

DBE PROGRAM

The Department of Parking & Public 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, Public 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.

We will continue to carry out this program until funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program.

We do not use quotas in any way in the administration of this DBE program.

We have designated the following individual as our DBE Liaison Officer; Kimberly A. Smith, City of Huntsville, Department of Parking & Public Transit, 500 B Church Street, Huntsville, AL 35801, phone (256) 427-6831, fax (256) 427-6862, email address: kim.smith@hsvcity.com. In that capacity, Kim Smith is responsible for implementing all aspects of the DBE program and ensuring that Public Transit complies with all provisions of 49 CFR, Part 26. Ms. Smith has direct, independent access to the Director of Public Transit concerning DBE program matters. The DBELO has input from and consultation with the City of Huntsville, Procurement Division, Alabama State DOT, Chamber of Commerce, NEAR Small Business Division and several City of Huntsville staff members to help with the coordination of DBE listing and use.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials and co-workers. Duties and responsibilities include the following:

1. Gather and report statistical data and other information as required by DOT
2. Review third party contracts and purchase requisitions for compliance with this program
3. Work within department to set overall annual goals
4. Ensure that bid notices and requests for proposals are available to DBE's in a timely manner
5. Identify contacts and procurements so that DBE goals are included in solicitations (both race neutral methods and contract specific goals) and monitor results
6. Analyze progress toward goal attainment and identify ways to improve progress
7. Participate in pre-bid meetings if of significant content
8. Advise CEO/governing body on DBE matters and achievements
9. Participate with legal counsel and project director to determine contractor compliance with good faith efforts
10. Provide DBE's with information and assistance in preparing bids, obtaining bonding and insurance
11. Coordinate with Chamber of Commerce NEAR Small Business Division in DBE training seminars
12. Refer interested vendors and potential DBE's to AL DOT for DBE certification
13. Provide outreach to DBE's to advise them of opportunities
14. Maintain Public Transit updated directory on certified DBE's

ASSURANCES

Public Transit has signed the following assurance, applicable to all DOT assisted contracts and their administration:

- A. Public 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. 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 Public Transit 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 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et. Seq.)
- B. Public Transit receives a directory from AL DOT identifying all firms eligible to participate as DBE's. The directory lists the firm's name, address, phone number and the type of work the firm has been certified to perform as a DBE. AL DOT updates this directory quarterly. The directory is available through Alabama Department of Transportation, Human Resources Division, Disadvantaged Enterprise Program, 1409 Coliseum Blvd, Room N-101, Montgomery, AL 36130, phone 1-800-247-3618, Attn: Shannon Sears.
- C. Public Transit has not identified any over concentration of DBE's within the program.
- D. Public Transit does not have a business development or mentoring program at this time. Ms. Smith works in conjunction with the NEAR Small Business Development Program through the Chamber of Commerce and Alabama A&M University towards this purpose.
- E. Public Transit ensures that the following clause is placed in every DOT-assisted contract and sub-contract:
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 the recipient deems appropriate.
- F. Public Transit will include the following clause in each DOT-assisted prime contract:
The prime contractor agrees to pay each sub-contractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contractor receives from Public Transit. The prime contractor agrees further to return retainage payments to each sub-contractor within 30 days after the sub-contractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the Public Transit. This clause applies to both DBE and non-DBE sub-contractors.
- G. Public Transit 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 steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109. Public Transit will also consider similar action under our own legal authorities, including responsibility determinations in future contracts.
- H. It is the policy of the City of Huntsville 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 institutes, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions.
 - To date the City of Huntsville has not identified any socially or economically disadvantaged financial institutes in the community.
 - A comprehensive list of minority owned/operated financial institutes is available on the U.S. Department of Treasury website: http://fms.treas.gov/mbdp/current_list.html

All other mandated requirements as addressed in Public Transits DBE program dated 12/17/99 will be upheld and incorporated into this document as a continuing part of the current DBE program.