finanzas/Oficina de contaduría de BUS ubicada en la Calle Elizabeth #1001 de la ciudad de Brownsville.

El sistema del servicio urbano de Brownsville estará aceptando comentarios durante un periodo de 45 días dando inicio a partir del día 18 de julio hasta 31 de agosto del 2011. Los comentarios son para el propósito de información únicamente.

Las empresas DBE interesada en participar con el servicio urbano de la ciudad de Brownsville deberán presentar sus listas de precios, folletos, y/o las cartas de interés que indique los productos de la empresa y/o servicios a la dirección que aparece en la parte de debajo.

Roberto Luna
Purchasing Director
City of Brownsville
City Hall, 1001 E. Elizabeth Street
Brownsville, Texas 78520
Phone #: (956) 548-6087
Fax #: (956) 546-2711
www.purchasing@cob.us

Para mayores informes por favor marque al (956) 541-4881.

17 de Julio del 2011

**El Sistema del Servicio Urbano
de la Ciudad de Brownsville
Iniciativa de negocios en desventaja
(DBE por sus siglas en inglés)**

Metas para el año fiscal federal 2012-2013-2014

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El sistema del servicio urbano de Brownsville estará aceptando comentarios durante un periodo de 45 días dando inicio a partir del día 18 de julio asta 31 de agosto del 2011. Los comentarios son para el propósito de información unicamente.

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Roberto Luna
Purchasing Director
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City Hall, 1001 E. Elizabeth Street
Brownsville, Texas 78520
Phone #: (956) 548-6087
Fax #: (956) 546-2711
www.purchasing@cob.us

Para mayores informes por favor marque al (956) 541-4861

07/17/2011

County, Texas. Hearin
will be held on Monday
7/18/2011 at 10:00 a.m.

07/16, 07/17/2011

**City of Brownsville
Brownsville Urban System
Disadvantaged Business Enterprise
(DBE)**

Goal for Federal Fiscal Years 2012-2013-2014

The Brownsville Urban System, of the City of Brownsville, announces its Fiscal Years 2012-2014 Goal for Disadvantaged Business Enterprises (DBE) as required by the U.S. Department of Transportation under 49 CFR Part 26.

BUS has established the overall goal for the federal fiscal years 2012-2014 as 4.97% of the DOT-FTA assisted contracts. This has been broken down into 3.97% race-conscious and 1% race-neutral components.

This goal, along with a description of how it was calculated, is available for inspection between the hours of 8:00 a.m. to 5:00 p.m., Monday thru Friday, until August 26, 2011 at the office of the Purchasing Department, located at 1001 E. Elizabeth Street, Brownsville, TX 78520.

The Brownsville Urban System of the City of Brownsville will accept comments during a 45-day period beginning July 18, 2010 and ending August 31, 2010. Comments are for informational purpose only.

Any DBE firm interested in doing business with the Brownsville Urban System of the City of Brownsville should submit a price list, brochures, and/or letters of interest stating the firm's products and/or letters of interest stating the firm's products and/or services to the address below.

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For additional information please contact 541-4861

07/17/2011

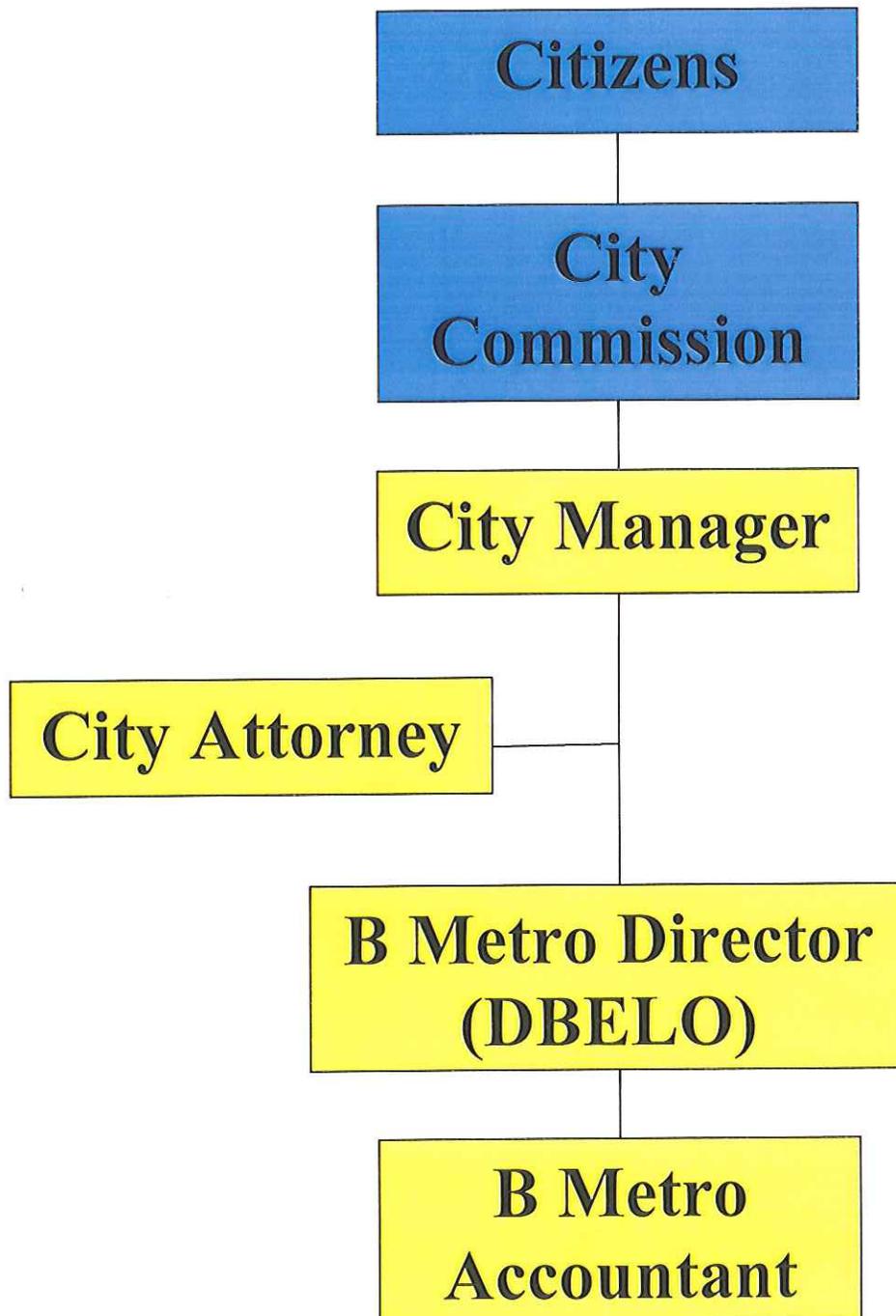


SECTION 4

ORGANIZATIONAL CHART



City of Brownsville





SECTION 5

DIRECTORY

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



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[TxDOT Business](#)

TxDOT Business

Page Information:

- Find the status of SBEs and DBEs.
- The TUCP is a "one stop" certification process for the Federal DBE Programs in Texas. The TUCP consolidates all DBE firms certified by six different agencies into one centralized DBE Directory for USDOT funded contracts for Airport, Highways, and Public Transit.
- Read the TxDOT Road Lines Newsletter, a publication of the Business Outreach and Program Services Section.
- Obtain DBE/SBE Forms.
- DBE Construction and Professional Service Directory.
- SBE Information Directory.
- Learning Information Networking Collaboration (LINC) - A Mentor Protege Program for Small Business.
- Go to Construction Division home page.

Texas Unified Certification Program DBE Information Directory

Customized DBE Search

Custom Search

- This link allows you to narrow your search by various fields and export the results to Excel,CSV,HTML.

TUCP Company Names Sorted Alphabetically

[TUCP DBE Alphabetic Listing \(Statewide\)](#)

[DBE Alphabetic Listing by TxDOT District](#)

[- Hide Districts](#)

Abilene	Brownwood	El Paso	Lufkin	San Antonio
Amarillo	Bryan	Fort Worth	Odessa	Tyler
Atlanta	Childress	Houston	Paris	Waco
Austin	Corpus Christi	Laredo	Pharr	Wichita Falls
Beaumont	Dallas	Lubbock	San Angelo	Yoakum

TUCP Work Categories

[TUCP DBE Category Listing \(Statewide\)](#)

[TUCP DBE Category Listing by TxDOT District](#)

[- Hide Districts](#)

Abilene	Brownwood	El Paso	Lufkin	San Antonio
Amarillo	Bryan	Fort Worth	Odessa	Tyler
Atlanta	Childress	Houston	Paris	Waco
Austin	Corpus Christi	Laredo	Pharr	Wichita Falls
Beaumont	Dallas	Lubbock	San Angelo	Yoakum

Texas DBE Certifying Agencies

HOUSTON	City of Houston
AUSTIN	City of Austin
CCRTA	Corpus Christi Regional Transportation Authority
NCTRCA	North Central Texas Certification Agency
SCTRCA	South Central Texas Certification Agency
TXDOT	Texas Department of Transportation

[TUCP Certifying Entities Region Map](#)

[TUCP Participating Entities](#)

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SECTION 6

TUCP APPLICATION, FORMS AND INFORMATION

[http://www.sctrca.org/documents/DBE New Application.pdf](http://www.sctrca.org/documents/DBE_New_Application.pdf)



SECTION 7

FEDERAL REGISTER NOTICE AND DISADVANTAGE BUSINESS ENTERPIRSE (DBE) PROGRAM

[https://www.federalregister.gov/article/search?conditions\[agency-ids\]=492&conditions\[cfr\]\[part\]=26&conditions\[cfr\]\[title\]=49](https://www.federalregister.gov/article/search?conditions[agency-ids]=492&conditions[cfr][part]=26&conditions[cfr][title]=49) OR
<https://www.federalregister.gov/article/search>

Then click on “agencies”, then “transportation department, then
type in -> 49 CFR Part 26

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?region=DIV1;type=boolean;c=ecfr;cc=ecfr;sid=14e071f96d5d61cb9d2410ed56c59d3d;q1=dbe;rgn1=Section%20Heading;op2=and;rgn2=Section;op3=and;rgn3=Section;view=text;idno=49;node=49%3A1.0.1.1.20;rgn=div5> OR <http://ecfr.gpoaccess.gov>
then select Title 49, then select Part 26



ATTACHMENT 1

CONTACT INFORMATION

RECONSIDERATION OFFICERS & DBELO

Reconsideration Officers

Mr. Charlie Cabler
City Manager
1001 E. Elizabeth St.
Suite 206
Brownsville, TX 78520
Office: (956)548-6007
Fax: (956)546-4021

Mr. Mark Sossi
City Attorney
1001 E. Elizabeth St.
Suite 234
Brownsville, TX 78520
Office: (956)548-6011
Fax: (956)546-4291

DBE Liaison Officer

Norma H. Zamora
B-Metro Director
755 International Blvd. 2nd Floor
Brownsville, TX 78520
Office: (956)541-4881
Fax: (956)574-6675
normaz@cob.us



ATTACHMENT 2

CURRENT UPDATED GOALS AND METHODOLOGY REPORT

**2012-2013-2014
Disadvantaged Business Enterprise Program
Updated Goals and Methodology Report
for Brownsville Urban System
Brownsville, TX**



Prepared by
Americo Industrial Supply, Inc.
Jackie Fries, President
jfries@americoindustrial.com

**City of Brownsville – Brownsville Urban System
Department of Transportation - FTA
2012-2014 Disadvantaged Business Enterprise (DBE) Program**

Definitions of Terms

The terms used in this program have the meanings defined in 49 CFR §26.5.

Objectives/Policy Statement (§§26.1, 26.23)

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

It is the policy of the Brownsville Urban System to ensure that DBEs, as defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy to:

1. Ensure nondiscrimination in the award and administration of DOT assisted contracts;
2. Create a level playing field on which DBEs can compete fairly for DOT assisted contracts;
3. Ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. Help remove barriers to the participation of DBEs in DOT assisted contract;
6. Assist the development of firms that can compete successfully in the market place outside the DBE Program; and,
7. Provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

Norma Zamora, BUS Director, has been delegated as the DBE Liaison Officer. In that capacity, 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 the Brownsville Urban System in its financial assistance agreements with the Department of Transportation.

BUS has disseminated this policy statement to Robert Luna, Purchasing Director and all 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 by mail and publishing this statement in general circulation, minority-focused and trade association publications.

Charles Cabler, City Manager

Date

**Goals and Methodology - Brownsville Urban System
Goals (\$26.45)**

The ultimate goal of the program is to utilize DBE participation in proportion to the availability of certified DBE's within the community.

BUS has established the overall goal for the federal fiscal years 2012-2014 as 4.97% of the DOT-FTA assisted contracts. This has been broken down into 3.97% race-conscious and 1% race-neutral components.

OVERALL GOALS	4.97%
Overall Race-Conscious Goals	3.97%
Overall Race-Neutral Goals	1.00%

The projects/reimbursable operating expenses are broken down as follows:

	Overall Goal	Race-Conscious	Race-Neutral
Parking Garage	4.40%	3.51%	0.89%
Bus Stop Improvements – Central/Boca Chica	6.38%	5.10%	1.28%
Bus Stop Improvements – Southmost	7.38%	5.90%	1.48%
Bus Stop Improvements – La Galaxia	5.85%	4.67%	1.18%
FY 2012 Reimbursable Operating Expenses	5.05%	4.03%	1.02%
FY 2013 Reimbursable Operating Expenses	5.18%	4.14%	1.04%
FY 2014 Reimbursable Operating Expenses	5.17%	4.13%	1.04%

Goal Methodology

Step I: Determination of a Base Figure (\$26.45)

(Attachment “Numerator”/Attachment “Denominator”)

Brownsville Urban System has identified the following four projects in addition to its annual reimbursable operating expenses as eligible for FTA assisted funding during this period.

ANTICIPATED FTA EXPENDITURES FOR FFY 2012-2014				
	2012	2013	2014	TOTAL
Parking Garage	\$6,314,715.00			\$6,314,715.00
Bus Stop Improvements - Central/Bolsa Chica	\$646,840.50			\$646,840.50
Bus Stop Improvements - Southmost		\$413,361.00		\$413,361.00
Bus Stop Improvements - La Galaxia			\$560,783.03	\$560,783.03
FTA Reimbursable Operating Expenses	\$2,806,993.17	\$2,744,543.41	\$2,744,543.41	\$8,296,079.99
	\$9,768,548.67	\$3,157,904.41	\$3,305,326.44	\$16,231,779.52

BUS has identified the areas within each area where DBE participation was possible and the number of DBE and non-DBE firms available within the market area for the various construction and professional service tasks required. The relevant North American Industry Classification System (NAICS) Codes were used as determinants for inclusion in the baseline formula.

After gathering the detailed Scope of Work for each project and the Reimbursable Operating Expenses, each item was reviewed to determine the appropriate NAICS Code and market area, that is, from where the potential contractors/services could be drawn.

By contacting small, minority and women’s organizations including the Small Business Development Centers, Texas Department of Transportation DBEs, the Local Chamber of Commerce, the Hispanic Chamber of Commerce, the Lower Rio Grande Valley Development Council, the Southwest Minority Development Council – Valley District and the University of Texas – Pan America (SBDC), the market area for the BUS projects was determined. Discussions ascertained that current economic conditions and traditional industry markets ranged from either San Antonio south for the Local Market contractors and services or Statewide for other contractors and services. The TxDOT DBE Program provides a daily updated list of DBEs with a custom search capability by NAICS Code and further refinement by area, that is, Statewide and District. To address businesses from

San Antonio south, the TxDOT DBE data was extracted for the Districts of Corpus Christi, Laredo, Pharr, San Antonio and Yoakum. The U.S. Census Bureau provides a database of small businesses by NAICS Code in CenStats which can be further refined by State and County. To provide data comparative to TxDOT, BUS used the CenStats NAICS Code database refined, as appropriate, by the Counties in the selected TxDOT Districts and/or Statewide.

Below is a breakdown of the projects and operating expenses listing the NAICS Codes and identifying the market by (^) for Local and no identifier for Statewide. The data on this table is further used to calculate the project and overall base goals as outlined in 49 CFR Part 26.

ANTICIPATED PROJECT/OVERALL DATA						
FY 2012, 2013, 2014 PROJECTS Parking Garage Bus Stop Improvements- Central/Boca Chica Bus Stop Improvements- Southmost Bus Stop Improvements-La Galaxia FY2012 FTA Reimbursable Expenses FY2013 FTA Reimbursable Expenses FY2014 FTA Reimbursable Expenses	NAICS CODES	ESTIMATED COSTS	PERCENT TO TOTAL PROJECTS FOR YEAR	PERCENT TO PROJECT	U. S. Census Companies	TxDOT DBEs
Parking Garage						
1a) General Requirements- Traffic Control	327390 532490	\$3,000.00	0.02%	0.05%	165 792	1 7
1b) General Requirements- Hoisting and Material Handling	532490	\$27,600.00	0.17%	0.44%	792	7
2) General Requirements- Remove trees/asphalt/concrete/ curbs	238910^ 484220	\$50,400.00	0.31%	0.80%	402 1817	151 135
3a) Concrete-Building Excavation & Backfill	238910^	\$68,409.00	0.42%	1.08%	402	151
3b) Concrete-Piers, 27-30" diameter x 40' deep, cased	238910^ 423510	\$75,600.00	0.47%	1.20%	402 1070	151 8
3c) Concrete-1st floor structural slab on grade	238120^ 423320 423510	\$263,160.00	1.62%	4.17%	60 405 1070	38 29 8
3d) Concrete-interior structured supports, no slab	238120^ 423320 423510	\$113,740.00	0.70%	1.80%	60 405 1070	38 29 8
3e) Concrete-Precast concrete	238120^ 423320 423510	\$1,500,246.00	9.24%	23.76%	60 405 1070	38 29 8

	238120^				60	38
	423320				405	29
3f) Concrete-Speed ramp – CIP	423510	\$93,600.00	0.58%	1.48%	1070	8
	238120^				60	38
	423320				405	29
3g) Concrete-Stair landings	423510	\$19,440.00	0.12%	0.31%	1070	8
	238120^				60	38
	423320				405	29
3h) Concrete-Stair nosings	423510	\$12,960.00	0.08%	0.21%	1070	8
	238120^				60	38
	423320				405	29
3i) Concrete-Topping slab double tee's	423510	\$310,335.00	1.91%	4.91%	1070	8
	238120^				60	38
	423320				405	29
3j) Concrete-Waterproofing at retail	423510	\$12,925.00	0.08%	0.20%	1070	8
	238120^				60	38
	423320				405	29
3k) Concrete-Pump	423510	\$20,800.00	0.13%	0.33%	1070	8
	238120^				60	38
	423320				405	29
3l) Concrete-Trench drains & Grate	423510	\$12,374.00	0.08%	0.20%	1070	8
	238140^				182	31
	423320				405	29
4) Masonry-Face brick @retail exterior	423510	\$26,400.00	0.16%	0.42%	1070	8
	238130^				86	32
	423510				1070	8
5a) Metals-Galv steel framing	423510	\$64,000.00	0.39%	1.01%	1070	8
	238130^				86	32
	423510				1070	8
5b) Metals-Galv mesh with edge connections	423510	\$105,840.00	0.65%	1.68%	1070	8
	238130^				86	32
	423510				1070	8
5c) Metals-Stair guard rails	423510	\$25,200.00	0.16%	0.40%	1070	8
	238130^				86	32
	423510				1070	8
5d) Metals-Stair wall rails	423510	\$9,800.00	0.06%	0.16%	1070	8
	423510				1070	8
5e) Misc metals	423510	\$30,000.00	0.18%	0.48%	1070	8
	333511				48	0
	423510				1070	8
5f) Bollards	423510	\$30,000.00	0.18%	0.48%	1070	8
	238350^				184	24
	423310				523	5
6a) Wood-Roof Blocking at Elev and Stairs	423310	\$910.00	0.01%	0.01%	523	5
	238350^				184	24
	423310				523	5
6b) Misc other blocking	423310	\$5,000.00	0.03%	0.08%	523	5
	236220^				513	262
	325211				105	0
	424610				267	4
7) Bituminous Dampproofing	424610	\$19,096.00	0.12%	0.30%	267	4
	236220^				513	262
	325211				105	0
	424610				267	4
8) Bituminous Sheet Waterproofing-Waterproof Elevator Pit	424610	\$990.00	0.01%	0.02%	267	4
	238390^				62	20
	424610				267	4
9) Hot Fluid-Applied Waterproofing above entry point	424610	\$23,265.00	0.14%	0.37%	267	4
	238390^				62	20
	424610				267	4
10) Hot Fluid Applied Waterproofing above mechanical	424610	\$401.00	0.00%	0.01%	267	4

11) Vehicular Traffic Coatings-Pour Strip Sealer	238390^ 424610	\$15,000.00	0.09%	0.24%	62 267	20 4
12) Silicone Water Repellents-Brick Sealer	238390^ 424610	\$1,760.00	0.01%	0.03%	62 267	20 4
13) Thermal Insulation-Board Insulation @ exterior walls	238310^ 423330	\$8,800.00	0.05%	0.14%	170 205	62 6
14) Thermal Insulation-Blanket Insulation @ interior ceiling	238310^ 423330	\$20,680.00	0.13%	0.33%	170 205	62 6
15) Thermoplastic Membrane Roofing-Elevator & Stair Roof	238310^ 423330	\$7,280.00	0.04%	0.12%	170 205	62 6
16) Sheet Metal Roofing @ signage	238160^ 423330	\$32,120.00	0.20%	0.51%	169 205	27 6
17) Fire Stopping at CMU Partitions	238120^ 424610	\$12,872.00	0.08%	0.20%	60 267	38 4
18) Joint Sealants	238120^ 424610	\$85,220.00	0.53%	1.35%	60 267	38 4
19) Hollow Metal Doors and Frames	238350^ 423510	\$2,750.00	0.02%	0.04%	184 1070	24 8
20) Hollow Metal frames	238350^ 423510	\$925.00	0.01%	0.01%	184 1070	24 8
21) Access Doors and Panels	238350^ 423510	\$2,500.00	0.02%	0.04%	184 1070	24 8
22) Aluminum-Framed Storefronts	238150^ 238350 423510	\$211,280.00	1.30%	3.35%	66 184 1070	7 24 8
23) Aluminum-Framed Punched Windows	238150^ 238350^ 423390 423510	\$25,776.00	0.16%	0.41%	66 184 299 1070	7 24 19 8
24) Door Hardware	238350^ 423710	\$3,900.00	0.02%	0.06%	184 533	24 7
25) Finishes-Drywall & Ceiling	238310^ 423320	\$38,820.00	0.24%	0.61%	170 405	62 29
26) Finishes-Painting Stairs and elevator lobby	238320^ 424950	\$8,450.00	0.05%	0.13%	240 186	93 1
27) Finishes-Painting Misc Door Frames, etc	238320^ 424950	\$10,000.00	0.06%	0.16%	240 186	93 1
28a) Specialties-Fire Extinguishers & Cabinets	238210 423850	\$2,250.00	0.01%	0.04%	4587 344	98 21
28b) Specialties-Building Signage	238990^	\$75,000.00	0.46%	1.19%	372	177
29) Parking Control Equipment-Pay Stations	238290^	\$25,000.00	0.15%	0.40%	68	14
30) Furnishings-Metal Trash Containers	337127	\$4,500.00	0.03%	0.07%	49	0
31) Furnishings-Metal Benches	337127	\$6,250.00	0.04%	0.10%	49	0
32) Furnishings-Bike Racks	337127	\$4,500.00	0.03%	0.07%	49	0

33) Hydraulic Elevators	423830	\$135,000.00	0.83%	2.14%	3473	18
34) Fire-Suppression Systems-Garage	238210				4587	98
	423850	\$154,931.00	0.95%	2.45%	344	21
35) Fire-Suppression Systems-Interior	238210				4587	98
	423850	\$23,265.00	0.14%	0.37%	344	21
36a) Plumbing system-interior	238220^				1085	47
	423720	\$41,361.00	0.25%	0.65%	407	16
36b) Plumbing system-floor drains	238220^				1085	47
	423720	\$49,920.00	0.31%	0.79%	407	16
36c) Plumbing-Underground drainage	236220^				1085	47
	423720	\$15,000.00	0.09%	0.24%	407	16
36d) Plumbing-Grease trap	236220^				1085	47
	423720	\$18,000.00	0.11%	0.29%	407	16
37a) HVAC	238220^				4085	47
	423730	\$56,000.00	0.35%	0.89%	504	4
37b) Exhaust System	238220^				4085	47
	423730	\$42,000.00	0.26%	0.67%	504	4
38a) Electrical System-Interior rough-in only	238210				4587	98
	423610	\$67,210.00	0.41%	1.06%	1070	48
38b) Electrical System-Garage	238210				4587	98
	423610	\$387,326.00	2.39%	6.13%	1070	48
39a) Security system-Rough-in only	334290				32	5
	541690	\$25,000.00	0.15%	0.40%	1518	63
39b) Fire Alarm	561621	\$28,407.00	0.18%	0.45%	547	24
40a) Earthwork-Selective Clearing, Paving/Curb/Misc	238910^				402	151
	484220	\$82,947.00	0.51%	1.31%	1817	135
40b) Earthwork-Mass Excavation	238910^	\$32,540.00	0.20%	0.52%	402	151
40c) Earthwork-Select Fill, Building Pad	238910^	\$25,884.00	0.16%	0.41%	402	151
40d) Earthwork-Select Fill, Ramp	238910^	\$1,750.00	0.01%	0.03%	402	151
40e) Earthwork-Haul Off Excess	484220	\$65,081.00	0.40%	1.03%	1817	135
40f) Earthwork-Sub-Soil Drainage	238910^	\$2,168.00	0.01%	0.03%	402	151
41a) Erosion-Stabilized Construction Entrance	238910^	\$2,000.00	0.01%	0.03%	402	151
41b) Silt Fence	238910^	\$4,124.00	0.03%	0.07%	402	151
41c) Erosion & Sedimentation Control Maintenance	238910^	\$5,000.00	0.03%	0.08%	402	151
42a) Hardscape, curb & gutter	238990^	\$75,000.00	0.46%	1.19%	372	177
42b) Parking Bumpers, Wheel Stops	237310^				728	212
	327390	\$276.00	0.00%	0.00%	165	1
42c) Pave Markings	237310^	\$28,000.00	0.17%	0.44%	728	212
42d) Landscape and Irrigation	561730	\$25,000.00	0.15%	0.40%	4169	119
43a) Water & Fire Utilities	237110^	\$50,000.00	0.31%	0.79%	223	118
43b) Sanitary Sewer	237110^	\$25,000.00	0.15%	0.40%	223	118

43c) Storm Utility Drainage Piping	237110^	\$25,000.00	0.15%	0.40%	223	118
44) Construction Manager's Contingency - 5%	N/A	\$251,066.00	1.55%	3.98%	N/A	N/A
45) Design/Owner Contingency - 5%	N/A	\$251,066.00	1.55%	3.98%	N/A	N/A
46) General Conditions	N/A	\$341,985.00	2.11%	5.42%	N/A	N/A
47) Subcontractor Default Protection Program	N/A	\$62,766.00	0.39%	0.99%	N/A	N/A
48) General Liability	N/A	\$61,654.00	0.38%	0.98%	N/A	N/A
49) Builders Risk	N/A	\$6,122.00	0.04%	0.10%	N/A	N/A
50) Management of Warranty Period - .25%	N/A	\$14,820.00	0.09%	0.23%	N/A	N/A
51) Payment & Performance Bond	N/A	\$58,164.00	0.36%	0.92%	N/A	N/A
52) Construction Managers Fee	236220^	\$242,758.00	1.50%	3.84%	513	262
Total - Parking Garage		\$6,314,715.00	38.90%	100.00%		
Bus Stop Improvements						
Central/Boca Chica						
1) ADA Pad - concrete	238110^ 423320	\$3,528.00	0.02%	0.55%	282 405	129 29
2) ADA Ramps - pre-manufactured concrete	238120^ 423320	\$180,200.00	1.11%	27.86%	60 405	38 29
3) Sidewalk -fiber mesh concrete	238110^ 423320 423510	\$152,428.50	0.94%	23.57%	282 405 1070	129 29 8
4) Lighting	238210 423610	\$34,500.00	0.21%	5.33%	4587 1080	98 48
5) Shelters (15 Single) - pre-cast aluminum	236220^ 332311 484121	\$67,500.00	0.42%	10.44%	513 104 2294	262 2 32
6) Shelters (8 Single) - pre-cast aluminum	236220^ 332311 484121	\$56,000.00	0.35%	8.66%	513 104 2294	262 2 32
7) Shelter Pad (15 Single)	238110^ 423320	\$3,528.00	0.02%	0.55%	282 405	129 29
8) Shelter Concrete (8 Double)	238110^ 423320	\$7,056.00	0.04%	1.09%	282 405	129 29
9) Shelter Assembly	236220^	\$31,000.00	0.19%	4.79%	513	262
10) Engineering Design	541330	\$111,100.00	0.68%	17.18%	4699	382
Total Central/Boca Bus Stop		\$646,840.50	3.99%	100.00%		
Southmost - Bus Stop Improvements						
1) ADA Pad - concrete	238110^ 423320	\$4,200.00	0.03%	1.02%	282 405	129 29

2) ADA Ramps - pre-manufactured concrete	238120^ 423320	\$156,400.00	0.96%	37.84%	60 405	38 29
3) Sidewalk - fiber mesh concrete	238110^ 423320 423510	\$67,583.00	0.42%	16.35%	282 405 1070	129 29 8
4) Lighting	238210 423610	\$5,600.00	0.03%	1.35%	4587 1080	98 48
5) Shelters - pre-cast aluminum	236220^ 332311 484121	\$126,500.00	0.78%	30.60%	513 104 2294	262 2 32
6) Benches - pre-cast aluminum	236220^ 332311 484121	\$15,500.00	0.10%	3.75%	513 104 2294	262 2 32
7) Engineering Design	541330	\$37,578.00	0.23%	9.09%	4699	382
Total Southmost Bus Stop		\$413,361.00	2.55%	100.00%		
La Galaxia - Bus Stop Improvements						
1) ADA Pad - concrete	238110^ 423320	\$18,270.00	0.11%	3.26%	282 405	129 29
2) ADA Ramps - pre-manufactured concrete	238120^ 423320	\$180,200.00	1.11%	32.13%	60 405	38 29
3) Sidewalk - fiber mesh concrete	238110^ 423320 423510	\$217,497.00	1.34%	38.78%	282 405 1070	129 29 8
4) Shelters (17 Single) - pre-cast aluminum	236220^ 332311 484121	\$76,500.00	0.47%	13.64%	513 104 2294	262 2 32
5) Shelter Pad (15 Single)	238110^ 423320	\$8,835.75	0.05%	1.58%	282 405	129 29
6) Benches - pre-cast aluminum	236220^ 332311 484121	\$8,500.00	0.05%	1.52%	513 104 2294	262 2 32
7) Engineering Design	541330	\$50,980.28	0.31%	9.09%	4699	382
Total Southmost Bus Stop		\$560,783.03	3.45%	100.00%		
FY 2012 FTA Reimbursable Operating Expenses						
1) Fuel	424720	\$632,013.80	3.89%	22.52%	344	10
2) Office Supplies*	N/A	\$8,536.70	0.05%	0.30%	N/A	N/A
3) Food, Meals, Water*	N/A	\$1,586.19	0.01%	0.06%	N/A	N/A
4) Wearing Apparel	315211 315212	\$6,157.51	0.04%	0.22%	38 82	2 2
5) Minor Tools/Equipment	N/A	\$23,264.00	0.14%	0.83%	N/A	N/A
6) Janitorial Supplies	423850	\$21,247.98	0.13%	0.76%	344	21
7) Chemicals (degreasers, etc)	424690	\$4,837.49	0.03%	0.17%	1010	14
8) Books & Periodicals**	N/A	\$630.83	0.00%	0.02%	N/A	N/A

9) Shipping Charges - FedEx	N/A	\$1,742.47	0.01%	0.06%	N/A	N/A
10) Photo Equipment**	N/A	\$119.45	0.00%	0.00%	N/A	N/A
11) Personal Safety Gear	423450	\$1,160.33	0.01%	0.04%	556	21
12) Medical Supplies*	N/A	\$641.42	0.00%	0.02%	N/A	N/A
13) Lamps & Globes	423610	\$8,014.85	0.05%	0.29%	1080	48
14) Maintenance of Facilities	561720	\$23,065.22	0.14%	0.82%	2706	115
15) Maintenance of Equipment	811212	\$24,216.48	0.15%	0.86%	390	12
	423120				1003	3
	561210				491	491
	811111^				851	12
	811112^				52	0
	811113^				77	1
	811118^				93	2
	811121^				337	6
	811122^				95	3
16) Fleet Maintenance***	811192^	\$1,587,539.35	9.78%	56.56%	227	7
17) Security**	N/A	\$419.88	0.00%	0.01%	N/A	N/A
18) Software Upgrades-Major Manufacturer	N/A	\$1,592.00	0.01%	0.06%	N/A	N/A
19) Software Tech Support-Major Software Manufacturer	N/A	\$20,802.02	0.13%	0.74%	N/A	N/A
20) Communications-Phones	N/A	\$6,539.38	0.04%	0.23%	N/A	N/A
21) Advertising-Newspapers	N/A	\$4,906.55	0.03%	0.17%	N/A	N/A
	561510				977	1
22) Travel and Training	611519	\$22,807.27	0.14%	0.81%	272	2
23) Drug & Alcohol Testing	621511	\$5,492.16	0.03%	0.20%	443	1
24) Physicals**	N/A	\$245.00	0.00%	0.01%	N/A	N/A
25) Armored Car Service**	N/A	\$2,524.92	0.02%	0.09%	N/A	N/A
26) Management Services-Management Salaries	N/A	\$262,400.04	1.62%	9.35%	N/A	N/A
27) Purchase of Transportation Service	N/A	\$96,240.00	0.59%	3.43%	N/A	N/A
28) Temp Services	561320	\$2,014.59	0.01%	0.07%	2904	42
29) Consulting Services	541611	\$30,355.17	0.19%	1.08%	4197	246
30) Pest Control**	N/A	\$399.00	0.00%	0.01%	N/A	N/A
31) Rental of Equipment*	N/A	\$2,477.12	0.02%	0.09%	N/A	N/A
32) Miscellaneous Services**	N/A	\$3,004.00	0.02%	0.11%	N/A	N/A
Total-FY 2012 FTA Reimbursable Operating Expenses		\$2,806,993.17	17.29%	100.00%		
FY 2013 FTA Reimbursable Operating Expenses						
1) Fuel	424720	\$632,013.80	3.89%	23.03%	344	10
2) Office Supplies*	N/A	\$8,536.70	0.05%	0.31%	N/A	N/A
3) Food, Meals, Water*	N/A	\$1,586.19	0.01%	0.06%	N/A	N/A

4) Wearing Apparel	315211 315212	\$12,315.02	0.08%	0.45%	38 82	2 2
5) Minor Tools/Equipment	N/A	\$23,264.00	0.14%	0.85%	N/A	N/A
6) Janitorial Supplies	423850	\$31,871.97	0.20%	1.16%	344	21
7) Chemicals (degreasers, etc)	424690	\$7,256.24	0.04%	0.26%	1010	14
8) Books & Periodicals**	N/A	\$630.83	0.00%	0.02%	N/A	N/A
9) Shipping Charges - FedEx	N/A	\$1,742.47	0.01%	0.06%	N/A	N/A
10) Photo Equipment**	N/A	\$119.45	0.00%	0.00%	N/A	N/A
11) Personal Safety Gear	423450	\$1,972.56	0.01%	0.07%	556	21
12) Medical Supplies*	N/A	\$641.42	0.00%	0.02%	N/A	N/A
13) Lamps & Globes	423610	\$10,018.56	0.06%	0.37%	1080	48
14) Maintenance of Facilities	561720	\$23,065.22	0.14%	0.84%	2706	115
15) Maintenance of Equipment	811212	\$24,216.48	0.15%	0.88%	390	12
	423120				1003	3
	561210				491	491
	811111^				851	12
	811112^				52	0
	811113^				77	1
	811118^				93	2
	811121^				337	6
	811122^				95	3
16) Fleet Maintenance***	811192^	\$1,587,539.35	9.78%	57.84%	227	7
17) Security**	N/A	\$419.88	0.00%	0.02%	N/A	N/A
18) Software Upgrades-Major Manufacturer	N/A	\$1,592.00	0.01%	0.06%	N/A	N/A
19) Software Tech Support- Major Software Manufacturer	N/A	\$31,203.03	0.19%	1.14%	N/A	N/A
20) Communications-Phones	N/A	\$6,539.38	0.04%	0.24%	N/A	N/A
21) Advertising-Newspapers	N/A	\$4,906.55	0.03%	0.18%	N/A	N/A
	561510				977	1
22) Travel and Training	611519	\$22,807.27	0.14%	0.83%	272	2
23) Drug & Alcohol Testing	621511	\$6,865.20	0.04%	0.25%	443	1
24) Physicals**	N/A	\$245.00	0.00%	0.01%	N/A	N/A
25) Armored Car Service**	N/A	\$2,524.92	0.02%	0.09%	N/A	N/A
26) Management Services- Management Salaries	N/A	\$262,400.04	1.62%	9.56%	N/A	N/A
27) Purchase of Transportation Service	N/A	\$0.00	0.00%	0.00%	N/A	N/A
28) Temp Services	561320	\$2,014.59	0.01%	0.07%	2904	42
29) Consulting Services	541611	\$30,355.17	0.19%	1.11%	4197	246
30) Pest Control**	N/A	\$399.00	0.00%	0.01%	N/A	N/A
31) Rental of Equipment*	N/A	\$2,477.12	0.02%	0.09%	N/A	N/A
32) Miscellaneous Services**	N/A	\$3,004.00	0.02%	0.11%	N/A	N/A
Total-FY 2013 FTA Reimbursable Operating Expenses		\$2,744,543.41	16.91%	100.00%		

FY 2014 FTA Reimbursable Operating Expenses						
1) Fuel	424720	\$632,013.80	3.89%	23.03%	344	10
2) Office Supplies*	N/A	\$8,536.70	0.05%	0.31%	N/A	N/A
3) Food, Meals, Water*	N/A	\$1,586.19	0.01%	0.06%	N/A	N/A
4) Wearing Apparel	315211				38	2
	315212	\$12,315.02	0.08%	0.45%	82	2
5) Minor Tools/Equipment	N/A	\$23,264.00	0.14%	0.85%	N/A	N/A
6) Janitorial Supplies	423850	\$31,871.97	0.20%	1.16%	344	21
7) Chemicals (degreasers, etc)	424690	\$7,256.24	0.04%	0.26%	1010	14
8) Books & Periodicals**	N/A	\$630.83	0.00%	0.02%	N/A	N/A
9) Shipping Charges - FedEx	N/A	\$1,742.47	0.01%	0.06%	N/A	N/A
10) Photo Equipment**	N/A	\$119.45	0.00%	0.00%	N/A	N/A
11) Personal Safety Gear	423450	\$1,972.56	0.01%	0.07%	556	21
12) Medical Supplies*	N/A	\$641.42	0.00%	0.02%	N/A	N/A
13) Lamps & Globes	423610	\$10,018.56	0.06%	0.37%	1080	48
14) Maintenance of Facilities	561720	\$23,065.22	0.14%	0.84%	2706	115
15) Maintenance of Equipment	811212	\$24,216.48	0.15%	0.88%	390	12
16) Fleet Maintenance***	423120				1003	3
	561210				491	491
	811111^				851	12
	811112^				52	0
	811113^				77	1
	811118^				93	2
	811121^				337	6
	811122^				95	3
	811192^	\$1,587,539.35	9.78%	57.84%	227	7
17) Security**	N/A	\$419.88	0.00%	0.02%	N/A	N/A
18) Software Upgrades-Major Manufacturer	N/A	\$1,592.00	0.01%	0.06%	N/A	N/A
19) Software Tech Support-Major Software Manufacturer	N/A	\$31,203.03	0.19%	1.14%	N/A	N/A
20) Communications-Phones	N/A	\$6,539.38	0.04%	0.24%	N/A	N/A
21) Advertising-Newspapers	N/A	\$4,906.55	0.03%	0.18%	N/A	N/A
22) Travel and Training	561510				977	1
	611519	\$22,807.27	0.14%	0.83%	272	2
23) Drug & Alcohol Testing	621511	\$6,865.20	0.04%	0.25%	443	1
24) Physicals**	N/A	\$245.00	0.00%	0.01%	N/A	N/A
25) Armored Car Service**	N/A	\$2,524.92	0.02%	0.09%	N/A	N/A
26) Management Services-Management Salaries	N/A	\$262,400.04	1.62%	9.56%	N/A	N/A
27) Purchase of Transportation Service	N/A	\$0.00	0.00%	0.00%	N/A	N/A
28) Temp Services	561320	\$2,014.59	0.01%	0.07%	2904	42
29) Consulting Services	541611	\$30,355.17	0.19%	1.11%	4197	246

30) Pest Control**	N/A	\$399.00	0.00%	0.01%	N/A	N/A
31) Rental of Equipment*	N/A	\$2,477.12	0.02%	0.09%	N/A	N/A
32) Miscellaneous Services**	N/A	\$3,004.00	0.02%	0.11%	N/A	N/A
Total-FY 2014 FTA Reimbursable Operating Expenses		\$2,744,543.41	16.91%	100.00%		
Grand Total - FY 2012, 2013, 2014		\$16,231,779.52	100.00%			
^ Local Market						
* Expenses delegated to various staff with credit cards						
** Expenses of miscellaneous type, no DBE/small business source or too small to go out to bid						
***No DBE/small businesses available						

Step 2: Calculation of the Base Figure

Illustrations I and II reflect the detail of the Basic Figure shown in §26.45.

Illustration I and II:

BASIC FIGURE =				
Total of all task calculations [(Dollar % of each task/total task dollars) x (DBEs per task/total companies per task)]				
Line 1 = Task within Grant				
Line 2 = Illustration I IAW Basic Figure shown in §26.45 for each grant.				
Line 3 = Illustration II IAW Basic Figure shown in §26.45 for each grant.				
Line 4 = Illustration I IAW Basic Figure shown in §26.45 for FY 2012-2014 grants.				
Line 5 = Illustration II IAW Basic Figure shown in §26.45 for FY 2012-2014 grants.				
Parking Garage 1a	1b	2	3a	3b
0.0005*(8/957)	0.0044*(7/792)	0.0080*(296/2219)	0.0108*(151/402)	0.0120*(159/1472)
0.0000042	0.0000389	0.0011872	0.0040567	0.0012962
0.0002*(8/957)	0.0017*(7/792)	0.0031*(296/2219)	0.0042*(151/402)	0.0047*(159/1472)
0.0000017	0.0000150	0.0004135	0.0015776	0.0005077
3c	3d	3e	3f	3g
0.0417*(75/1535)	0.0180*(75/1535)	0.2376*(75/1535)	0.0148*(75/1535)	0.0031*(75/1535)
0.0020375	0.0008795	0.0116091	0.0007231	0.0001515
0.0162*(75/1535)	0.0070*(75/1535)	0.0924*(75/1535)	0.0058*(75/1535)	0.0012*(75/1535)
0.0007915	0.0003420	0.0045147	0.0002834	0.0005863
3h	3i	3j	3k	3l
0.0021*(75/1535)	0.0491*(75/1535)	0.0020*(67/465)	0.0033*(67/465)	0.0020*(67/465)
0.0001026	0.0023990	0.0002882	0.0004755	0.0002882
0.0008*(75/1535)	0.0191*(75/1535)	0.0008*(67/465)	0.0013*(67/465)	0.0008*(67/465)
0.0000391	0.0009332	0.0001153	0.0001873	0.0001153
4	5a	5b	5c	5d
0.0042*(60/587)	0.0101*(40/1156)	0.0168*(40/1156)	0.0040*(40/1156)	0.0016*(40/1156)
0.0004293	0.0003495	0.0005813	0.0001384	0.0000554
0.0016*(60/587)	0.0039*(40/1156)	0.0065*(40/1156)	0.0016*(40/1156)	0.0006*(40/1156)
0.0001635	0.0001349	0.0002249	0.0000554	0.0000208
5e	5f	6a	6b	7
0.0048*(8/1070)	0.0048*(8/1118)	0.0001*(29/707)	0.0008*(29/707)	0.0030*(266/885)
0.0000359	0.0000343	0.0000041	0.0000328	0.0009017
0.0018*(8/1070)	0.0018*(8/1118)	0.0001*(29/707)	0.0003*(29/707)	0.0012*(266/885)
0.0000135	0.0000129	0.0000041	0.0000123	0.0003607

8	9	10	11	12
0.0002*(266/885)	0.0037*(34/329)	0.0001*(24/329)	0.0024*(24/329)	0.0003*(24/329)
0.0000601	0.0003824	0.0000073	0.0001751	0.0000219
0.0001*(266/885)	0.0014*(24/329)	0.0000*(24/329)	0.0009*(24/329)	0.0001*(24/329)
0.0000301	0.0001021	0.0000000	0.0000657	0.0000073
13	14	15	16	17
0.0014*(68/375)	0.0033*(68/375)	0.0012*(68/375)	0.0051*(68/375)	0.0020*(42/327)
0.0002539	0.0005984	0.0002496	0.0009248	0.0002569
0.0005*(68/375)	0.0013*(68/375)	0.0004*(68/375)	0.0020*(68/375)	0.0008*(42/327)
0.0000907	0.0002357	0.0000725	0.0003627	0.0001028
18	19	20	21	22
0.0135*(42/327)	0.0004*(32/1254)	0.0001*(32/1254)	0.0004*(32/1254)	0.0335*(39/1320)
0.0017339	0.0000102	0.0000026	0.0000102	0.0009898
0.0053*(42/327)	0.0002*(32/1254)	0.0001*(32/1254)	0.0002*(32/1254)	0.0130*(39/1320)
0.0006807	0.0000051	0.0000026	0.0000051	0.0003841
23	24	25	26	27
0.0041*(58/1619)	0.0006*(31/717)	0.0061*(91/575)	0.0013*(94/426)	0.0016*(94/426)
0.0001469	0.0000259	0.0009654	0.0002869	0.0003531
0.0016*(58/1619)	0.0002*(31/717)	0.0024*(91/575)	0.0005*(94/426)	0.0006*(94/426)
0.0000573	0.0000086	0.0003798	0.0001103	0.0001324
28a	28b	29	30	31
0.0004*(119/4931)	0.0119*(177/372)	0.0040*(14/68)	0.0007*(0/49)	0.0010*(0/49)
0.0000097	0.0056621	0.0008235	0.0000000	0.0000000
0.0001*(119/4931)	0.0046*(177/372)	0.0015*(14/68)	0.0003*(0/49)	0.0004*(0/49)
0.0000024	0.0021887	0.0003088	0.0000000	0.0000000
32	33	34	35	36a
0.0007*(0/49)	0.0214*(18/3473)	0.0245*(119/4931)	0.0037*(119/4931)	0.0065*(63/1492)
0.0000000	0.0001109	0.0005913	0.0000893	0.0002745
0.0003*(0/49)	0.0083*(18/3473)	0.0095*(119/4931)	0.0014*(119/4931)	0.0025*(63/1492)
0.0000000	0.0000430	0.0002293	0.0000338	0.0001056
36b	36c	36d	37a	37b
0.0079*(63/1492)	0.0024*(63/1492)	0.0029*(63/1492)	0.0089*(51/4589)	0.0067*(51/4589)
0.0003336	0.0001013	0.0001225	0.0000989	0.0000745
0.0031*(63/1492)	0.0009*(63/1492)	0.0011*(63/1492)	0.0035*(51/4589)	0.0026*(51/4589)
0.0001309	0.0000380	0.0000464	0.0000389	0.0000289

38a	38b	39a	39b	40a
0.0106*(146/5657)	0.0613*(146/5657)	0.0040*(68/1550)	0.0045*(24/547)	0.0131*(286/2219)
0.0002736	0.0015821	0.0002013	0.0001974	0.0016884
0.0041*(146/5657)	0.0239*(146/5657)	0.0015*(68/1550)	0.0018*(24/547)	0.0051*(286/2219)
0.0001058	0.0006168	0.0000658	0.0000790	0.0006573
40b	40c	40d	40e	40f
0.0052*(151/402)	0.0041*(151/402)	0.0003*(151/402)	0.0103*(135/1817)	0.0003*(151/402)
0.0019532	0.0015400	0.0000376	0.0007653	0.0001127
0.0020*(151/402)	0.0016*(151/402)	0.0001*(151/402)	0.0040*(135/1817)	0.0001*(151/402)
0.0007512	0.0000597	0.0000376	0.0002972	0.0000376
41a	41b	41c	42a	42b
0.0003*(151/402)	0.0007*(151/402)	0.0008*(151/402)	0.0119*(177/372)	0.0000*(213/893)
0.0001127	0.0002629	0.0003005	0.0056621	0.0000000
0.0001*(151/402)	0.0003*(151/402)	0.0003*(151/402)	0.0046*(177/372)	0.0000*(213/893)
0.0000376	0.0001127	0.0001127	0.0021887	0.0000000
42c	42d	43a	43b	43c
0.0044*(212/728)	0.0040*(119/4169)	0.0079*(118/223)	0.0040*(118/223)	0.0040*(118/223)
0.0012813	0.0001142	0.0041803	0.0021166	0.0021166
0.0017*(212/728)	0.0015*(119/4169)	0.0031*(118/223)	0.0015*(118/223)	0.0015*(118/223)
0.0004951	0.0000428	0.0016404	0.0007937	0.0007937
44	45	46	47	48
0.0398*(N/A)	0.0398*(N/A)	0.0542*(N/A)	0.0099*(N/A)	0.0098*(N/A)
0.0000000	0.0000000	0.0000000	0.0000000	0.0000000
0.0155*(N/A)	0.0155*(N/A)	0.0211*(N/A)	0.0039*(N/A)	0.0038*(N/A)
0.0000000	0.0000000	0.0000000	0.0000000	0.0000000
49	50	51	52	Central/Boca Chica 1
0.0010*(N/A)	0.0023*(N/A)	0.0092*(N/A)	0.0384*(262/513)	0.0055*(258/687)
0.0000000	0.0000000	0.0000000	0.0196117	0.0020655
0.0004*(N/A)	0.0009*(N/A)	0.0036*(N/A)	0.0150*(262/513)	0.0002*(258/687)
0.0000000	0.0000000	0.0000000	0.0076608	0.0000751
2	3	4	5	6
0.2786*(67/465)	0.2357*(166/1757)	0.0533*(146/5667)	0.1044*(296/2911)	0.0866*(296/2911)
0.0401424	0.0222688	0.0013732	0.0106157	0.0088058
0.0111*(67/465)	0.0094*(166/1757)	0.0021*(146/5667)	0.0042*(296/2911)	0.0035*(296/2911)
0.0015994	0.0008881	0.0000541	0.0004271	0.0003559

				Southmost 1
7	8	9	10	
0.0055*(158/687)	0.0109*(158/687)	0.0479*(262/513)	0.1718*(382/4699)	0.0102*(158/687)
0.0012649	0.0025068	0.0244635	0.0139663	0.0023459
0.0002*(158/687)	0.0004*(158/687)	0.0019*(262/513)	0.0068*(382/4699)	0.0003*(158/687)
0.0000460	0.0000920	0.0009704	0.0005528	0.0000690
2	3	4	5	6
0.3784*(158/687)	0.1635*(166/1757)	0.0135*(146/5667)	0.3060*(296/2911)	0.0375*(296/2911)
0.0870265	0.0154474	0.0003478	0.0311151	0.0038131
0.0096*(158/687)	0.0042*(166/1757)	0.0003*(146/5667)	0.0078*(296/2911)	0.0010*(296/2911)
0.0022079	0.0003968	0.0000077	0.0007931	0.0001017
7	La Galaxia 1	2	3	4
0.0909*(382/4699)	0.0326*(158/687)	0.3213*(67/465)	0.3878*(166/1757)	0.1364*(296/2911)
0.0073896	0.0074975	0.0462948	0.0366390	0.0138696
0.0023*(382/4699)	0.0011*(158/687)	0.0111*(67/465)	0.0134*(166/1757)	0.0047*(296/2911)
0.0001870	0.0002530	0.0015994	0.0012660	0.0004779
			FY2012 FTA Reimbursable Expenses	
5	6	7	1	2
0.0158*(158/687)	0.0152*(296/2911)	0.0909*(382/4699)	0.2252*(10/344)	0.0030*(N/A)
0.0036338	0.0015456	0.0073896	0.0065465	0.0000000
0.0005*(158/687)	0.0005*(296/2911)	0.0031*(382/4699)	0.0389*(10/344)	0.0005*(N/A)
0.0001150	0.0000508	0.0002520	0.0011308	0.0000000
3	4	5	6	7
0.0006*(N/A)	0.0022*(4/120)	0.0083*(N/A)	0.0076*(21/344)	0.0017*(14/1010)
0.0000000	0.0000733	0.0000000	0.0004640	0.0000236
0.0001*(N/A)	0.0004*(4/120)	0.0014*(N/A)	0.0013*(21/344)	0.0003*(14/1010)
0.0000000	0.0000133	0.0000000	0.0000794	0.0000042
8	9	10	11	12
0.0002*(N/A)	0.0006*(N/A)	0.0000*(N/A)	0.0004*(21/556)	0.0002*(N/A)
0.0000000	0.0000000	0.0000000	0.0000151	0.0000000
0.0000*(N/A)	0.0001*(N/A)	0.0000*(N/A)	0.0001*(21/556)	0.0000*(N/A)
0.0000000	0.0000000	0.0000000	0.0000038	0.0000000

13	14	15	16	17
0.0029*(48/1080)	0.0082*(115/2706)	0.0086*(12/390)	0.5656*(527/3326)	0.0001*(N/A)
0.0001289	0.0003485	0.0002646	0.0923965	0.0000000
0.0005*(48/1080)	0.0014*(115/2706)	0.0015*(12/390)	0.0978*(527/3226)	0.0000*(N/A)
0.0000222	0.0000595	0.0000462	0.0159463	0.0000000
18	19	20	21	22
0.0006*(N/A)	0.0074*(N/A)	0.0023*(N/A)	0.0017*(N/A)	0.0081*(3/1249)
0.0000000	0.0000000	0.0000000	0.0000000	0.0000195
0.0001*(N/A)	0.0013*(N/A)	0.0004*(N/A)	0.0003*(N/A)	0.0014*(3/1249)
0.0000000	0.0000000	0.0000000	0.0000000	0.0000034
23	24	25	26	27
0.0020*(1/443)	0.0001*(N/A)	0.0009*(N/A)	0.0935*(N/A)	0.0343*(N/A)
0.0000045	0.0000000	0.0000000	0.0000000	0.0000000
0.0003*(1/443)	0.0000*(N/A)	0.0002*(N/A)	0.0162*(N/A)	0.0059*(N/A)
0.0000007	0.0000000	0.0000000	0.0000000	0.0000000
28	29	30	31	32
0.0007*(42/2904)	0.0108*(246/4197)	0.0001*(N/A)	0.0009*(N/A)	0.0011*(N/A)
0.0000101	0.0006330	0.0000000	0.0000000	0.0000000
0.0001*(42/2904)	0.0019*(246/4197)	0.0000*(N/A)	0.0002*(N/A)	0.0002*(N/A)
0.0000014	0.0001114	0.0000000	0.0000000	0.0000000
FY2013 FTA Reimbursable Expenses 1	2	3	4	5
0.2303*(10/344)	0.0031*(N/A)	0.0006*(N/A)	0.0045*(4/120)	0.0085*(N/A)
0.0066948	0.0000000	0.0000000	0.0001500	0.0000000
0.0389*(10/344)	0.0005*(N/A)	0.0001*(N/A)	0.0008*(4/120)	0.0014*(N/A)
0.0011308	0.0000000	0.0000000	0.0000267	0.0000000
6	7	8	9	10
0.0116*(21/344)	0.0026*(14/1010)	0.0002*(N/A)	0.0006*(N/A)	0.0000*(N/A)
0.0007081	0.0000360	0.0000000	0.0000000	0.0000000
0.0020*(21/344)	0.0004*(14/1010)	0.0000*(N/A)	0.0001*(N/A)	0.0000*(N/A)
0.0001221	0.0000055	0.0000000	0.0000000	0.0000000

11	12	13	14	15
0.0007*(21/556)	0.0002*(N/A)	0.0037*(48/1080)	0.0084*(115/2706)	0.0088*(12/390)
0.0000264	0.0000000	0.0001644	0.0003570	0.0002708
0.0001*(21/556)	0.0000*(N/A)	0.0006*(48/1080)	0.0014*(115/2706)	0.0014*(12/390)
0.0000038	0.0000000	0.0000267	0.0000595	0.0000431
16	17	18	19	20
0.5784*(527/3226)	0.0002*(N/A)	0.0006*(N/A)	0.0114*(N/A)	0.0024*(N/A)
0.0944875	0.0000000	0.0000000	0.0000000	0.0000000
0.0978*(527/3226)	0.0000*(N/A)	0.0001*(N/A)	0.0014*(N/A)	0.0004*(N/A)
0.0159766	0.0000000	0.0000000	0.0000000	0.0000000
21	22	23	24	25
0.0018*(N/A)	0.0083*(3/1249)	0.0025*(1/443)	0.0001*(N/A)	0.0009*(N/A)
0.0000000	0.0000211	0.0000061	0.0000000	0.0000000
0.0003*(N/A)	0.0014*(3/1249)	0.0004*(1/443)	0.0000*(N/A)	0.0002*(N/A)
0.0000000	0.0000034	0.0000009	0.0000000	0.0000000
26	27	28	29	30
0.0956*(N/A)	0.0000*(N/A)	0.0007*(42/2904)	0.0111*(246/4197)	0.0001*(N/A)
0.0000000	0.0000000	0.0000101	0.0006506	0.0000000
0.0162*(N/A)	0.0000*(N/A)	0.0001*(42/2904)	0.0019*(246/4197)	0.0000*(N/A)
0.0000000	0.0000000	0.0000014	0.0001114	0.0000000
31	32	FY2014 FTA Reimbursable Expenses 1	2	3
0.0009*(N/A)	0.0011*(N/A)	0.2303*(10/344)	0.0031*(N/A)	0.0006*(N/A)
0.0000000	0.0000000	0.0066948	0.0000000	0.0000000
0.0002*(N/A)	0.0002*(N/A)	0.0389*(10/344)	0.0005*(N/A)	0.0001*(N/A)
0.0000000	0.0000000	0.0011308	0.0000000	0.0000000
4	5	6	7	8
0.0045*(4/120)	0.0085*(N/A)	0.0116*(21/344)	0.0026*(14/1010)	0.0002*(N/A)
0.0001500	0.0000000	0.0007081	0.0000360	0.0000000
0.0008*(4/120)	0.0014*(N/A)	0.0020*(21/344)	0.0004*(14/1010)	0.0000*(N/A)
0.0000267	0.0000000	0.0001221	0.0000055	0.0000000

9	10	11	12	13
0.0006*(N/A)	0.0000*(N/A)	0.0007*(21/556)	0.0002*(N/A)	0.0037*(48/1080)
0.0000000	0.0000000	0.0000264	0.0000000	0.0001644
0.0001*(N/A)	0.0000*(N/A)	0.0001*(21/556)	0.0000*(N/A)	0.0006*(48/1080)
0.0000000	0.0000000	0.0000038	0.0000000	0.0000267
14	15	16	17	18
0.0084*(115/2706)	0.0088*(12/390)	0.5784*(527/3226)	0.0002*(N/A)	0.0006*(N/A)
0.0003570	0.0002708	0.0943082	0.0000000	0.0000000
0.0014*(115/2706)	0.0015(12/390)	0.0978*(526/3226)	0.0000*(N/A)	0.0001*(N/A)
0.0000595	0.0000462	0.0159463	0.0000000	0.0000000
19	20	21	22	23
0.0114*(N/A)	0.0024*(N/A)	0.0018*(N/A)	0.0083*(3/1249)	0.0025*(1/443)
0.0000000	0.0000000	0.0000000	0.0000199	0.0000056
0.0019*(N/A)	0.0004*(N/A)	0.0003*(N/A)	0.0014*(3/1249)	0.0004*(1/443)
0.0000000	0.0000000	0.0000000	0.0000034	0.0000009
24	25	26	27	28
0.0001*(N/A)	0.0009*(N/A)	0.0956*(N/A)	0.0000*(N/A)	0.0007*(42/2904)
0.0000000	0.0000000	0.0000000	0.0000000	0.0000101
0.0000*(N/A)	0.0002*(N/A)	0.0162*(N/A)	0.0000*(N/A)	0.0001*(42/2904)
0.0000000	0.0000000	0.0000000	0.0000000	0.0000014
29	30	31	32	
0.0111*(246/4197)	0.0001*(N/A)	0.0009*(N/A)	0.0011*(N/A)	
0.0006506	0.0000000	0.0000000	0.0000000	
0.0019*(246/4197)	0.0000*(N/A)	0.0002*(N/A)	0.0002*(N/A)	
0.0001114	0.0000000	0.0000000	0.0000000	

			TOTAL (DECIMAL)	TOTAL (PERCENTAGE)
	Parking Garage	Equals	0.0879575	8.80%
	Bus Stop Improvements - Central/Boca Chica	Equals	0.1274729	12.75%
	Bus Stop Improvements - Southmost	Equals	0.1474853	14.75%
	Bus Stop Improvements - La Galaxia	Equals	0.1168700	11.69%
	FY 2012 FTA Reimbursable Operating Expenses	Equals	0.1009281	10.09%
	FY 2013 FTA Reimbursable Operating Expenses	Equals	0.1035831	10.36%
	FY 2014 FTA Reimbursable Operating Expenses	Equals	0.1034021	10.34%
	O/A FY2012, 2013-2014 Grants	Equals	0.0993000	9.93%

Adjusting the Base Figure

The base calculation determined 9.93% to be a reasonable DBE goal based on the applicable number of DBEs in Local Market or willing to work Statewide as a percent of the total applicable businesses in Texas. The staff reviewed and assessed other known relevant evidence to determine what additional adjustments, if any, were needed to narrowly tailor the Base Figure to the department’s contracting program.

Factors considered in making an adjustment to the Base Figure include:

Historic Goal Attainments

Federal Fiscal Year	Data Source	Total Contracts	DBE Contracts	% DBE Attainment	Goal
FY2008-1	Uniform DBE Rpt	\$1,909,168.00	\$556.00	0.05%	2.74%
FY2008-2	Uniform DBE Rpt	\$1,305,852.00	\$0.00	0.00%	2.74%
FY2009-1	Uniform DBE Rpt	\$1,011,257.00	\$0.00	0.00%	2.98%
FY2009-2	Uniform DBE Rpt	\$1,670,156.00	\$0.00	0.00%	2.98%
FY2010-1	Uniform DBE Rpt	\$1,073,599.00	\$0.00	0.00%	9.18%
FY2010-2	Uniform DBE Rpt	\$4,147,861.00	\$0.00	0.00%	9.18%
	Total	\$11,227,893.00	\$556.00		

Median DBE Goal Attainment = 0.00%

FY 2009 and 2010 goals were set as 100% race-neutral. Results, however, did not support race-neutral goals with the actual participation being 0.00%. The complete absence of DBE participation was very disappointing. Over the next three years BUS will use Race-Conscious goals to encourage a higher percentage of DBE participation, better identify its market and examine other areas to increase the number of companies in that market receiving information on upcoming RFPs.

The construction field has many readily available DBEs but distance is an issue. Job sites over two hours from home base eliminate many companies from considering the job. Brownsville is six and one half hours from Houston, five and one half hours from Austin, four and one half hours from San Antonio and nine hours from Dallas/Fort Worth so distance will be a factor in attracting qualified DBEs. The high dollar value of the terminal contract will be a factor for increasing the probability of attracting participants from San Antonio.

Even though grants include dollars in the area of construction which are known for having readily available, qualified, experienced and responsible DBEs, many BUS construction projects require very specialized work. For example, bus stop improvements can provide opportunities for the small contractor to build a team and bid as a prime. Vehicle maintenance and cleaning/washing requires different expertise and/or equipment. For these reasons, Brownsville Urban System is further defining qualified DBEs within all job categories.

Many DBEs find bonding and insurance rates to cause them to be non-competitive. BUS refers DBEs to local trade associations, business assistance programs and community organizations to educate the DBE on what is needed to have their company obtain the most competitive bonding and insurance resources in their fields.

BUS has contacted several minority, woman-owned and small business trade associations regarding DBE participation, access to RFPs and access to bonding, insurance and lines of credit. BUS is notifying these trade associations of all new RFPs and working with their IT personnel to provide access to RFPs from the internet. The website will also provide links to the minority, women-owned and small business trade associations where companies wanting to work with BUS can find assistance for becoming certified and assistance with access to bonding, insurance and lines of credit.

Market Area vs. Local Availability

While many DBEs have declared they are willing to work in ALL Texas Counties, Brownsville is located six and a half hours south of Houston. Most DBEs are located in the major metropolitan areas of Houston, Dallas/Fort Worth, San Antonio and Austin. The recession has had two effects on the construction and professional services industries. Companies are lowering their margins and traveling longer distances so they can keep their employees. As large companies lay off experienced personnel, the number of DBEs increases. The project size, consulting and special, technical knowledge and local availability of any special heavy equipment will affect the mix of bidders on an RFP.

CenStats shows 6030 construction businesses in Harris County (Houston) 6.5 hours from Brownsville, 6898 in Dallas & Tarrant Counties (Dallas/Fort Worth) 9 hours from Brownsville, 2051 in Travis County (Austin) 5.5 hours from Brownsville and 2516 in Bexar County (San Antonio) 4.5 hours from Brownsville. The Pharr Region shows 1132 construction businesses. The state of Texas shows 42,063 construction businesses. This breaks down as 41.59% of the construction businesses are in the major cities at least 4.5 hours from Brownsville. Only 2.69% of the construction businesses are in the Pharr district leaving 97.31% of the construction businesses located more than two hours from BUS projects. Brownsville is in the southernmost point of the Pharr district.

While statistics can tally the number of Small or Disadvantaged Business Enterprises (DBEs) in various geographic markets, the FTA requires contractors to be qualified and experienced in specifics unique to BUS. This will result in a much wider market area for the planning and engineering phases and a much narrower market area for the construction phases. This causes three overlapping objectives:

- Establishing and maintaining a Bidder's List to best reflect the market area for NAICS Codes used in past BUS projects;
- Further refining the Bidder's List to reflect all BUS qualified, experienced and responsible DBEs and small businesses;
- Assisting the Purchasing Department to insure dissemination of notices and RFQ summaries to a specific market area as required by the specs; and,
- Encourage Primes to use DBEs and uncertified qualified, experienced and responsible businesses to apply for certification.

The Brownsville Urban System has traditionally drawn approximately 90% of its bidders from the local area and approximately 90% of the contract dollars have been spent in this area. Specific emphasis will be placed on Pharr District outreach including emails, minority, women's and small business associations and informing participants at the pre-bid conference of the intent of the DBE Program.

Disparity Studies

BUS is not aware of any current disparity studies within its market area.

Process and Public Notice

Prior to acceptance of goals, BUS will consult with disadvantaged business groups, community organizations, and women groups without limiting consultation to these persons or groups to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and BUS's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, BUS will publish a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the City of Brownsville Purchasing Department office for 30 days following the date of the notice and informing the public that BUS and DOT will accept comments on the goals for 45 days from the date of the notice. Advertisements in newspapers, minority focus media, trade publications, and websites will be the normal medium to accomplish this effort. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

Public Participation

BUS encourages the participation of all businesses in their contracting opportunities including DBE and small businesses. To accomplish this, BUS:

- Publishes notice announcing the availability of the Goals and Methodology document in local newspapers, business journals and trade associations;
- Consistently reviews the TXDOT List of Certified DBEs and TXDOT personnel for new certified DBEs;
- Continually maintains the Bidder's List to reflect DBEs, small and large businesses participating in previous RFPs;
- Reaches out to the community during pre-bid meetings and small business seminars/ programs explaining the DBE Program and its requirements;
- Notifies small, minority and women owned business trade associations of RFPs including:

Hispanic Contractors Association of San Antonio

Maria Monita
2800 NE Loop 410, Suite 207
San Antonio TX 78218
210-444-1100; Fax: 1101

Lower Rio Grande Valley Development Council

311 N. 15th Street
McAllen TX 78501-4705
956-682-3481; Fax: 631-4670

Southwest Minority Development Council – Valley District

Maggie Trevino – Office Administrator – Harlingen
222 E Van Buren, Suite 503
Harlingen TX 78550
956-423-7048; Fax: 7046; Maggie@smsdc.org

University of Texas – Pan America (SBDC)

Mark Winchester – Director
1201 W University
Edinberg TX 78539
956-292-7535; winchester@utpa.edu

- Encourages local contractors to use DBEs and have uncertified, qualified, experienced and responsible subcontractors become certified; and,
- Encourages comments for review and appropriate action or implementation.

Other Evidence

BUS did not receive any evidence nor is it aware of any other factors or adverse considerations that would have a material affect on DBEs availability within its market place or on DBEs ability to participate in the BUS FTA-assisted contracting program. BUS will continue to explore and consider all available evidence that materially would affect the opportunities for DBEs to form, grow and compete in the BUS FTA-assisted contracting program.

Resultant Goal Adjustment

Based on the considerations above, Brownsville Urban System's base figure of 9.93% will be reduced to 4.97% incorporating race-neutral goals of 1% and race-conscious goals of 3.97%.

Previously the goal has utilized only race-neutral goals but generated no DBE participation in the last 3 years with the exception of a one-time project participation of 0.05%. The overall goal of 4.97% was selected when the lack of historic data on which to base a justifiable race-neutral overall goal plus the almost 0.00% DBE participation over the last three years revealed the need to set a goal that could conceivably be met by educating the market on the goals of the DBE Program, reaching out to DBEs and small businesses regarding the program and encouraging prime contractors to identify ready, willing and able DBE firms or qualified, experienced and responsible non-certified firms participate in the program. The increased awareness will ultimately benefit all parties receiving DOT funds.

In accordance with CenStats data, the five districts used to represent the local market for BUS contains 16.27% of the businesses in Texas. When applied to the 4.97% adjusted overall goal it suggests 0.81% as a potential race-neutral goal. BUS has increased the race-neutral goal to 1% in order to address projects and expenses done by professional service and other businesses that work statewide. The remaining 3.97% of the goal will be achieved through the assignment of race-conscious goals.

Utilization of Race-Neutral and Race-Conscious Methods

Of the overall annual 4.97% goal for DBE participation, BUS will utilize both race-neutral and race-conscious methods. BUS is establishing a current Bidder's List and contacting DBEs on the TXDOT (Texas Department of Transportation) database in the areas needed for upcoming projects and reimbursable operating expenses to determine potential qualified DBE and small companies willing to work in their local market and statewide. Primes will be urged to reach out to DBEs for participation. It is important that DBEs become aware of the contracts available at BUS and be competitive in their bids. To accomplish this, the BUS will:

- Maintain and refine the DBE database and Bidder's List for various NAICS codes qualified, experienced, responsible and willing to do BUS work;
- Breakdown DBE database by NAICS codes and area codes to highlight local DBEs by areas of expertise and providing primes with copies of this database;
- Email solicitation notices directly to all bid houses and past DBEs participating in similar projects;
- Encourage large prime contractors to subcontract portions of the work that they might otherwise perform themselves and take advantage of the lower overhead of small businesses;
- Encourage large prime contractors to assist DBEs with bonding and insurance;
- Emphasize the need for primes to expand increase their outreach efforts;
- Encourage primes to have their uncertified, qualified and experienced subs and other small businesses to apply for DBE certification;
- Establish an outreach program to:
 - * Work with SBDCs and Small Business Organizations to explain the benefits of DBE certification and show them how to apply for certification;
 - * Work with SBDCs and Small Business Organizations to train DBEs in the areas where BUS requirements are more stringent than traditional applications;
 - * Encourage prior small contractors to apply for DBE certification;
 - * Work with trade associations and other business groups to establish joint programs to enable DBEs to present their qualifications directly to the people selecting the subs for the primes;
 - * Work with local SBDCs and Small Business Organizations to enable small, potential DBEs and DBEs to become aware of opportunities at the BUS; and,
- Work with TXDOT and local SBDCs and Small Business Organizations to train DBEs in the process of locating RFPS, preparing proposals and finding the right contacts.

By combining Race-Neutral and Race-Conscious efforts to locate qualified DBEs, encouraging primes to use qualified DBEs, inspiring uncertified, qualified, experienced and responsible small businesses to become certified and defining a reasonable geographic and industry market, the BUS will create a process where all qualified, experienced and responsible bidders, primes and subs, DBEs and non-DBEs will participate in future contracts.