



Pierce Transit Disadvantaged Business Enterprise (DBE) Program



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**PIERCE TRANSIT
DISADVANTAGED BUSINESS ENTERPRISE POLICY STATEMENT**

OBJECTIVES AND POLICY STATEMENT

Pierce County Public Transportation Benefit Area Corporation (hereinafter referred to as "PIERCE TRANSIT"), a municipal corporation, has established a Disadvantaged Business Enterprise (DBE) Program in accordance with U.S. Department of Transportation (DOT), 49 CFR Part 26. Pierce Transit receives Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, Pierce Transit has signed an assurance that it will comply with 49 CFR Part 26.

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

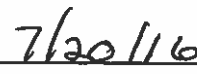
- To ensure non-discrimination in the award and administration of DOT-assisted contracts;
- To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
- To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
- To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- To help remove barriers to the participation of DBEs in DOT-assisted contracts; and
- To support small businesses to ensure free and open access to Pierce Transit contracting opportunities

The Executive Director of Planning and Community Development, Dan Pike, will serve as the Disadvantaged Business Enterprise Liaison Officer (DBELO). He will assure that the objectives of Pierce Transit's DBE Program are met; however, the Executive and Management Staff shall have the responsibility of assisting the DBELO in carrying out the Agency's DBE Program and goals. Implementation of the DBE Program is accorded the same priority as compliance with all other legal obligations incurred by Pierce Transit in its financial assistance agreements with the Department of Transportation.

The CEO has disseminated this Policy Statement to the Pierce Transit Board of Commissioners and all of the components of our Organization. Upon significant changes to the DBE Program, Pierce Transit will notify the Federal Transit Administration's Regional Civil Rights Officer and publicize the revised DBE Program on Pierce Transit's website. The Policy Statement and DBE Program are available on Pierce Transit's website and available to DBE and non-DBE firms on our bidder's list that perform work for Pierce Transit on DOT-assisted contracts. The DBE Program emphasizes Pierce Transit's commitment to providing maximum opportunity to all DBE businesses, including small business enterprises (SBEs), in accordance with 49 CFR Part 26 as amended.



Sue Dreier
Chief Executive Officer



Date



DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

SUBPART A - GENERAL REQUIREMENTS

Objectives

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

Applicability

Pierce Transit is the recipient of federal transit funds authorized by Titles I, III, V, and VI of ISTEA, Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, II and V of the Teas-21, Pub. L. 105-178.

Definitions

Pierce Transit will adopt the definitions contained in Section 26.5 of Part 26 for this Program. Pierce Transit will ensure all definitions from the regulations are included and correct. Pierce Transit will add and include any new and amended definitions as they are provided by USDOT and not include any definitions for terms not included in the definitions found in Section 26.5 of Part 26.

Non-discrimination Requirements

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

In administering its DBE Program, Pierce Transit will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE Program with respect to individuals of a particular race, color, sex, or national origin.

Record Keeping Requirements

Pierce Transit will report DBE participation to the FTA on a semi-annual basis using the Uniform Report of DBE Commitments/Awards and Payments, found in Appendix B to the DBE regulation as required by 49 CFR Part 26.

Pierce Transit will maintain a bidders' list, consisting of information about DBE and non-DBE firms that bid on DOT-assisted contracts for the purpose of calculating overall goals in accordance with 49 CFR Part 26.11(c). The bidders' list will include the name, address, DBE non-DBE status, age, and annual gross receipts of firms.



The Washington State Office of Minority and Women Business Enterprises (OMWBE) is the Unified Certification Program (UCP) for Washington State. The OMWBE DBE directory is available online and is utilized in the development of mailing lists for IFBs, RFPs and formal quotes. In addition, the OMWBE website is utilized to attract potential DBE firms by advertising procurement opportunities on their website and identifying available DBE contractors and sub-contractors.

On DOT-assisted contracts, successful prime contractors will be required to provide to Pierce Transit, within forty-eight (48) hours after bid opening, the name and address of all sub-contractors that have submitted bids whether accepted by the prime contractor or not (Attachment B). Additional information to be submitted by the prime contractor, or to be obtained by Pierce Transit directly, will be sub-contractors status as S/DBE or non-S/DBE, age of firm and annual gross receipts.

Assurances

Pierce Transit has signed the following Assurance per 49 CFR Part 26.13(a), applicable to all DOT-assisted contracts and their administration:

Pierce Transit 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. Pierce Transit shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in the award and administration of DOT-assisted contracts. Pierce Transit'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 Pierce Transit of its failure to carry out its approved program, DOT may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

Contract Assurance

Pierce Transit will ensure that the following clause is placed in every DOT-assisted contract and subcontract per 49 CFR Part 26.13(b):

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

SUBPART B - ADMINISTRATIVE REQUIREMENTS

DBE Program Updates

Pierce Transit will continue to carry out this Program until all funds from DOT financial assistance have been expended. Pierce Transit will provide to DOT updates representing significant changes to the Program.



DBE Liaison Officer (DBELO)

The Executive Director of Planning and Community Development, Dan Pike, (Pierce Transit, PO Box 99070, Lakewood WA 98499-0070, 253-983-3325, dpike@piercetransit.org), will serve as the DBELO and is responsible for implementing all aspects of the DBE Program and ensuring that Pierce Transit complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the CEO concerning DBE Program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment A.

The DBELO will be responsible for developing, implementing and monitoring the DBE Program in coordination with the Procurement Manager, who will devote part of his/her time to the Program. The duties and responsibilities of the DBELO, or as delegated to the Procurement Manager or other designee, include the following:

- Gathers and reports statistical data and other information as required by the DOT
- Reviews third party contracts and purchases for compliance with this Program
- Prepares Uniform Report of DBE Commitments/Awards and Payments as required by the DOT
- Sets participation goals every three (3) year term as required by the DOT and evaluates appropriateness of future goals on an annual basis
- Analyzes progress towards goal attainment and identifies opportunities for improved participation
- Ensures Pierce Transit's bids and proposals are advertised and available to DBEs in a timely manner
- Identifies contract and procurement opportunities to increase DBE participation
- Participates in pre-bid meetings when applicable
- Advises the CEO and the Board of Commissioners on DBE matters and achievements
- Considers and reviews appropriate and reasonable insurance and bonding requirements and monitors enforcement of prompt payment procedures
- When applicable, provides assistance to DBEs in understanding specifications and completing bid documents
- Maintains the ability to access up-to-date DBE directory listings from OMWBE
- Provides outreach to DBEs and attends community events that support DBE/SBE businesses
- Communicates the commitment to the DBE Program to the Agency
- Participates in DBE training opportunities
- Maintains Pierce Transit's bidders list in accordance with 49 CFR Part 26.11(c).

DBE Financial Institutions

It is the policy of Pierce Transit to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contract to make use of these institutions. Pierce Transit has identified some financial programs that may be available and of benefit to DBE/SBE firms in our area. This information is included in the Small Business Participation section of this Program as well as posted on Pierce Transit's website. Pierce Transit researches availability of DBE financial institutions on an annual basis.



Prompt Payment Mechanisms

Pierce Transit's payment policy is net thirty (30) days from date of receipt of a correct invoice after work has been accepted. Progress payments are allowed under certain contracts and are handled on the same basis. In some circumstances, Pierce Transit may agree to shorter payment terms to reduce the cash flow burden on small businesses. Pierce Transit's policy is to use the payment and performance bonds in lieu of retainage held for all contracts so as to not negatively affect small and disadvantaged businesses. Pierce Transit will include in its contracts a prompt payment clause per 49 CFR Part 26.29 as follows:

The prime contractor agrees to pay each sub-contractor under this prime contract for satisfactory performance of its contract no later than thirty days from the receipt of each payment the prime contractor receives from Pierce Transit. The prime contractor agrees to not withhold retainage from sub-contractors payments. Any delay or postponement of payment from the above time frames may occur only for good cause following written approval of Pierce Transit. This clause applies to both DBE and non-DBE subcontractors.

Pierce Transit will require contractors to submit regular reports of the actual payments made to DBE firms for work that was committed to them at the time of contract award. Pierce Transit will review the reports submitted by the prime contractor and seek confirmation, as needed, that payment was actually made to the DBE firm.

If a prime contractor is found not to be in compliance with its DBE commitment, it shall be so notified by Pierce Transit and directed to cure the problem within an appropriate time period. Failure by the prime contractor to comply may result in monetary penalties and partial or total termination for default with re-solicitation costs to be borne by the prime contractor or its bond. In addition, Pierce Transit may consider a contractor's non-compliance when evaluating contractor responsibility in future bids or proposals.

DBE Directory

Pierce Transit relies on the Washington State Office of Minority and Women Business Enterprises (OMWBE) to perform DBE certification and is able to view real-time data as well as download a static version of the DBE directory. This directory is utilized in the development of mailing lists for IFBs, RFPs and other methods of procurement. In addition, the directory is used to provide assistance to potential prime contractors in the identification of available DBE sub-contractors. Interested persons may obtain access to the OMWBE directory by contacting the following or visiting the websites listed below:

Pierce Transit
Purchasing Department
3701 96th Street SW
P.O. Box 99070
Tacoma, WA 98496-0070
Tel: (253) 581-8086
Fax (253) 581-8075
www.piercetransit.org/Purchasing

State of Washington
Office of Minority and Women's Business Enterprises
210 11th Avenue SW, Suite 401
P.O. Box 41160
Olympia, WA 98504-1160
Tel: (360) 664-9750
Fax (360) 586-7079
www.omwbe.wa.gov



Overconcentration

Pierce Transit has not identified that overconcentration exists in the types of work that DBEs perform. If Pierce Transit should determine there is an over-concentration of DBEs in certain business areas to the extent that small non-DBE businesses can no longer effectively participate in Pierce Transit's contracting opportunities, the Agency will contact our FTA Regional Civil Rights Officer for approval of the over-concentration determination and to request assistance in devising measures to address the over-concentration.

Business Development and Mentor-Protégé Programs

Pierce Transit does not have a Business Development and Mentor-Protégé Program at this time; however, will reevaluate the need for such a program in conjunction with every triennial DBE goal setting term.

Monitoring and Enforcement Mechanisms

Pierce Transit's project manager or representative will monitor the work performed to verify that the work committed to a DBE firm(s) at contract award or subsequently is actually performed by the DBE named in the contract. A clause will be included in all contracts that the prime contractor cannot substitute subcontractors without Pierce Transit concurrence. In addition, if a DBE subcontractor is unable to perform the work contracted for, the prime contractor must either replace such subcontractor with another DBE, or show Pierce Transit that good faith efforts to do so have been made. As provided for in 49 CFR Part 26, Pierce Transit will provide a written certification for the project file confirming that the Authority has reviewed contracting records and monitored work sites. The file will note the findings from this effort and any action taken if required.

Pierce Transit will require contractors to submit regular reports of the actual payments made to DBE firms for work committed to them at the time of contract award. A copy of the Verification of Prompt Payment form is included as Attachment D. Pierce Transit will review the reports submitted by the prime contractor and seek confirmation, as needed, that payment was actually made to the DBE firm.

If a prime contractor is found out of compliance with its DBE commitment, contractor shall be so notified by Pierce Transit and directed to cure the problem within an appropriate time period. Failure by the prime contractor to comply may result in monetary penalties and partial or total termination for default with re-solicitation costs to be borne by the prime contractor or its bond. In addition, Pierce Transit may consider a contractor's non-compliance with its stated good faith efforts when evaluating contractor responsibility in future bids or proposals.

Pierce Transit will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

Pierce Transit will bring to the attention of the Washington State OMWBE and the DOT any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g. referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided for in 49 CFR Part 26.



Small Business Participation

Pierce Transit has incorporated a non-discriminatory small business element to its DBE Program per 49 CFR Part 26.39, in order to facilitate competition on DOT-assisted by both DBEs and non-DBE small businesses. Pierce Transit is committed to providing equal and open access for small businesses and ensuring all businesses receive adequate opportunities to participate in our contracting and procurement activities.

Small Business Element

Pierce Transit will utilize the OMWBE website to identify SBEs when soliciting quotes for small projects under thirty five thousand dollars (\$35,000.00). Other businesses may be invited to provide quotes for these projects when certified SBEs are unavailable, when quotes are not received from SBEs, or when piggy-backing opportunities are more advantageous to the needs of the Agency. End-users obtaining their own quotes will provide the documentation of SBE and non-SBE firms invited to participate in the quote and all back-up documentation to the DBELO or designee for the purpose of calculating overall goals in accordance with 49 CFR Part 26.11(c). End-users and Program Managers will be trained to utilize the OMWBE website for quotes and projects under \$35,000 to foster small business participation from certified SBE firms.

Per 49 CFR Part 26.39, Pierce Transit will carefully review future contracting opportunities and take reasonable steps to eliminate obstacles faced by small businesses including unnecessary bundling of contract requirements that may preclude small business participation. For multi-year design-build contracts or other large contracts, Pierce Transit may require prime contractors to specify elements of the contract or specific subcontracts that are of a reasonable size that small businesses including DBEs may perform.

Outreach:

The Pierce Transit website includes links to the following Small Business Support Programs:

- Business Impact NW empowers a talented and diverse community of entrepreneurs; supporting the continuing growth of local small businesses through micro-enterprise.
www.businessimpactnw.org
- The Washington State OMWBE general website www.omwbe.wa.gov and the Linked Deposit Program that links the deposit of state funds to loans made by participating financial institutions to qualified SBE businesses, for the purpose of providing the borrowers (the businesses) a loan interest-rate reduction of up to two percent (2%). <http://omwbe.wa.gov/linked-deposit-program/>
- The King County Small Contractors and Suppliers (SCS) Program assists small business with SBE certification, training and development.
<http://www.kingcounty.gov/exec/BusinessDev/disadvantaged.aspx>
- WSDOT has a Small Business Services Program webpage with information on training and support. <http://www.wsdot.wa.gov/Business/opportunities/BusinessServices.htm>
- The USDOT Small Business webpage provides additional information on programs available to businesses. <http://www.dot.gov/osdbu>



- The Procurement Technical Assistance Center's (PTAC) mission is to maximize the number of capable U.S. companies participating in the government marketplace. Washington PTAC guides companies through the process of applying for and fulfilling government contracts.

<http://washingtonptac.org/>

Pierce Transit will include on its website a link to our eBids website for vendor registration where firms can view open procurements and contract award information. Also listed on our website will be recurring procurements, our current DBE Program, and other pertinent information to foster small business participation.

Pierce Transit will continue to participate in the Greater Pierce County Purchasing Forum and similar forums offered by King County, WSDOT, and others that seek to reach out to S/DBEs.

Small Business Certification:

The SBE Certification Program is administered by OMWBE in a manner similar to the administration of the DBE Certification Program. The certification criteria (49 CFR Part 26) will remain similar to that of the DBE Program, without the consideration of gender and/or ethnicity. For example, the firm will be required to be:

Fifty one percent (51%) or more owned and controlled by an economically disadvantaged individual. The firm is not an eligible DBE in any Federal fiscal year if the firm has had an average annual gross receipts, as defined by SBA regulations (13 CFR 121.402) over the firms previous three fiscal years in excess of \$23.98 million.

Regardless of gender and ethnicity of the firm's owner, the company and OMWBE will follow the certification procedures and application process outlined in 49 CFR Part 26. However, the certification determination will not be appealable to the DOT. After initial appeal to OMWBE, all certification determinations will be binding.

SUBPART C - GOALS, GOOD FAITH EFFORTS, AND COUNTING

Set-asides or Quotas

Pierce Transit does not use set-asides or quotas in the administration of this DBE Program due to the race and gender neutrality of the Program.

Overall Goals

In accordance with section 26.45, Pierce Transit will develop and submit overall triennial DBE participation goals by August 1 of the year specified by the FTA. Annual goals were submitted August 1, 2014, for fiscal years 2015, 2016 and 2017 and will be resubmitted every three years thereafter as directed by the FTA. Establishing a DBE goal is based on the demonstrable evidence of DBE firms ready, able, and willing to participate in contracting opportunities in DOT-assisted projects. Pierce Transit intends to meet its overall goals through race-neutral means in the following manner:



Bidders competing for Pierce Transit contracts are primarily from within Pierce and King Counties. Therefore, goals are established by comparing overall business availability for Pierce and King Counties utilizing the U.S. Census Bureau database with Pierce and King County DBEs certified through OMWBE. DBE firms are identified according to NAICS code from the list of certified DBE firms issued by the Washington State OMWBE.

Step One: The base figure is determined by the total number of Pierce and King County businesses available under the identified NAICS codes for the types of contracts we anticipate awarding. That figure is divided by the total number of ready, willing and able DBE firms in the two counties weighted by the dollars expected to be expended in each category or project resulting in the DBE availability, and base figure.

Step Two: Pierce Transit's past participation and experience is examined in Step Two. The historical median from the current and a minimum of two previous years is determined. Historical data regarding successful/unsuccessful DBE and non-DBE contractors is analyzed. The results are compared with Step One results. If substantially different, the methods and statistics are reviewed and results adjusted as appropriate, i.e. use average of the two steps and a review of the projects to be completed during the coming years.

Pierce Transit has considered the research and analysis of WSDOT's 2005 Availability Study, WSDOT's 2012 Disparity Study conducted by BBC Research & Consulting, as well as Sound Transit's 2013 Disparity Study. Pierce Transit recognizes there are quantifiable barriers for minority businesses in the local transportation industry as determined by the Disparity Studies and will seek DOT guidance on adopting a race-conscious program if there becomes a time when there are circumstances such as contract size, subcontracting opportunities, location of work, and availability of DBEs to perform the work that would support a race-conscious program.

Outreach Process

Pierce Transit submitted its overall goal to the DOT on August 1, 2014 for the respective goal period of 2015, 2016, and 2017.

Before establishing overall goals, Pierce Transit will attempt to consult with the Washington State Office of Minority and Women Business Enterprises, and seek comment from other agencies and associations such as: NW Minority Supplier Development Council, Washington State Commission on Asian Pacific-American Affairs, Washington State Commission on African American Affairs, Washington State Commission on Hispanic Affairs, Minority Contractors Associations, local Urban League, local chapter of the Associated General Contractors, Sub-Contractor Associations and other business development centers that may be available to obtain information regarding DBE and non-DBE availability for the types of work Pierce Transit plans to procure during a triennial period.

This consultation will occur concurrently with the published notice of the proposed goal, and encompass the following: Not later than June 15 of each goal-setting year, Pierce Transit will post its Program, including proposed annual goals, on its web site and publish a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at Pierce Transit, 3701 96th Street SW, Tacoma, WA 98499 for thirty (30) days following



the date of the notice, and informing the public that Pierce Transit and DOT will accept comments on the goal for forty-five (45) days from the date of the notice. The notice will include addresses and websites where the Program may be reviewed and how comments may be submitted. Comments received will be considered and the Program will be adjusted if appropriate. Goal submission will include a summary of information and comments received during the public participation process and Pierce Transit's response to such input. Unless other instructions are received from DOT, the overall goals established will be used beginning October 1 of each year of the triennial period.

Goal Setting and Accountability

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

Pierce Transit will analyze in detail the reason for the difference between the overall goal and the actual awards/commitments. Pierce Transit will establish specific steps to correct the problems identified in the analysis, establish a corrective action plan, and maintain information and records regarding the analysis and efforts made. At this time, Pierce Transit is not a top 50 transit authority as determined by the FTA and is not required to submit a short-fall analysis.

Transit Vehicle Manufacturers (TVM):

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

Meeting Overall Goals

Pierce Transit will use the following race-neutral methods to meet its overall goal in facilitating DBE participation:

- Encourage prime contractor to subcontract portions of work to DBEs
- Consider (subject to state law and Pierce Transit needs) alternatives to stated specifications, such as bonding, insurance limits, and financing, which may limit DBE participation
- Provide technical assistance as needed
- Provide information regarding Washington State OMWBE
- Upon request, provides prime contractor with potential DBE subcontractors
- Provide information about Pierce Transit's contracting opportunities and procedures to DBEs and post recurring projects on Pierce Transit's website as well as open solicitations and contract award information on our eBids website accessible through www.piercetransit.org
- Participate in regional governmental procurement programs for minority and woman-owned businesses
- Use contract language which supports S/DBE participation
- Assists firms in contacting local agencies who provide services to help S/DBEs Identify current Pierce Transit SBE vendors and encourage and assist them in becoming a certified DBE firm



Good Faith Efforts Procedures

Good Faith Effort procedures in regards to contract goal-setting do not apply because Pierce Transit's DBE Program is race-neutral; however, Pierce Transit has adopted the following good faith efforts when obtaining information from bidders/proposers:

- Name, address and OMWBE Certification Number of DBE firm(s) that will participate in the contract
- A description of the work the DBE firm(s) is expected to perform
- The value of the subcontract

Bidders/proposers shall be required to submit the following information within 48 hours after the bid opening:

- The percentage and value of the subcontract to be performed by the DBE
- Written and signed confirmation from the DBE that is participating in the contract as provided in the prime contractor's commitment
- Prime contractor's completion of the Good Faith Efforts Form and Verification of Gross Receipts form
- Staff will ensure that all information is complete and accurate and adequately documented before a contract is awarded

Good Faith Efforts when a DBE is Terminated/Replaced on a Contract

Additionally, Pierce Transit requires prior written consent when terminating a DBE subcontractor listed in a bid/contract even though no contract goals have been established. Pierce Transit must determine "good cause" for termination of the DBE firm, as established by Section 26.53(f)(3) of the DBE regulation.

Before transmitting to Pierce Transit its request to terminate, the prime contractor must give notice in writing to the DBE of its intent to do so. A copy of this notice must be provided to Pierce Transit prior to consideration of the request to terminate. The DBE will then have five (5) days to respond and advise Pierce Transit of why it objects to the proposed termination.

In those instances where "good cause" exists to terminate, Pierce Transit will require the prime contractor to make good faith efforts to replace a DBE with another certified DBE. Pierce Transit will require the prime contractor to notify the DBELO or designee immediately of the DBEs inability or unwillingness to perform and provide reasonable documentation of the circumstance.

Pierce Transit will require the prime contractor to obtain prior approval of the substitute DBE and provide copies of new or amended subcontracts, and documentation of good faith efforts.

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



Counting DBE Participation

When a DBE is participating in a DOT-assisted contract, only the work performed by the DBE will be counted toward Pierce Transit's annual goals. Pierce Transit will count DBE participation toward overall goals as provided in 49 CFR Part 26.55.

SUBPARTS D & E - CERTIFICATION

Unified Certification Programs

Pierce Transit is a member of the Unified Certification Program (UCP) administered by the Washington State Office of Minority and Women's Business Enterprises (OMWBE). The OMWBE is the sole certifying entity for M/W/DBEs in the State of Washington, consistent with 49 CFR Section 26.81. The UCP will meet all of the requirements of this section. OMWBE manages the certification process and maintains the DBE directory. Information about certification as well as the updated directory can be found on the Internet at <http://www.omwbe.gov>. Pierce Transit will use and count for DBE credit only for those DBE firms certified by the Washington State Office of Minority and Women's Business Enterprises (OMWBE).

Procedures for Certification Decisions

Any firm or complainant may appeal a State of Washington decision in a certification matter to DOT. Such appeals may be sent to:

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

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

Decertification

In addition to the performance of the certification function in the State of Washington, OMWBE is responsible for decertification for DBEs that no longer qualify for the Program under 49 CFR Part 26 and SBA small business criteria. Pierce Transit will cooperate with OMWBE as needed to assist in the decertification process. Once decertified, a DBE contractor will no longer be counted towards the Agency's overall annual goals.



SUBPART F - COMPLIANCE AND ENFORCEMENT

Information, Confidentiality, Cooperation

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

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

Monitoring Payments to DBEs

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

Pierce Transit will perform interim audits of contractor payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the Disadvantaged Business Participation Form.

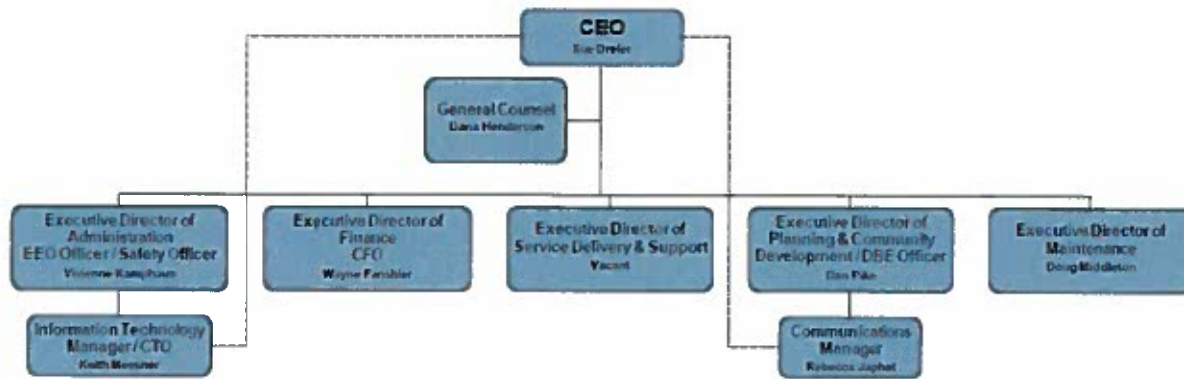
Attachments:

- A. Organization Chart
- B. Disadvantaged Business Participation Form
- C. Bidder Disclosure
- D. Verification of Prompt Payment Form
- E. Verification of Prevailing Wage Rates



Attachment A:

Executive Team



As of 06/27/18



Attachment B:

DISADVANTAGED BUSINESS PARTICIPATION

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

Pierce Transit's Disadvantaged Business Enterprise (DBE) participation is to be achieved through race-neutral means. Contractors who have difficulty identifying disadvantaged or small business subcontractors for this project, or have questions in regard to Pierce Transit's DBE Program should contact Spiro Manthou, Procurement Manager, via email at smanthou@piercetransit.org.

To be eligible for award of this Contract, the Bidder must submit with the bid the Disadvantaged Business Utilization Table below listing the DBEs to be contracted with, including all information required. DBEs listed must be certified by the Washington State Office of Minority and Women Business Enterprises (OMWBE) at the date and time bids proposals are due.

The successful Contractor shall enter into a contract with the firms identified on these tables as successful subcontractors. Failure to complete this section of the bid proposal or the inclusion of false information shall be considered as evidence that the proposal is nonresponsive and shall not receive further consideration.

DISADVANTAGED BUSINESS UTILIZATION TABLE

Name Of Subcontractor	Address	Telephone	Description of Work To Be Performed	Will Contract Be Awarded: (Yes/No)	\$ Value Of Subcontract	Percent of Subcontract Work Actually Performed by DBE Subcontractor
TOTAL DISADVANTAGED BUSINESS UTILIZATION					\$	%

NOTE: Written confirmation from each DBE firm that is participating in the Contract as shown above must be received by Pierce Transit within forty eight (48) hours after the bid due date and time.

Note: In the category of supplies, please inform Pierce Transit if the business is the dealer, broker, re-packer, or manufacturer. Pierce Transit will verify eligibility of disadvantaged business subcontractors.



Attachment C:

The following checklist and Bidder Disclosure below must be completed by the Contractor. It will be used to assist Pierce Transit in determining if good faith efforts have been made by the contractor to award subcontracts under this project to Small Business Enterprises (SBEs).

	YES	NO
1. Did Contractor notify Small Businesses in writing that bids were being solicited?	_____	_____
2. Did Contractor follow up initial contact to determine if Small Businesses were interested?	_____	_____
3. Did Contractor allow sufficient time for Small Businesses to respond?	_____	_____
4. Were portions of work to be subcontracted of a type and size to facilitate Small Businesses' participation?	_____	_____
5. Did Contractor provide to the Small Businesses sufficient information about the plans, specifications, and requirements of the Contract?	_____	_____
6. Did Contractor reject interested Small Businesses as unqualified without sound reason based on investigation of their capabilities?	_____	_____

Additional Required Bidder Disclosure (per 49 CFR Part 26.11):

Is this company a certified Disadvantaged Business Enterprise (DBE) or a certified Small Business Enterprise (SBE)? No___ Yes___ DBE___ SBE___

Certification No. _____

How many years has this company been in business? _____ years.

What are the annual gross receipts for this company? (Please circle one item)

Less than \$500,000	\$500,000-\$1,000,000
\$1,000,000-\$2,000,000	\$2,000,000 to \$5,000,000
\$5,000,000-\$10,000,000	\$10,000,000-\$23,000,000
\$23,000,000-\$50,000,000	Greater than \$50,000,000



Attachment D:

PIERCE TRANSIT | *Project Management Office*

Verification of Prompt Payment to Sub-Contractors

After the work has been accepted, Pierce Transit is to pay invoices within 30 days of receipt of a correct invoice. The Contractor agrees to pay each Sub-Contractor under this prime contract for satisfactory performance of work no later than thirty days from the receipt of each payment the Prime Contractor receives from Pierce Transit.

The Prime Contractor agrees to not withhold retainage from Sub-Contractors payments. Any delay or postponement of payment from the above time frames may occur only for good cause following written approval of Pierce Transit. This clause applies to both DBE and non-DBE Sub-Contractors.

In lieu of retainage being withheld, Pierce Transit's DBE policy states that the Agency will rely on the Payment and Performance Bonds in lieu of retainage held for all contracts so as to not negatively affect Small and Disadvantaged Businesses.

Project:

Project Manager:

Prime Contractor:

Sub-Contractor(s):

Verification Done By:

Company	Contact	Phone Number	Certified DBE? <i>Yes or No</i>	Date of Verification of Prompt Payment *

**Documentation of cancelled checks must be attached.*



PIERCE TRANSIT | Product Management Office

Date of Interview(s):

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