



DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

September 2016

TABLE OF CONTENTS

	<u>Page</u>
DBE Program Policy Statement	3
Applicability Statement	4
Definitions	4
DBE Liaison Officer (DBELO) / Designation and Responsibilities	5
Regional Certification Reciprocity Council (RCRC)	7
Administrative Requirements	7
Required Contract Provisions	8
Small Business Participation	10
Determining, Achieving and Counting Overall Annual and Contract Specific DBE Goals	11
DBE Certification Standards	19
Certification Procedures	27
Monitoring and Recordkeeping	33
Public Participation and Outreach	33
Attachments	36
A. City of Gardena Transportation Department Organizational Chart	
B. Gardena Business Advisory Council Agenda	
C. DBE Good Faith Effort Report	
D. DBE Goal and Goal Computation Methodology	

CITY OF GARDENA'S GTrans (GTrans)

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM POLICY

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

It is the policy of GTrans 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 Transportation Director has been delegated as the DBE Liaison Officer. In that capacity, the Transportation Director 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 GTrans in its financial assistance agreements with the Department of Transportation.

This Policy has been adopted by the Gardena City Council and will be circulated to GTrans employees and to appropriate community and business organizations that perform work on DOT-assisted contracts.

APPLICABILITY

The applicability of this Program is as follows:

Pursuant to 49 CFR Parts 26.3 and 26.21, GTrans, as a recipient of federal financial assistance from the Federal Transit Administration (FTA) of the U.S. Department of Transportation (DOT), is required to implement a DBE Program in accordance with 49 CFR Part 26. The Program outlined herein applies to all GTrans contracts that are funded, in whole or in part, by DOT federal financial assistance.

It is the policy of GTrans that no person will ever be excluded from participation in, denied the benefits of, or otherwise be discriminated against, 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 the administration of the DBE Program, GTrans will not directly, nor 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 this DBE Program with respect to individuals of a particular race, color, sex, or national origin.

Quotas will not be used in any way in the administration of this DBE Program.

DEFINITIONS

Any terms used in this Program that is defined in 49 CFR Sec. 26.5, or elsewhere in the Regulations, shall have the meaning set forth in the Regulations. Some of the more commonly used terms are defined below:

Disadvantaged Business Enterprise (DBE)

A DBE is a for-profit, small business concern: 1) that is at least fifty-one percent (51%) owned by one or more individuals who are both socially and economically disadvantaged, or, in the case of a corporation, in which fifty-one percent (51%) of the stock is owned by one or more socially and economically disadvantaged individuals; and 2) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

Small Business Concern

A small business concern is an existing small business, as defined by section 3 of the Small Business Act and the Small Business Administration regulations which implemented the Act (13 CFR Part 121), whose average annual gross receipts for the previous three years do not exceed \$16.6 million (or as adjusted for inflation by the Secretary of the DOT), pursuant to 49 CFR Sec. 26.65(b).

Socially and Economically Disadvantaged Individuals

There is a rebuttable assumption that an individual is both socially and economically disadvantaged if a citizen, or lawfully admitted permanent resident of the United States, is:

- 1) Black American (including persons having origins in any of the Black

racial groups of Africa);

- 2) Hispanic American (including persons of Central or South American, Cuban, Dominican, Mexican, Puerto Rican, or other Spanish or Portuguese culture or origin, regardless of race);
- 3) Native American (including persons who are Aleuts, American Indians, Eskimos, or Native Hawaiians);
- 4) Asian-Pacific American (including persons whose origins are from Brunel, Burma (Myanmar), Cambodia (Kampuchea), China, the Commonwealth of the Northern Marianas Islands, the Federated States of Micronesia, Fiji, Guam, Hong Kong, Indonesia, Japan, Juvalu, Kirbati, Korea, Laos, Macao, Malaysia, Nauru, the Philippines, Samoa, Taiwan, Thailand, Tonga, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), or Vietnam);
- 5) Subcontinent Asian American (including persons whose origins are from Bangladesh, Bhutan, India, the Maldives Islands, Nepal, Pakistan, or Sri Lanka);
- 6) Woman; or
- 7) A member of any additional group that is designated as socially and economically disadvantaged by the Small Business Administration.

Additionally, any individual can demonstrate, by a preponderance of evidence, that he/she is socially and economically disadvantaged on a case-by-case basis. GTrans will follow the guidelines in 49 CFR Part 26, Appendix E (see page 19) for determining social and economic disadvantage.

An individual cannot be presumed or determined on a case-by-case basis to be economically disadvantaged if he/she has a personal net worth exceeding \$750,000 (excluding the individual's ownership interests in the small business concern and his or her primary residence).

Race-Neutral

A procedure or program that is used to assist all small businesses. For the purpose of this Program, race-neutral includes gender neutrality.

Race-Conscious

A measure or program that is specifically focused on assisting only DBEs, including women-owned DBEs.

Personal Net Worth

The 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 community property with the individual's spouse.

DBE LIAISON OFFICER

The City of Gardena's Transportation Director has been designated as the DBE Liaison Officer

(DBELO) for GTrans (Attachment A). In that capacity, the Transportation Director is responsible for implementing all aspects of the DBE Program and ensuring that GTrans complies with all provisions of 49 CFR Part 26. The Transportation Director has direct, independent access to the Gardena City Manager concerning DBE Program matters.

The DBELO has a professional administrative staff of two individuals who act as support personnel devoting a portion of their time to implementation of the DBE Program. The DBELO is responsible for developing, implementing and monitoring the DBE program in coordination with other appropriate City of Gardena staff, such as the Purchasing Officer, Finance Director and City Attorney. The duties and responsibilities of the DBELO and his professional support staff include the following:

- 1) Gathers and reports statistical data and other information as required by the US DOT.
- 2) Reviews third party contracts and purchase requisitions for compliance with the Program.
- 3) Sets overall annual goals.
- 4) Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
- 5) Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
- 6) Analyzes GTrans's progress toward goal attainment and identifies ways to improve progress.
- 7) Participates in pre-bid meetings.
- 8) Advises the City Manager and the City Council on DBE matters and achievement.
- 9) Participates with other appropriate City staff to determine contractor compliance with good faith efforts.
- 10) Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
- 11) Certifies DBEs according to the criteria set by the US DOT and acts as liaison to the Regional Certification Reciprocity Council of Southern California.
- 12) Provides outreach to DBEs and community organizations to advise them of opportunities.
- 13) Maintains and updates GTrans's directory of certified DBEs.
- 14) Coordinates project management staff in arranging bid information, solicitation and schedules to assure maximum opportunities for DBE participation.
- 15) Maintains the DBE Program including revisions and updates required by operational changes, the US DOT or amendments to 49 CFR Part 26.

REGIONAL CERTIFICATION RECIPROCITY COUNCIL (RCRC)

The DBE Liaison Officer represents GTrans as a member of the Regional Certification Reciprocity Council of Southern California (RCRC). GTrans will participate in RCRC programs, activities, and efforts in the Region to create a level playing field on which DBEs can compete fairly; to enhance outreach and communication efforts with these firms; to provide appropriate assistance and information for participation in DOT-assisted contracts; to develop joint resources among recipients; and to coordinate certification efforts through reciprocity and the development of a Unified Certification Program. Toward this end, the DBELO will attend scheduled RCRC meetings and will contribute, when appropriate, to the achievement of RCRC projects.

ADMINISTRATIVE REQUIREMENTS

DBE Financial Institutions

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

Information on the availability of such institutions can be obtained from the DBELO.

DBE Directory

GTrans, is part of the State of California, Department of Transportation, DBE Unified Certification Program. This program provides a comprehensive DBE Directory listing that we are able to query by location and NAIS category and make available to contractors and the public upon request. The directory includes the firm's name, address, telephone number, and types of work for which the firm is certified as a DBE. The DBE directory does not in any way pre-qualify the identified DBE firms with respect to licensing, bond ability, competence, or financial responsibility. The directory is currently maintained online and available upon request.

Over-Concentration

If the DBELO determines that DBE participation is so over-concentrated in certain types of work or contracting opportunities that it unduly burdens the participation of non-DBEs in that type of work, the DBELO will develop appropriate measures to address the over-concentration. The DBELO will seek approval from the FTA, and at that time, the measures will become part of this Program. Currently, GTrans is unaware of any types of work that have a burdensome over-concentration of DBE participation.

Business Development and Mentor-Protégé Programs

One method for providing race-neutral efforts for DBE participation will be through participating in area business development programs. Instruction may cover such topics as: teaming and joint ventures, writing a winning proposal or bid, the bid evaluation process, and addressing various barriers that small businesses encounter in third party contracting.

If GTrans is directed to develop a mentor/protégé program, one will be written and submitted to the FTA for approval, after which it would become part of this DBE Program. Guidelines outlined in

Appendices C and D of 49 CFR Part 26 would be utilized in setting up requisite formal agreements and programs.

When a firm is identified by GTrans as a potential candidate for a formal business development program, further technical assistance, or a mentor/protégé relationship, the firm will be provided with pertinent information concerning available area programs.

Reconsideration Official

In accordance with 49 CFR Part 26, all proceedings by GTrans regarding the reconsideration of compliance with the provisions of the DBE regulation concerning a contract award, or the DBE status of a firm, shall be made by a City of Gardena representative who did not take part in the original determination. Specific reconsideration procedures are discussed later in this Program document.

Transit Vehicle Manufacturer Certification

GTrans will require that transit vehicle manufacturers shall certify that they have established an annual overall DBE participation goal that has been approved by the FTA_(or has been submitted, but not disapproved) before they can bid on any GTrans contracts. Expenditures for FTA-assisted transit vehicle procurements are not included in establishing the overall annual goal for DOT-assisted contracting opportunities.

REQUIRED CONTRACT PROVISIONS

GTrans agrees to include the following provisions in all DOT-assisted contracts, where appropriate:

Nondiscrimination Assurance

Each DOT-assisted contract GTrans signs with a contractor, and each subcontract the prime contractor signs with a subcontractor, will include the following statement:

“The contractor 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 termination of this contract or such other remedy as GTrans deems appropriate.”

Further, each financial assistance agreement that GTrans signs with the FTA will include the following statement:

“GTrans shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient’s DBE Program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to GTrans of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate

cases, refer the matter for enforcement under 18 USC 1001 and/ or the Program Fraud Civil Remedies Act of 1986(31 USC 3801 et seq.).”

Prompt Payment Policy

GTrans shall include the following provision in each DOT-assisted contract:

“The prime contractor must pay subcontractors for satisfactory performance of their contracts no later than 15 days from the receipt of payment made to the prime by GTrans. Prompt return of retainage payments from the prime contractor to the subcontractor will be made within 15 days after the subcontractor’s work is satisfactorily completed. Any delay or postponement of payment among the parties may take place only for good cause and with GTrans’s prior written approval. If the prime contractor determines the work of the subcontractor to be unsatisfactory, it must notify GTrans in writing and state the reasons. Failure by the prime contractor to comply with this requirement will be construed to be a breach of contract and subject to contract termination.”

Monitoring and Enforcement Mechanisms

GTrans will implement appropriate mechanisms to ensure compliance with the DBE Program by all participants under Federal, State and local law, and 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 of Program Fraud and Civil Penalties rules) provided in 26.109. GTrans will also consider similar action under its own legal authorities, including responsibility determinations in future contracts.

Monitoring Mechanisms and Remedies Using Race-Neutral Methods

- 1) The DBELO will be notified of any solicitation for bid, proposal, or quotation for a DOT-assisted contract. If appropriate, notices will then be sent to applicable DBEs and minority/women organizations.
- 2) The DBELO will obtain a list of companies that submit bids or proposals and those who did not. DBELO will survey companies for reasons why they did not submit bids, and will review to determine why responses were not submitted and any barriers that may exist.
- 3) The DBELO will keep records on the companies ready, willing, and able to do business on any given solicitation.
- 4) The DBELO will keep records on contracts that have no contract goals and any DBE primes and subcontractors that receive awards and contracts.
- 5) Any possibilities of “unbundling,” lowering bond requirements, joint ventures or mentor/protégé opportunities will be noted and documented.

Monitoring Mechanisms and Remedies Using Race-Conscious Methods

- 1) When a DBE goal is set on a contract, the DBELO will attend the pre-bid meeting and will provide DBE information to all prime contractors prior to bid opening.
- 2) Once the contract is awarded, the DBELO will monitor the amount actually paid by the prime to DBE subcontractors and will require monthly reports of payments to DBEs. A letter will be sent to DBE subcontractors to verify the dollar amount.

- 3) The amount awarded the DBE, the amount paid to the DBE as stated by the prime, and the amount paid to the DBE as verified by the DBE, will be tracked; and the actual amount paid to DBEs will be reported by the DBELO to the FTA.
- 4) The DBELO will be notified when a contract change or amendment is made. Subsequently, the prime contractor will submit a statement to the DBELO regarding how the change may affect DBE subcontracting.
- 5) The DBELO will ensure that work is actually being done by DBEs.

Other Reporting Requirements

- 1) GTrans will continue to report DBE participation and annual overall goal-setting methods to the FTA as directed, while maintaining prescribed statistical data.
- 2) Contractors performing work on GTrans's FTA-assisted contracts are required to report the DBE participation on their contracts on both race-neutral and race-conscious DBE goal achievements. Contractors are not to count participation of a DBE subcontractor toward the prime's DBE achievements or the overall company DBE goal until the amount being counted has been paid to the DBE.

Section 26.39 Small Business Participation

GTrans has incorporated the following non-discriminatory element to its DBE program, in order to facilitate competition on DOT-assisted public works projects by small business concerns (both DBEs and non-DBE small businesses):

- 1) The removal of unnecessary and unjustified bundling of contract requirement.
- 2) Race-neutral small business set-asides for prime contracts below a certain value.
- 3) The requirement of bidders on large contracts to identify and/or provide specific subcontracts appropriate for small business participation.
- 4) The development of acquisition strategies and structuring procurements to facilitate bids by and awards to small business consortia or joint ventures.
- 5) Letting prime contract of a size that small businesses can reasonably compete for and perform.
- 6) Advertise in numerous local media including local newspapers.
- 7) Online outreach and advertisements:
 - a. DBEGoodFaith.com – outreach and advertise to small, minority, women and disable veterans business communities.
 - b. DBE Compliance News (compliance news.com)

- 8) Work with Gardena Business Advisory Council (GBAC) to coordinate efforts to assist local DBE Gardena and Southbay based businesses for small business participation.
 - a. See G-BAC 9-10-15 Agenda (Attachment B)
- 9) Partner with Small Business Development Center at El Camino College
 - a. Providing Technical assistance workshops
 - b. Developing an annual Small Business Fair
 - i. Partners: GTrans, SBA, Los Angeles Metro, Gardena Economic Development
- 10) Facilitating ease of DBE application process
- 11) Facilitating Gardena's DBE outreach with larger transportation agencies that could bring business to Gardena small businesses.
- 12) Outreach to local Chamber of Commerce by participating in monthly meetings when possible.
- 13) Partnering with Community Development Department - Make project information accessible at business licensing locations.
- 14) Plans to add DBE resource page to RideGTrans.com. This would provide information on how to apply as a DBE, current solicitations, current workshops, DBE resources.

GTrans small business participation program will not certify small businesses, however, will recognize and accept small businesses certified as SBEs by government agencies in the region, including but not limited to: Small Business Administration (SBA), California Department of Transportation (Caltrans), Port of Long Beach, Los Angeles County Metropolitan Transportation Authority (LA Metro), City of Los Angeles, and El Camino City College.

Note: GTrans's small business provision of this DBE program shall not replace or act as a substitute for other critical elements of GTrans's DBE program, including use of contract goals, and good faith efforts evaluations.

DETERMINING, ACHIEVING AND COUNTING OVERALL ANNUAL AND CONTRACT SPECIFIC DBE GOALS -

Overall Annual DBE Goal

Pursuant to 49 CFR Sec. 26.45, GTrans shall establish an annual overall goal on a fiscal year basis for the participation of DBEs in all budgeted contracts utilizing DOT federal financial assistance. The annual overall goal shall be expressed as a percentage of the total amount of DOT funds GTrans anticipates expending in the fiscal year. GTrans's annual overall goal represents the amount of ready, willing and able DBEs that are identified as available to participate in contracting opportunities and is reflective of the amount of DBE participation GTrans would expect absent the effects of discrimination.

GTrans intends to meet this goal to the maximum extent feasible through the race-neutral measures described below. Where race-neutral measures are inadequate to meet the annual overall goal,

GTrans will establish specific contract goals for particular projects with subcontracting opportunities.

Projecting DOT-Assisted Contract Expenditures

In conjunction with the preparation and adoption of the budget for each fiscal year, the DBELO, assisted by staff, will conduct a thorough analysis of the projected number, types of work, and dollar amounts of contracting opportunities that will be funded, in whole or in part, by DOT federal financial assistance for that fiscal year. This analysis will exclude projected contract expenditures with transit vehicle manufacturers, who are exempt from the Program as described herein.

Establishing a Base Figure

Pursuant to 49 CFR Sec. 26.45(c), GTrans will develop a base figure to express the availability of DBEs as a percentage of all contractors, subcontractors, manufacturers and suppliers in the relevant contracting markets. GTrans will use one of the following methodologies provided in the Regulations, or develop an alternative methodology, and will provide the appropriate documentation in the annual overall goal report described in this DBE Program.

GTrans will take an actual measurement of its marketplace, using the best evidence available, then derive a base figure that is as fair and accurate a representation as possible of the percentage of available businesses that are DBEs.

- 1) GTrans may rely on data sources that are immediately available in its DBE directory, and a Census Bureau database that DOT and the Census Bureau will make available. GTrans will first assess the number of ready, willing and able DBEs based on the DBE directory. The resulting number of DBEs will become the numerator. The denominator would then be derived from the Census Bureau's County Business Pattern (CBP) database.
- 2) GTrans may calculate a base figure using a bidders' list to determine the relative availability of DBEs. GTrans will divide the number of available ready, willing and able DBEs by the number of all firms. These numbers are derived from the measure of all firms, DBE and non-DBE, prime contractors and subcontractors, that have directly participated in, or attempted to participate in, DOT-assisted contracting in the recent past. GTrans may use data derived from a disparity study as another means to determine a base figure. When setting a goal, we will first use the study's statistical evidence to set a base figure for the relative availability of DBEs.
- 3) GTrans may also use the goal of another recipient as the base figure for goal setting. Another recipient's goal can only be used if it was set in accordance with this rule and the other recipient performs similar contracting in a similar area.

Any of these methods may be used, but the methodology must be based on the demonstrable data of relevant market conditions and be designed to reach a goal that GTrans would expect DBEs to achieve in the absence of discrimination.

Adjusting the Base Figure

Pursuant to 49 CFR Sec. 26.45(d), GTrans will examine all available evidence to determine whether adjustment is needed to the base figure in order to arrive at GTrans's overall goal. The DBELO will analyze the results of its efforts to contract with DBEs for the past two years, any available and relevant disparity studies (to the extent that they are not accounted for in the base figure), any

available and relevant results of other DOT recipients' efforts to contract with DBEs, and any relevant feedback or projections from DBE professional organizations, the Small Business Administration, or others.

Using the data collected regarding over-concentration, DBE availability of firms ready, willing and able, and other necessary information (such as how long each project will span), a goal will be set at the level of DBE participation anticipated, absent the effects of discrimination.

Projection of Percentage of Overall Goal to be Achieved Through Race-Neutral Measures

Once the annual overall goal is proposed, the DBELO, assisted by staff, will analyze and project the maximum feasible portion of that goal that can be achieved by using race-neutral methods. Where the projected portion of the goal using such methods is less than the annual overall goal, the remaining portion will be achieved by establishing contract goals for particular projects that have subcontracting opportunities. Any over-concentration of DBEs in a particular trade will be excluded from race-conscious contract goals.

GTrans will attempt to meet the maximum feasible portion of the overall goal by using race-neutral measures. Race-neutral participation includes procurements in which a DBE wins a prime contract through customary competitive procedures, or is awarded a subcontract on a prime contract that does not carry a DBE goal, or even if there is a DBE subcontract goal, the DBE wins a subcontract from a prime that did not consider its DBE status in making the award.

The DBELO shall monitor and adjust the use of contract specific goals in accordance with 49 CFR Sec. 26.51(f). When projecting the percentage of the overall annual goal to be achieved through establishing contract-specific goals, the DBELO shall analyze the actual achievement of the overall annual goal through race-neutral methods in the previous two years. When establishing contract-specific goals during a current fiscal year, the DBELO shall analyze the progress towards achieving the overall annual goal and increase or reduce the use of contract-specific goals accordingly.

Publishing and Submitting the Overall Annual DBE Goal

Upon completion of the process described above, the DBELO will prepare an Overall Annual Goal Report which documents the analysis and methodology, as well as the proposed goal and estimate of participation to be achieved through race-neutral measures.

1) Submission of Total Overall Annual Goal

The annual overall goal for DBE participation shall be submitted to FTA for approval every three (3) years by August 31st prior to the next federal fiscal year.

2) Publication of Proposed Overall Annual Goal

Pursuant to 49 CFR Sec. 26.45(g), GTrans will publish its proposed overall annual goal. The notice shall include a statement that the methodology and proposed goal are available for inspection by the public for 30 days from the date of publication. The notice shall also include a statement that GTrans will accept public comments to the proposed goal and methodology for a period of 45 days from the date of publication and provide instructions for the submission of comments.

Achieving the Overall Annual Goal

GTrans shall achieve the annual overall goal for DBE participation through a combination of race-neutral measures and contract goals for particular contracts with subcontracting opportunities.

1) Race-Neutral Methods

GTrans intends to use race-neutral methods to the maximum extent feasible to achieve its annual overall goal. DBE participation that is obtained on contract which have no specific DBE goal, or where prime contractors use a strictly competitive bidding process, or do not consider the DBE firm's status as a DBE in awarding a subcontract shall be considered race-neutral DBE participation. In addition, GTrans will use the following measures, as appropriate:

- a. Use of online advertising services such as DBEGoodFaith.com and DBE Compliance News (compliance-news.com) to increase outreach to small, minority, women and disabled veteran's business communities.
- b. The removal of unnecessary and unjustified bundling of contract requirement.
- c. Assisting in overcoming limitations in bonding;
- d. Advertise in numerous local media including local newspapers.
- f. Work with Gardena Business Advisory Council (GBAC) to coordinate efforts to assist local DBE Gardena and regional based businesses for small business participation.
 - i. See G-BAC 9-10-15 Agenda Attachment B
- g. Partner with Small Business Development Center at El Camino College
 - ii. Providing assistance with business development activities including financial ability, technical/business capacity, use of emerging technology and startups in non-traditional business areas for DBE's such as:
 - a. Seminars/Workshops for Contractors (SBA)
 - b. Writing a Winning bid
 - i. Providing assistance with filling out bid certifications
 - ii. Providing firms with bidding assistance, such as holding mock workshops on the bidding process or providing assistance with plan reading, bidding and estimating, job costing, and writing/designing statements of qualifications.
 - iii. Developing an annual Small Business Fair
- h. Partners: GTrans, SBA, Los Angeles Metro, Gardena Economic Development
- b. Facilitating ease of DBE application process
- c. Facilitating Gardena's DBE outreach with larger transportation agencies that could bring business to Gardena small businesses.
- i. Outreach to local Chamber of Commerce by participating in monthly meetings.
- j. Partnering with Community Development Department - Make project information accessible at business licensing locations.
- k. Working on modifications to our City vendor database that would include DBE vendor information. This would enable easier distribution of the DBE directory, as requested. In addition, it would facilitate DBE outreach as well.
- l. Assisting firms in using technology, for CA DBE certification, searching the NAIS directory

- m. Building GTrans DBE Resource Library
 - i. DBE Toolkit

Contract Specific Goals - Race-Conscious Measures

Based on the letter dated July 10, 2007 from Director Will Kempton of California State DOT, had provided directions that there would be the shifting from a race-conscious program to a race-neutral program due to the Disparity Study as required by the Ninth Circuit Court of Appeal ruling and guidelines promulgated by the FHWA.

2) Awarding Contracts with Contract-Specific Goals

Each solicitation for which a DBE contract goal has been established will require the bidders/offerors to submit the following information either under sealed bid procedures as a matter of responsiveness, or with initial proposals under contract negotiation procedures, or at any time before a commitment to the performance of a contract:

- a. The names and addresses of DBE firms that will participate in the contract;
- b. A description of the work that each DBE will perform;
- c. The dollar amount of the participation of each DBE firm;
- d. Written documentation of commitment to use DBE subcontractors whose participation the prime submits to meet a contract goal;
- e. Written confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and
- f. If the DBE contract goal is not met, evidence of good faith efforts to meet the goal must be furnished.

GTrans shall award contracts to the lowest responsible bidder, as required by the California Public Contracts Code Secs. 20914 and 20916. A bidder who fails to demonstrate that it achieved the contract-specific DBE participation goal, and fails to demonstrate that it made good faith efforts to do so, shall not be deemed "responsible" and, therefore, shall be ineligible for award of the contract.

3) Evaluation of Bids with DBE Goals

After the bid opening, the DBELO shall evaluate all bid proposals with regard to the DBE requirements to determine a recommendation for award of contract to the lowest responsible bidder. The bidder with the lowest apparent bid price, who also meets the contract-specific goal or demonstrates good faith efforts, shall be recommended as the lowest responsible bidder. In the event that the bidder with the lowest apparent bid price does not meet the contract-specific goal or demonstrate good faith efforts (subject to the "reconsideration process"), the DBELO shall evaluate the bidder with the next lowest bid price.

a) Evaluation of DBE Certification Status

GTrans shall require that any DBEs listed by bidders for participation in the contract be certified as eligible DBEs. The DBELO shall review the Bidder's DBE Report to confirm each DBEs' certification status. GTrans will accept current certifications made by its own staff, DOT and its agencies, the Small Business Administration, or

other DOT federal financial assistance recipients, as appropriate. GTrans will require any firm listed, but not currently certified as a DBE, to submit the proper certification information within five days of bid opening in order to be included in the bidder's achievement documentation.

b) Determination of Amount of DBE Participation

The DBELO shall review the total dollar value of the work and the percentage of the total contract bid price reported on the Bidder's DBE Report for accuracy and shall compare it to the contract-specific goal established for the contract.

c) Determination of Good Faith Efforts

If the amount of DBE participation does not meet the contract-specific goal, the DBELO shall review the good faith efforts report submitted by the bidder, as required by the contract document (Attachment C). The DBELO shall determine whether the bidder has performed the quality, quantity and intensity of efforts that demonstrates a reasonably active and aggressive attempt to meet the contract-specific goal in accordance with 49 CFR Part 26, Appendix A which is incorporated herein by this reference.

Adequate good faith efforts mean that the bidder took all necessary and reasonable steps to achieve the goal which, by their scope, intensity, and appropriateness, could reasonably be expected to obtain sufficient DBE participation. Adequate good faith efforts also mean that the bidder actively and aggressively sought DBE participation. Mere *pro forma* efforts are not considered good faith efforts.

The Department will consider the quality, quantity, and intensity of the different kinds of efforts a bidder has made. Listed below are examples of the types of actions a bidder will take in making a good faith effort to meet the goal and are not intended to be exclusive or exhaustive, nor is it intended to be a mandatory checklist.

- i. Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising, written notices, use of verifiable electronic means through the use of the NCDOT Directory of Transportation Firms) the interest of all certified DBEs who have the capability to perform the work of the contract. The bidder must solicit this interest within at least 10 days prior to bid opening to allow the DBEs to respond to the solicitation. Solicitation shall provide the opportunity to DBEs within the Division and surrounding Divisions where the project is located. The bidder must determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.
- ii. Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved.
 1. Where appropriate, break out contract work items into economically feasible units to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.

2. Negotiate with subcontractors to assume part of the responsibility to meet the contract DBE goal when the work to be sublet includes potential for DBE participation (2nd and 3rd tier subcontractors).
- iii. Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.
- iv. Negotiating in good faith with interested DBEs.
 1. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBEs to perform the work.
 2. A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Bidding contractors are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.
- v. Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The bidder's standing within its industry, membership in specific groups, organizations, or associates and political or social affiliations (for example, union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the bidder's efforts to meet the project goal.
- vi. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or bidder.
- vii. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
- viii. Effectively using the services of available minority/women community organizations; minority/women contractors' groups; Federal, State, and local minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs. Contact within 7 days from the bid opening the Business Development Manager in the Business Opportunity and Work Force Development Unit to give notification of the bidder's inability to get DBE quotes.
- ix. Any other evidence that the bidder submits which shows that the bidder has made reasonable good faith efforts to meet the DBE goal.
 1. In addition, the Department may take into account the following:
 2. Whether the bidder's documentation reflects a clear and realistic plan for achieving the DBE goal.
 3. The bidders' past performance in meeting the DBE goals.

4. The performance of other bidders in meeting the DBE goal.
 - a. For example, when the apparent successful bidder fails to meet the DBE goal, but others meet it, you may reasonably raise the question of whether, with additional reasonable effort the apparent successful bidder could have met the goal. If the apparent successful bidder fails to meet the DBE goal, but meets or exceeds the average DBE participation obtained by other bidders, the Department may view this, in conjunction with other factors, as evidence of the apparent successful bidder having made a good faith effort.
 - b. If the Department does not award the contract to the apparent lowest responsive bidder, the Department reserves the right to award the contract to the next lowest responsive bidder that can satisfy to the Department that the DBE goal can be met or that an adequate good faith effort has been made to meet the DBE goal.

d) Bidder's Right to Administrative Reconsideration

In the event that the DBELO determines that the apparent low bidder has not met the contract-specific goal and has not demonstrated good faith efforts, the DBELO will notify the bidder in writing. The notification shall explain the basis and include the reasons for the determination, and shall inform the bidder of its right to submit further written documentation or appear before the reconsideration official prior to the time that a recommendation for award of contract is presented to the Gardena City Council. After reconsideration, GTrans shall provide the bidder with a written decision. The result of the reconsideration process is not appealable by the bidder to the DBELO.

In the event that the reconsideration official finds that the bidder has not met the contract goal or demonstrated good faith efforts, GTrans will deem said bidder not responsible and evaluate the bidder submitting the next lowest bid.

4) Recommendation for Award of Contract with DBE Goal

Following determination of the lowest responsible bidder, the DBELO shall document the lowest responsible bidder's compliance with the DBE requirements, which may be reviewed at the time the contract award is considered. If the City Manager or City Council disagrees with the recommendation, all bids will be rejected and referred back to the DBELO for further evaluation and recommendation.

5) DBE Replacement

A contractor must make a good faith effort to replace a defaulting DBE subcontractor with another certified DBE. The prime must immediately notify the DBELO of the DBE's inability to perform and provide reasonable documentation. The contractor must receive prior written approval on the substitute DBE from GTrans. The contractor will provide copies of new or amended subcontracts and a completed DBE certification application form for each new DBE, or must provide sufficient good faith efforts documentation. If the contractor fails or refuses to comply in the time specified, GTrans will issue an order stopping all, or part of, payment/work until satisfactory action has been taken. If the contractor still fails to comply, GTrans may issue a termination for default notification.

Counting and Tracking DBE Participation

Only the work actually performed by a DBE will be counted towards the DBE goal. The cost of supplies and materials obtained by the DBE or equipment leased (except from the prime contractor or its affiliate) may also be counted.

Work that a DBE subcontracts to a non-DBE firm does not count toward DBE goals. Expenditures may only be counted if the DBE is performing a commercially-useful function. A DBE should perform at least 30 percent of the total cost of its contract with its own work force. Decisions on commercially-useful functions are subject to review by the FTA, but are not administratively applicable to DOT.

If materials or supplies are obtained from a DBE manufacturer, 100 percent of the cost will be counted. If the materials and supplies are purchased from a DBE regular dealer, 60 percent of the cost will be counted.

DBE achievement will not be counted toward the overall goal until the DBE has been paid. The DBELO will track the participation of DBEs in contract-specific goal contracts separately from the participation of DBEs that are considered race-neutral. Additionally, the DBELO will not count that portion of a DBE's participation that is achieved after the certification of the DBE has been removed during the performance of a contract.

DBE CERTIFICATION STANDARDS

Unified Certification Program (UCP)

GTrans is a non-certifying member of the Unified Certification Program (UCP) administered by Caltrans, DOT of the State of California. The UCP will meet all of the requirements of this section. GTrans will use and count for DBE credit only those DBE firms certified by the State of California.

Burdens of Proof (Subpart D, Sec.26.61)

In determining whether to certify a firm as eligible to participate as a DBE, GTrans will apply the standards of Subpart D of the regulation. The firm seeking certification has the burden of demonstrating to GTrans, by a preponderance of the evidence, that it meets the requirements concerning group membership or individual disadvantage, business size, ownership and control.

GTrans will presume that members of the designated groups identified herein are socially and economically disadvantaged. However, applicants have the obligation to provide GTrans with information concerning their disadvantage (personal net worth statement). GTrans will make determinations concerning whether individuals and firms have met the burden of demonstrating group membership, ownership, control, and social and economic disadvantage by considering all the facts in the record, viewed as a whole.

Group Membership Determinations (Sec. 26.63)

If GTrans has reason to question whether an individual is a member of a group presumed to be socially and economically disadvantaged, GTrans will require an individual to demonstrate, by a preponderance of the evidence, that he/she is a member of a group presumed to be socially and economically disadvantaged. In making that determination, GTrans will consider whether or not the

person has held himself/herself to be a member of the group over a long period of time prior to application for certification and whether the person is regarded as a member of the group by the relevant community. GTrans may require the applicant to produce appropriate documentation of group membership.

If GTrans determines an individual claiming to be a member of a presumed disadvantaged group is not a member of such group, the individual must demonstrate social and economic disadvantage on an individual basis. GTrans's decision concerning membership in a designated group will be subject to certification appeals procedures.

Social and Economic Disadvantage Determination (Appendix E)

1) Social Disadvantage

Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias within American society because of their identities as members of groups and without regard to their individual qualities. Social disadvantage must stem from circumstances beyond their control.

Evidence of individual social disadvantage must include at least one objective distinguishing feature that has contributed to social disadvantage such as race, ethnic origin, gender, disability, long-term residence in an isolated environment, or similar causes not common to individuals not socially disadvantaged; personal experiences of substantial and chronic social disadvantage in American society, not in other countries; and negative impact or entry into or advancement in the business world because of the disadvantage.

GTrans will consider any relevant evidence in its assessment of this element, and in every case GTrans will consider education, employment and business history to see if the totality of circumstances shows disadvantage in entering into or advancing in the business world.

2) Economic Disadvantage

Economically disadvantaged individuals are socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same or similar line of business who are not socially disadvantaged.

GTrans requires submission of narrative and financial information from each individual claiming economic disadvantage. Each such individual must describe in a narrative statement the conditions that are the basis for the claim, and each must also submit personal financial information. GTrans will require a married individual to submit separate financial information for his/her spouse unless they are legally separated.

In considering diminished capital and credit opportunities, GTrans will examine all factors relating to personal financial condition, including personal income for the past two years, personal net worth, and the fair market value of all assets. GTrans will also consider the financial condition of applicants compared to financial profiles of small businesses in the same primary industry classification(s) or similar lines of business. The financial profiles to be compared include total assets, net sales, pre-tax profit, sales/working capital ratio, and net worth.

GTrans will attribute to any individual claiming disadvantaged status any assets that individual has transferred to an immediate family member, trust, or beneficiary for less than the fair market value within the prior two years of the concern's application, unless that individual demonstrates the transfer is to or on behalf of an immediate family member for education, medical or some other form of essential support, excluding gifts for birthdays, graduations, anniversaries, retirements or other special occasions. GTrans will consider assets transferred by an individual within the previous two-year period that are not considered in evaluating the individual's assets and net worth, such as transfers to charities.

3) Statement of Personal Net Worth (Sec. 26.67)

GTrans shall presume that citizens of the United States (or lawfully admitted permanent residents) who are women, Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Subcontinent Asian American or other minorities found disadvantaged by the Small Business Administration are socially and economically disadvantaged individuals. GTrans will require applicants to submit a signed, notarized certification in a prescribed format that each presumptively disadvantaged owner is, in fact, socially and economically disadvantaged. GTrans will also require each individual owner of a firm to submit a signed, notarized statement of personal net worth with appropriate supporting documentation. In determining net worth, GTrans will exclude an individual's ownership interest in the applicant firm and the individual's equity in his/her primary residence.

If the statement of personal net worth that an individual submits shows the individual's personal net worth to exceed \$750,000, the individual's presumption of economic disadvantage will be rebutted without any further formal proceedings. If GTrans has a reasonable basis to believe that an individual who is a member of one of the designated groups is not, in fact, socially or economically disadvantaged GTrans may start a proceeding to determine whether the presumption should be regarded as rebutted with respect to the individual. GTrans shall follow the procedures set forth in the Removal Procedures outlined later in this program pursuant to Section 26.87 of the Regulation. In this proceeding, GTrans has the burden of demonstrating, by a preponderance of the evidence, that the individual is not socially and economically disadvantaged. GTrans may require the individual to produce additional information relevant to the determination of his/her disadvantage.

When an individual's presumption of social and/or economic disadvantage has been rebutted, his/her ownership and control of the firm cannot be used for purposes of DBE eligibility unless and until he/she makes an individual showing of social and/or economic disadvantage in the future. If the basis for rebutting the presumption is a determination that the individual's personal net worth exceeds \$750,000, the individual is no longer eligible for participation in the program and cannot regain eligibility by making an individual showing of disadvantage.

GTrans will not release an individual's personal net worth statement of any documentation supporting it to any third party without the written consent of the submitter. An exception to this provision is that GTrans must transmit such information to the U.S. DOT in any certification appeal proceeding under Sec. 26.89 in which the disadvantaged status of the individual is in question.

4) U.S. Small Business Administration Section 8(a) Firms (Sec. 26.67c)

If a firm applying for certification has a current valid Section 8(a) certification form or is recognized by the U.S. Small Business Administration (SBA) under the Section 8(a) Program, GTrans will accept the firm's 8(a) certification in lieu of conducting its own certification proceeding.

5) Individual Determinations of Social and/or Economic Disadvantage (Sec. 26.67d)

Firms owned and controlled by individuals who are not presumed to be socially and economically disadvantaged (including individuals whose presumed disadvantage has been rebutted) may be certified by GTrans on a case by case basis. GTrans will determine whether each individual whose ownership and control are relied upon for DBE certification is socially and economically disadvantaged. In such a proceeding, the applicant firm must demonstrate, by a preponderance of the evidence that the individuals who own and control it are socially and economically disadvantaged. An individual whose personal net worth exceeds \$750,000 will not be determined to be economically disadvantaged. GTrans will use guidance in Appendix E of 49 CFR Part 26 (see page 19).

Business Size Determination (Sec. 26.65)

To be an eligible DBE, a firm (including its affiliates) must be an existing small business as defined by SBA Standards. GTrans will apply current SBA business size standards found in 23 CFR Part 121 appropriate to the types of work the firm seeks to perform in US DOT-assisted contracts. Even if the firm meets the SBA requirements, it is not an eligible DBE in any federal fiscal year if the firm (including its affiliates) has had average annual gross receipts, as defined by SBE regulations, over the firm's previous three fiscal years in excess of \$16.6 million, as adjusted for inflation from time to time.

Ownership Determinations (Sec. 26.69)

- 1) In determining whether the socially and economically disadvantaged participants in a firm own the firm, will consider all the facts in the record viewed as a whole. To be an eligible DBE, a firm must be at least 51 percent owned by socially and economically disadvantaged individuals. In the case of a corporation, such individuals must own at least 51 percent of each class of voting stock outstanding and 51 percent of the aggregate of all stock outstanding. In the case of a partnership, 51 percent of each class of partnership interest must be owned by socially and economically disadvantaged individuals and must be reflected in the firm's partnership agreement. In the case of a limited liability company, at least 51 percent of each class of member interest must be owned by socially and economically disadvantaged individuals.
- 2) The firm's ownership by socially and economically disadvantaged individuals must be real, substantial, and continuing, going beyond pro forma ownership of the firm as reflected in the ownership documents. The disadvantaged owners must enjoy the customary incidence of ownership and share in the risks and profits commensurate with their ownership interests, as demonstrated by the substance, not merely the form, of arrangements.
- 3) All securities that constitute ownership shall be held directly by disadvantaged persons. Except as provided in the regulation, no securities or assets held in trust, or by any guardian for a minor, are considered as held by disadvantaged persons in determining ownership of a firm.
- 4) The contributions of capital or expertise by the socially and economically disadvantaged owners, to acquire their ownership interests, must be real and substantial.
- 5) In a situation in which an individual's expertise is relied upon as part of a disadvantaged owner's contribution to acquire ownership, the owner's expertise must be:

- a. in a specialized field
- b. of outstanding quality
- c. in areas critical to the firm's operations
- d. indispensable to the potential success
- e. specific to the type of work the firm performs
- f. documented in the records of the firm.

The individual whose expertise is relied upon must have a significant financial investment in the firm. For purposes of determining ownership, GTrans will deem as held by a socially and economically disadvantaged individual all interests in a business or other assets obtained by the individual:

- a. As the result of a final property settlement or court order in a divorce or legal separation; and
- b. Through inheritance or otherwise because of the death of the former owner.

6) GTrans will presume as not being held by a socially and economically disadvantaged individual, for purposes of determining ownership, all interests in a business or other assets obtained by the individual as the result of a gift, or transfer without adequate consideration, from any non-disadvantaged individual or non-DBE firm which is:

- a. Involved in the same firm for which the individual is seeking certification, or an affiliate of that firm;
- b. Involved in the same or similar line of business; or
- c. Engaged in an ongoing business relationship with the firm, or an affiliate of the firm, for which the individual is seeking certification.

7) To overcome this presumption and permit the interests or assets to be counted, the disadvantaged individual must demonstrate by clear and convincing evidence that:

- a. The gift or transfer was made for reasons other than obtaining certification as a DBE; and
- b. The disadvantaged individual actually controls the management, policy and operations of the firm, notwithstanding the continuing participation of a non-disadvantaged individual who provided the gift or transfer.

8) GTrans will apply the following rules in situations in which marital assets form a basis for ownership of a firm:

- a. When marital assets (other than the assets of the business in question), held jointly or as community property by both spouses, are used to acquire the ownership interests asserted by one spouse, GTrans will deem ownership interest in the firm to have been acquired by that spouse with his/her individual resources, provided that the other spouse irrevocably renounces and transfers all rights in the ownership interest in the manner sanctioned by the laws of the state in which either spouse or the firm is domiciled. GTrans will not count a greater portion of joint or community property assets toward ownership than

state law would recognize as belonging to the socially and economically disadvantaged owner of the firm.

- b. A copy of the document legally transferring and renouncing the other spouse's rights in the jointly owned or community assets used to acquire an ownership interest in the firm must be included as part of the firm's application for DBE certification.
- 9) GTrans may consider the following factors in determining the ownership of a firm, but shall not regard a contribution of capital as failing to be real and substantial or find a firm ineligible solely because:
 - a. A socially and economically disadvantaged individual acquired his/her ownership interest as the result of a gift or transfer without adequate consideration;
 - b. There is a provision for the co-signature of a spouse who is not a socially and economically disadvantaged individual on financing agreements, contracts for the purchase or sale of real or personal property, bank signature cards, or other documents; or
 - c. Ownership of the firm in question or its assets is transferred for adequate consideration from a spouse who is not a socially or economically disadvantaged individual to a spouse who is such an individual.
- 10) GTrans will give particularly close and careful scrutiny to the ownership and control of a firm to ensure that it is owned and controlled, in substance as well as in form, by a socially and economically disadvantaged individual.

Control Determinations (Sec. 26.71)

- 1) In determining whether socially and economically disadvantaged owners control a firm, GTrans will consider all the facts in the record, viewed as a whole. Only an independent business may be certified as a DBE. An independent business is one in which its viability does not depend on its relationship with another firm or firms. In determining whether a potential DBE is an independent business, GTrans will scrutinize relationships with non-DBE firms in such areas as personnel, facilities, equipment, financial and/or bonding support, and other resources. GTrans will consider present or recent employer/employee relationships, the firm's relationship with prime contractors, and factors related to the independence of a potential DBE firm. Further, GTrans will consider the consistency of relationships between the potential DBE and non-DBE firms with normal industry practice.
- 2) A DBE firm must not be subject to any formal or informal restrictions which limit the customary discretion of the socially and economically disadvantaged owners. The socially and economically disadvantaged owners must possess the power to direct or cause the direction of the management and policies of the firm and to make day-to-day as well as long term decisions on matters of management, policy and operations.
- 3) A disadvantaged owner must hold the highest officer position in the company (Chief Executive Officer or President). In a corporation, disadvantaged owners must control the Board of Directors.

- 4) In a partnership, one or more disadvantaged owners must serve as general partners with control over all partnership decisions.
- 5) Individuals who are not socially and economically disadvantaged may be involved in a DBE firm as owners, managers, employees, stockholders, officers, and/or directors. Such individuals must not possess or exercise the power to control the firm, or be disproportionately responsible for the operation of the firm. The socially and economically disadvantaged owners may delegate various areas of management, policymaking, or daily operations of the firm to other participants in the firm, regardless of whether these participants are socially and economically disadvantaged individuals. Such delegations of authority must be revocable, and the socially and economically disadvantaged owners must retain the power to hire and fire any person to whom such authority is delegated. The managerial role of the socially and economically disadvantaged owners in the firm's overall affairs must be such that GTrans can reasonably conclude that the socially and economically disadvantaged owners actually exercise control over the firm's operations, management and policy.
- 6) The socially and economically disadvantaged owners must have an overall understanding of, and managerial and technical competence directly related to, the type of business in which the firm is engaged and the firm's operations.
- 7) If the state or local law requires the persons to have a particular license or other credential in order to own and/or control a certain type of firm, then the socially and economically disadvantaged persons who own and control a potential DBE firm of that type must possess the required license or credential. GTrans will consider differences in remuneration between socially and economically disadvantaged owners and other participants in the firm, in the context of the duties involved, normal industry practices, and the firm's policies and practices. In order to be viewed as controlling the firm, the socially and economically disadvantaged owner cannot engage in outside employment or other business interests which conflict with the management of the firm or prevent the individual from devoting sufficient time and attention to the affairs of the firm.
- 8) A socially and economically disadvantaged individual may control the firm even though one or more of the individual's immediate family members (who themselves are not socially and economically disadvantaged individuals) participate in the firm. If GTrans cannot determine that the socially and economically disadvantaged owners, as distinct from the family as a whole, control the firm, then the socially and economically disadvantaged owners have failed to carry the burden of proof concerning control even though they may participate significantly in the firm's activities.
- 9) Where a firm was formerly owned and/or controlled by a non-disadvantaged individual, whether or not an immediate family member, ownership and/or control were transferred to a socially and economically disadvantaged individual, and the non-disadvantaged individual remains involved with the firm in any capacity, the disadvantaged individual now owning the firm must demonstrate by clear and convincing evidence that the transfer of ownership and/or control to the disadvantaged individual was made for reasons other than obtaining certification as a DBE; and the disadvantaged individual actually controls the management, policy and operations of the firm, notwithstanding the continuing participation of a non-disadvantaged individual who formerly owned and/or controlled the firm.
- 10) In determining whether a firm is controlled by its socially and economically disadvantaged

owners, GTrans will consider whether the firm owns equipment necessary to perform its work. GTrans will not determine that a firm is not controlled by socially and economically disadvantaged individuals solely because the firm leases, rather than owns, such equipment, where leasing equipment is a normal industry practice and the lease does not involve a relationship with a prime contractor or other party that compromises the independence of the firm.

- 11) GTrans will grant certification to a firm only for specific types of work in which the socially and economically disadvantaged owners have the ability to control the firm. To become certified in an additional type of work, the firm must demonstrate only that its socially and economically disadvantaged owners are able to control the firm with respect to that type of work. GTrans will not require that the firm be recertified or submit a new application for certification, but will verify the disadvantaged owner's control of the firm and the additional type of work.
- 12) GTrans will certify a business operating under a franchise or license agreement if it meets the standards in the regulation, and the franchiser or licensor is not affiliated with the franchisee or licensee. In determining whether affiliation exists, GTrans will not consider restraints relating to standardized quality, advertising, accounting format, and other provisions imposed by the franchise agreement or license, provided the franchisee or licensee has the right to profit from its efforts and bears the risk of loss commensurate with ownership.
- 13) In order for a partnership to be controlled by socially and economically disadvantaged individuals, any non-disadvantaged partners must not have the power, without the specific written concurrence of the socially and economically disadvantaged partner, to contractually bind the partnership or subject the partnership to contract or tort liability.
- 14) The socially and economically disadvantaged individuals controlling a firm may use an employee leasing company. This does not preclude such individuals from controlling their firm if they continue to maintain an employer-employee relationship with the leased employees, including responsibility for hiring, firing, training, assigning, and otherwise controlling on-the-job activities of the employees as well as ultimate responsibility for wage and tax obligations related to the employees.

Other Considerations (Sec. 26.73)

1) Commercially-Useful Function

GTrans will not consider commercially-useful function issues in any way in making decisions about whether to certify a firm as a DBE. Consideration of whether a firm performs a commercially-useful function, or is a regular dealer, pertains solely to counting toward DBE goals any participation of firms which have already been certified as DBEs.

2) Pattern of Conduct

In making certification decisions, GTrans will consider whether a firm has exhibited a pattern of conduct indicating its involvement in attempts to evade or subvert the intent or requirements of the DBE program.

3) Present Circumstances

GTrans will evaluate the eligibility of a firm on the basis of present circumstances and will not refuse to certify a firm based solely on historical information indicating lack of ownership or control by socially and economically disadvantaged individuals at some time in the past, if the firm currently meets ownership and control standards. GTrans will not refuse to certify a firm solely on the basis that it is a newly-formed firm.

4) DBE Cooperation

GTrans expects DBE firms and firms seeking DBE certification to cooperate fully with requests for information relevant to the certification process. Failure or refusal to provide such information is a ground for denial or removal of certification.

5) For-Profit Firms

Only firms organized for profit may be eligible DBEs. Not-for-profit organizations, even though controlled by socially and economically disadvantaged individuals, are not eligible to be certified as DBEs.

6) Subsidiaries and Affiliates

An eligible DBE firm must be owned by individuals who are socially and economically disadvantaged. Except as provided by this policy, a firm that is not owned by such individuals, but instead is owned by another firm - even a DBE firm - cannot be an eligible DBE.

If socially and economically disadvantaged individuals own and control a firm through a parent or holding company, established for tax, capitalization, or other purposes consistent with industry practice, and the parent or holding company, in turn, holds and controls an operating subsidiary, GTrans will certify the subsidiary if it otherwise meets all requirements of the regulation. In this situation, the individual owners and controllers of the parent or holding company are deemed to control the subsidiary through the parent or holding company. GTrans will certify such subsidiary only if there is cumulatively 51 percent ownership of the subsidiary by socially and economically disadvantaged individuals. Recognition as a business as a separate entity for tax or corporate purposes is not sufficient to demonstrate that a firm is an independent business.

7) Prequalification

GTrans will not require a DBE firm to be prequalified as a condition for certification unless GTrans requires all firms that participate in its contracts and subcontracts to be prequalified.

8) Tribal Organizations

GTrans recognizes that a firm owned by an Indian tribe, Alaska Native Corporation, or Native Hawaiian organization as an entity, rather than by Indians, Alaska Natives, or Native Hawaiians as individuals, may be eligible for certification as long as such firm meets the size standards and is controlled by socially and economically disadvantaged individuals.

CERTIFICATION PROCEDURES

Unified Certification Program (Sec. 26.81)

GTrans is a participant in a reciprocal regional DBE certification program administered by Los Angeles Metro.

Initial Certification Procedures (Sec. 26.83)

GTrans will ensure that only firms certified as eligible DBEs participate as DBEs in the DBE program. GTrans will determine the eligibility of firms as DBEs consistent with standards of the regulation. GTrans will take the following steps in determining whether a DBE firm meets the certification standards of the regulation.

- 1) GTrans will perform an on-site visit to the offices of the firm and interview the principal(s) of the firm and review their resumes and /or work histories. GTrans may also perform visits to job sites if there are such sites on which the firm is working at the time of the eligibility investigation. GTrans may rely upon the site visit reports of any other U.S. DOT grantee with respect to a firm applying for certification;
- 2) If the firm is a corporation, GTrans will analyze the ownership of stock in the firm;
- 3) GTrans will evaluate the bonding and financial capacity of the firm;
- 4) GTrans will evaluate the work history of the firm, including contracts it has received, and work it has completed;
- 5) GTrans will obtain a statement from the firm of the type of work it prefers to perform as part of the DBE program and its preferred locations for performing the work, if any.
- 6) GTrans will obtain or compile a list of equipment owned by or available to the firm and the licenses the firm and its key personnel possess to perform the work it seeks to do as part of the DBE program.
- 7) GTrans will require potential DBEs to complete and submit an appropriate application form. GTrans will require the applicant to attest to the accuracy and truthfulness of the information on the application form. This shall be done either in the form of an affidavit sworn to by the applicant before a person authorized by state law to administer oaths, or in the form of a declaration executed under penalty of perjury of the laws of the United States. GTrans will review all information on the form prior to making a decision about the DBE eligibility of the firm.
- 8) When another grantee, in connection with its consideration of the eligibility of a firm, requests certification information GTrans has obtained about that firm, GTrans will promptly make the information available to the other grantee.
- 9) When another US DOT grantee has certified a firm, GTrans has the discretion to take any of the following actions:
 - a. Accept another grantee's certification decision;
 - b. Make an independent certification decision based on documentation provided by the other grantee augmented by any additional information GTrans requires the applicant to provide; or
 - c. Require the applicant to go through GTrans's certification process without regard to

- the action of the other grantee
- d. GTrans may choose to, or not to, impose an application fee for firms to participate in the DBE certification process.
 - e. GTrans will safeguard from disclosure from unauthorized persons all information gathered as part of the certification process that may be regarded as proprietary or other confidential business information, consistent with applicable federal, state and local laws.
 - f. Once GTrans has certified a firm as a DBE, it shall remain certified for a period of at least three years, unless and until its certification has been removed. GTrans will not require DBEs to reapply for certification as a condition of continuing to participate in the program during this three-year period unless the factual basis on which the DBE certification was made undergoes change in circumstance.
 - g. Once certified, a DBE firm must inform GTrans in writing of any changes in circumstance affecting the firm's ability to meet size, disadvantaged status, ownership, or control requirements, or any material change in the information provided in the certification application process, and attach supporting documentation describing in detail the nature of such changes. Changes in management responsibility among members of a limited liability company are also covered by this requirement. Such notice of change from the DBE firm must take the form of an affidavit sworn to before a person authorized by state law to administer oaths, or of a declaration executed under penalty of perjury. The written notification shall be provided by the DBE within thirty (30) days of occurrence of the change(s). If the DBE fails to make timely notification of such change(s), it will be deemed to have failed to cooperate under the regulation.
 - h. GTrans will attempt to make decisions on applications for DBE certification within ninety (90) days of receiving from the applicant firm all information required.

Recertification Procedures (Sec. 26.83)

Every firm certified by GTrans as a DBE must provide to GTrans every year on the anniversary of the date of initial certification, an affidavit sworn to by the firm's owners before a person who is authorized by state law to administer oaths or an unsworn declaration executed under penalty of perjury of the laws of the United States. This affidavit must affirm that there have been no changes in the firm's circumstances affecting its ability to meet size, disadvantaged status, ownership, or control requirements of the regulation or any material changes to the information provided in its original application, except for changes about which it has notified GTrans as required elsewhere in this DBE Program. The affidavit shall specifically affirm that the DBE continues to meet SBA business size criteria and the overall gross receipts cap, documenting this affirmation with supporting documentation of the DBE's size and gross receipts. If the DBE fails to provide this information in a timely manner, it will be deemed to have failed to cooperate with the requirements of the regulation (26.109c).

Denials and Reapplication Procedures (Sec. 26.85)

When GTrans denies a request by a firm that is not currently certified, GTrans will provide the firm a written explanation of the reasons for denial, specifically referencing the evidence in the record that supports each reason for the denial. All documents and other information on which the denial is based will be made available to the applicant firm upon request. When a firm is denied certification, it is required to wait at least twelve (12) months before it may reapply for DBE certification with GTrans. The time period for reapplication begins on the date the explanation for denial of certification is received by the applicant firm.

Removal Procedures (Decertification) (Sec. 26.87)

1) Ineligibility Complaints

Any person may file with GTrans a written complaint alleging that a currently certified firm is ineligible and specify the alleged reasons why the firm is ineligible. GTrans is not required to accept a general allegation that a firm is ineligible on an anonymous complaint. The complaint shall include any information or arguments supporting the assertion that the firm is ineligible and should not continue to be certified. Confidentiality of complainants' identities will be protected.

GTrans will review all records concerning the firm, any material provided by the firm and the complainant, and other available information. If GTrans determines, based on this review, that there is reasonable cause to believe the firm is ineligible, GTrans will provide written notice to the firm of its intention to find the firm ineligible with the reasons for the proposed determination. If GTrans determines such reasonable cause does not exist, GTrans will notify the complainant in writing of this finding and the reasons for it. All statements of reasons for findings on the issue of reasonable cause will specifically reference the evidence in the records on which each reason is based.

2) GTrans-Initiated Proceedings

Based on notification by the DBE firm of a change in its circumstances or other information that becomes available to GTrans, if GTrans determines there is reasonable cause to believe a currently certified firm is ineligible, GTrans will provide written notice to the firm of its intention to find the firm ineligible, setting forth the reasons for the proposed determination. The statement of reasons for the finding of reasonable cause will specifically reference the evidence in the record on which each reason is based.

3) U.S. DOT Directive to Initiate Proceeding

If a US DOT agency determines that information in the certification records, or other available information, established reasonable cause that a firm certified by GTrans does not meet eligibility criteria, the agency may direct GTrans to initiate a proceeding to remove the firm's certification. The agency must provide GTrans and the firm a notice setting forth reasons for the directive, including relevant documentation. GTrans will immediately commence and prosecute a proceeding to remove the eligibility of the firm.

4) Hearing

When GTrans notifies a firm that there is cause to remove its eligibility as defined above, GTrans will provide the firm an opportunity for an informal hearing at which the firm may respond to the reasons for the proposal to remove eligibility in person and offer information and arguments concerning why it should remain certified. In such proceeding, GTrans bears the burden of proving, by a preponderance of the evidence, that the firm does not meet the certification standards. GTrans will maintain a complete record of the hearing. If there is an appeal to US DOT, GTrans will provide a transcript of the hearing to US DOT and, upon request, to the firm. GTrans will retain the original record of the hearing.

The DBE firm may elect to present information and arguments in writing without a hearing. In such event, GTrans bears the same burden of proving, by a preponderance of the evidence, that the firm does not meet the certification standards.

5) Separation of Functions

GTrans will ensure that the decision in a proceeding to remove a firm's eligibility is made by an office and personnel that did not take part in actions leading to or seeking to implement the proposal to remove the firm's eligibility and are not subject, with respect to the matter, to direction from the office or personnel who did take part in these actions.

6) Grounds for Decision

GTrans will not base a decision to remove eligibility on a re-interpretation or changed opinion of information available to GTrans at the time of its certification of the firm. GTrans will base such decision only on one or more of the following: changes in the firm's circumstances since the certification, information or evidence not available at the time of certification, information that was concealed or misrepresented by the firm in previous certification actions, change in the certification standards or requirements of US DOT since the firm was certified, or a documented finding that GTrans's determination to certify the firm was factually erroneous.

7) Notice of Decision

GTrans will provide the firm written notice of the decision and the reasons for it, including specific references to the evidence in the record that supports each reason for the decision. The notice will inform the firm of the consequences of GTrans's decision and of the availability of an appeal to US DOT. GTrans will send copies of the notice to the complainant in an ineligibility complaint or the concerned US DOT agency that directed GTrans to initiate the proceeding.

8) Status of Firm During Proceeding

A firm remains an eligible DBE during the proceeding. The firm does not become ineligible until the issuance of the notice provided for in paragraph 7 above.

9) Effects of Removal of Eligibility

GTrans will take the following action upon removing a firm's eligibility:

- a. When a prime contractor has made a commitment to use the ineligible firm, or GTrans has made a commitment to use a DBE prime contractor (but a subcontract or contract has not been executed before issuance of the decertification notice), the ineligible firm does not count toward the contract goal or overall goal. GTrans will direct the prime contractor to meet the contract goal with an eligible DBE or to demonstrate that it has made a good faith effort to do so.
- b. If a prime contractor has executed a subcontract with the firm before notice of ineligibility, the prime may continue to use the firm on the contract and may continue to receive credit toward its DBE goal for the firm's work. When GTrans has let a prime contract to the DBE later ruled ineligible, the portion of the ineligible firm's performance of the contract remaining after issuance of the notice shall not count toward the overall goal but may count toward the contract goal.
- c. If the DBE's ineligibility is caused solely by its having exceeded the size standard during the

performance of the contract, GTrans will continue to count its participation on that contract toward overall and contract goals.

Process for Certification Appeals to US DOT (Sec. 26.89)

A firm that has been denied certification, or whose eligibility is removed, may make an administrative appeal to the U.S. Department of Transportation (US DOT). A complainant in an ineligibility complaint to GTrans may appeal to US DOT if GTrans does not find reasonable cause to propose removing the firm's eligibility. All appeals will be sent to the U.S. Dept. of Transportation, Office of Civil Rights, 400 Seventh St., S.W., Rm. 2401, Washington, D.C. 20590.

Pending the US DOT decision, GTrans's decision remains in effect. If a firm wants to file an appeal, it must send a letter to US DOT within ninety (90) days of the date of GTrans's final decision, including information concerning why GTrans's decision should be reversed. An appellant firm must submit a letter with the name and address of any other US DOT grantee that currently certifies the firm, or of any other grantees that may have rejected an application for certification from the firm or removed the firm's eligibility within one year prior to the date of appeal, or of any other grantee with which an application for certification or action to remove eligibility is pending.

A complainant in a third-party ineligibility complaint that appeals GTrans's decision to US DOT will be requested by US DOT to promptly provide all information requested. GTrans agrees to provide to US DOT the complete, well-organized administrative record within twenty (20) days of its request. US DOT will make its decision based solely on the entire administrative record without conducting a hearing. When GTrans provides information to US DOT, the same information will be made available to the firm and to any third-party complainant involved. US DOT will affirm GTrans's decision unless it determines, based on the entire administrative record, that the decision is not supported by substantial evidence or is inconsistent with the substantive or procedural provisions concerning certification.

If US DOT determines that GTrans's decision was unsupported, US DOT will reverse GTrans's decision and will direct GTrans to certify the firm. GTrans will take the action directed by US DOT immediately upon receiving written notice. US DOT is not required to reverse GTrans's decision if it determines a procedural error did not result in fundamental unfairness to the appellant or substantially prejudice the opportunity of the appellant to present its case.

If it appears that the record is incomplete or unclear, US DOT may remand the record to GTrans with instructions seeking clarification or augmentation of the record before making a finding. US DOT will not uphold GTrans's decision based on grounds not specified in GTrans's decision. US DOT's decision will be based on the status and circumstances of the firm on the date of the decision which was appealed. US DOT will provide written notice of its decision to GTrans, the firm, and the complainant in an ineligibility complaint. The notice will include the reasons for US DOT's decision. It is US DOT's policy to make a decision within one hundred eighty (180) days of receiving the complete administrative record. All decisions by US DOT are administratively final and are not subject to petitions for reconsideration.

1) Recipient Actions Following US DOT Decision (Sec. 26.91)

The decisions of US DOT are binding on GTrans. Such decisions are not binding, however, on other US DOT grantees. GTrans will take the following actions after US DOT decisions:

- a. If US DOT determines that GTrans erroneously certified a firm, GTrans must

remove the firm's eligibility on receipt of the determination without further proceedings.

- b. If US DOT determines that GTrans erroneously failed to find reasonable cause to remove the firm's eligibility, GTrans will expeditiously commence a proceeding to determine whether the firm's eligibility should be removed.
- c. If US DOT determines that GTrans erroneously declined to certify or remove eligibility of the firm, GTrans must certify the firm effective on the date of receipt of the written notice.
- d. If US DOT determines that GTrans erroneously determined that the presumption of social and economic disadvantage either should or should not be deemed rebutted, GTrans must take appropriate corrective action as determined by US DOT.
- e. If US DOT affirms GTrans's determination, no further action is necessary.
- f. Where US DOT has upheld GTrans's denial of certification or removal of eligibility of a firm, or directed the removal of a firm's eligibility, other grantees with whom the firm is certified may commence proceedings to remove the firm's eligibility. If GTrans receives information on a US DOT decision of DBE eligibility or ineligibility, GTrans will take the US DOT action into account in any certification action involving the firm.

MONITORING AND RECORDKEEPING (Secs. 26.11 & 26.37)

Bidders List (Sec. 26.11c)

GTrans will create and maintain a bidders list consisting of all firms bidding on prime contracts and bidding or quoting subcontracts on US DOT-assisted projects. For every firm, the following information will be included: firm name, firm address, firm status as a DBE or non-DBE, the age of the firm, and the annual gross receipts of the firm.

Monitoring Payments to DBEs (Sec. 26.37b)

GTrans will implement appropriate mechanisms to ensure that its prime contractor and subcontractors comply with DBE program regulatory requirements. GTrans will apply legal and contract remedies available under federal, state and local law.

GTrans will also include a monitoring and enforcement mechanism to verify that the work committed to DBEs at contract award is actually performed by the DBEs. This mechanism will provide for a running tally of actual DBE attainments and include a provision ensuring that DBE participation is credited toward overall or contract goals only when payments are actually made to DBE firms.

Reporting to US DOT (Sec. 26.11b)

GTrans will continue to provide data about the DBE program to US DOT, as required.

PUBLIC PARTICIPATION AND OUTREACH (Secs. 26.45 & 26.51)

Public Participation (Sec. 26.45g)

GTrans will provide for public participation in establishing an overall annual DBE goal which may include: consultation with minority, women's and general contractor groups; community organizations; and other officials or organizations that may have information concerning the availability of DBE and non-DBE firms; the effects of discrimination on DBE opportunities; and efforts to establish a level playing field for DBE participation. GTrans will publish a notice announcing proposed overall DBE goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at GTrans's principal office for thirty (30) days following the date of the notice, and that GTrans and US DOT will accept comments on such goals for forty-five (45) days from the date of the notice. The notice will include GTrans's address and will be published in general circulation media.

Outreach Efforts (Sec. 26.51)

GTrans intends to use race-neutral methods to the maximum extent feasible to achieve its annual overall goal. DBE participation that is obtained on contracts which have no specific DBE goal, or where prime contractors use a strictly competitive bidding process, or do not consider the DBE firm's status as a DBE in awarding a subcontract shall be considered race-neutral DBE participation. In addition, GTrans will use the following measures, as appropriate:

- a) Use of online advertising services such as DBEGoodFaith.com and DBE Compliance News (compliancenes.com) to increase outreach to small, minority, women and disable veteran's business communities.
- b) The removal of unnecessary and unjustified bundling of contract requirement.
- c) Assisting in overcoming limitations in bonding;
- d) Add DBE resource page to RideGTrans.com. This would provide information on how to apply as a DBE, current solicitations, current workshops, DBE resources.
- e) Advertise in numerous local media including local newspapers.
- f) Work with Gardena Business Advisory Council (GBAC) to coordinate efforts to assist local DBE Gardena and South bay based businesses for small business participation.
 - i. See G-BAC 9-10-15 Agenda Attachment B
- g) Partner with Small Business Development Center at El Camino College
 - i. Providing assistance with business development activities including financial ability, technical/business capacity, use of emerging technology and startups in non-traditional business areas for DBE's such as:
 - a. Seminars/Workshops for Contractors (SBA)
 - b. Writing a Winning bid
 - i. Providing assistance with filling out bid certifications
 - ii. Providing firms with bidding assistance, such as holding mock workshops on the bidding process or providing assistance with plan reading, bidding and estimating, job costing, and writing/designing statements of qualifications.
 - ii. Developing an annual Small Business Fair

1. Partners: GTrans, SBA, Los Angeles Metro, Gardena Economic Development
 - c. Facilitating ease of DBE application process: Providing information on where to apply, how to fill out the applications.
 - d. Facilitating Gardena's DBE outreach with larger transportation agencies that could bring business to Gardena small businesses, ie – information on Los Angeles Metro's "Meet the Primes" events.
- h) Outreach to local Chamber of Commerce by participating in monthly meetings.
- i) Partnering with Community Development Department - Make project information and DBE application information accessible at business licensing locations.
- j) Working on modifications to our City vendor database that would include DBE vendor information. This would enable easier distribution of the DBE directory, as requested. In addition, it would facilitate DBE outreach as well.
- k) Assisting firms in using technology, for CA DBE certification, searching the NAIS directory
- l) Building GTrans DBE Resource Library
 - a. DBE Toolkit