

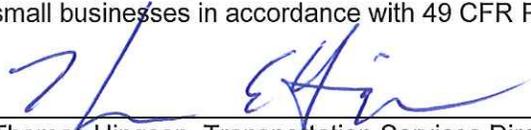
EVERETT TRANSIT DBE PROGRAM

POLICY STATEMENT

All businesses should have equal access to Everett Transit's contracts without discrimination and regardless of race, color, sex or national origin. In order to provide equal access, Everett Transit will set and annually review goals for participation by firms who historically have been at a social and economic disadvantage. Everett Transit will implement these goals through race-neutral means. If race-neutral means by themselves are inadequate to fulfill these goals, Everett Transit will set reasonable and appropriate goals on a contract-by-contract basis for DBE participation in Federal Transit Administration assisted contracts. In addition, Everett Transit will require in all its procurement packages that prime contractors make good faith efforts to utilize disadvantaged business enterprises and small business to remove obstacles to DBE participation.

As DBE Liaison Officer, Melinda Marine, Program Manager, reports to Everett Transit's Transportation Services Director. She will lead the implementation of this policy, along with the City of Everett Purchasing Manager. However, the entire City of Everett Transportation Services Management Staff and the Purchasing Division have a role to play in carrying out the agency's DBE program and goals. Everett Transit and Purchasing Management will become familiar with this program and its goals. They will be informed of changes as they occur. In addition, Everett Transit will actively seek participation from the community as a whole and from the DBE community in particular to ensure that Everett Transit's DBE program provides a level playing field for all potential contractors.

This program emphasizes Everett Transit's commitment to providing maximum opportunity to all small businesses in accordance with 49 CFR Part 26, as amended.



Thomas Hingson, Transportation Services Director

7-23-14
Date

Disadvantaged Business Enterprise (DBE) Program
City of Everett-Everett Transit

SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

It is the policy of Everett 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:

- a. To ensure nondiscrimination in the award and administration of DOT-assisted contracts
- b. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
- c. To ensure that the Department's DBE program is narrowly tailored in accordance with applicable law;
- d. To ensure that only firms that fully meet this part's eligibility standards are permitted to participate as DBEs;
- e. To help remove barriers to the participation of DBEs in DOT-assisted contracts;
- f. To assist the development of firms that can compete successfully in the marketplace outside the DBE program; and
- g. To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

Section 26.3 Applicability

Everett 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.

Section 26.5 Definitions

Everett Transit will adopt the definitions contained in Section 26.5 for this program.

Section 26.7 Non-discrimination Requirements

Everett Transit will not 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, Everett 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.

Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11(b)

We will report DBE participation to DOT as follows:

Everett Transit – We will report DBE participation on the Uniform Report of DBE Awards, Commitments or Payments (also referred to as the “Semi-Annual Report”) which is due twice a year on June 1st and December 1st.

Bidders List: 26.11(c)

The City of Everett Purchasing Division and Everett Transit will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on FTA-assisted contracts. The purpose is to allow use of the bidders’ list approach may be used in combination with other data sources in calculating overall goals. The bidders list will include the name, address, and DBE/non-DBE status. The information will be collected in the following ways:

- Bidders will be required to provide to Everett Transit with their bid or within forty-eight hours thereafter at a minimum the name and address of all subcontractors that have submitted bids whether accepted by the prime contractor or not.
- Additional information to be submitted by the prime contractor or to be obtained by Everett Transit directly will be subcontractors' status as DBE or non-DBE, age of firm and annual gross receipts.

Section 26.13 Federal Financial Assistance Agreement

Everett Transit has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13(a)

Everett 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 Everett Transit of its failure to carry out its approved program, the Department may impose sanction as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

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

Contract Assurance: 26.13b

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

The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a

material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

Since Everett Transit has received a grant of \$250,000 or more in FTA planning capital, and or operating assistance in a federal fiscal year, we will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program.

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

We have designated the following individual as our DBE Liaison Officer:

Melinda Marine
3225 Cedar Street
Everett, WA 98201
425-257-8915
mmarine@everettwa.gov

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the Everett Transit complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Transportation Director, Tom Hingson concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 1 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. Everett Transit monitors the DBE Goals and requirements for FTA funded projects. The duties and responsibilities include the following:

- 1) Gather and report statistical data and other information as required by FTA.
- 2) Review third party contracts and purchase requisitions for compliance with this program.
- 3) Work with involved departments to recommend and set overall annual goals.
- 4) Ensure that bid notices and requests for proposals are available to DBEs in a timely manner.
- 5) Identify contracts and procurements so those DBE goals are included in solicitations, if race neutral means are not appropriate, and monitor results.
- 6) Analyze Everett Transit's progress toward goal attainment and identify ways to improve progress if needed.
- 7) Participate in pre-bid meetings.
- 8) Review bids and proposals to determine contractor compliance with good faith efforts.

- 9) Facilitate DBE participation by providing assistance in areas of financial matters to include the setting of appropriate and reasonable insurance and bonding requirements and the development and enforcement of prompt payment procedures.
- 10) Provide assistance to DBEs in the understanding of specifications and completing bid forms.
- 11) Obtain and maintain on file an up-to-date DBE directory from the Washington State Office of Minority and Women Business Enterprises (OMWBE) to ensure that only firms that meet eligibility standards are permitted to participate as DBEs.
- 12) Ensure that Everett Transit's Management team is aware of the agency's policy and commitment to DBE participation, and advise the Director of DBE matters and achievement.
- 13) Ensure DBE program is narrowly tailored in accordance with applicable law.

Section 26.27 DBE Financial Institutions

We have investigated the full extent of services offered by financial institutions owned by disadvantaged individuals and found that no qualifying institutions exist in Everett. Should such a financial institution be established in the community, Everett Transit will make every effort to comply with appropriate administrative requirements, and will encourage prime contractors to do likewise.

Section 26.29 Prompt Payment Mechanisms

Everett Transit normally pays within 30 days from date of receipt of a correct and payable invoice after the contract has been satisfactorily performed. Progress payments are allowed under certain contracts and are handled on the same basis. Where deemed necessary by Everett Transit, Everett Transit may agree to shorter payment terms to reduce the cash flow burden on small businesses. Everett Transit will include in its contracts a prompt payment clause as follows:

The contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than thirty (30) days from the receipt of each payment the prime contractor receives from Everett Transit. The prime contractor agrees further to retainage to each subcontractor within thirty days after the sub-contractor's work is satisfactorily completed. Any delay or postponement of payment from the above time frames may occur only for good cause following written approval of Everett Transit. This clause applies to both DBE and non-DBE subcontractors.

Section 26.31 Directory

Although Everett Transit will rely on the Washington State Office of Minority and Women Business Enterprises (OMWBE) to perform DBE certification work, Everett Transit and the City of Everett Purchasing Division maintain access to the current DBE Directory issued by OMWBE. This directory will be utilized in the development of mailing lists for requests for bids and/or proposals. In addition, the directory will be used to provide assistance to potential bidders in the identification of available DBE subcontractors; the electronic directory can be found at www.omwbe.wa.gov. Assistance is available by contacting the following:

Melinda Marine, DBE Liaison Officer
Everett Transit
3225 Cedar Street
Everett, WA 98201
Tele: 425-257-8915

State of Washington
Office of Minority and Women's Business
Enterprises
406 South Water
PO Box 41160

Fax: 425-257-8945
E-mail: mmarine@everettwa.gov

Olympia, WA 98504-1160
Tele: 360-753-9693
Fax: 360-586-7079

Section 26.33 Overconcentration

We have determined that over concentration of DBEs does not exist in business areas subject to our utilization. If Everett Transit should become aware of over concentration of DBEs in certain business areas to the extent that small non-DBE businesses can no longer effectively participate in Everett Transit's contracting opportunities, Everett Transit will take measures to reduce the effect of over-concentration including, but not limited to, reduction or elimination of DBE contract goals, reduction of the number of DBEs included in direct mailing of procurement packages, and reduction of advertising in DBE publications.

Section 26.35 Business Development Programs

Everett Transit has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

Everett Transit will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

Everett Transit's project managers and representatives at job sites will monitor the prime contractor's compliance with its commitment in order to achieve compliance with DBE requirements in Everett Transit contracts. A clause will be included in all contracts forbidding substitution of subcontractors by the prime contractor without Everett Transit concurrence. In addition, if a DBE subcontractor is unable to perform the work for which it contracted, the prime contractor must either replace such subcontractor with another DBE or show Everett Transit that good faith efforts to do so have been made.

The Everett Transit representative at the site will periodically report to the DBE Liaison Officer his or her observations whether DBE subcontractors are actually performing the amount and type of work for which the prime contractor committed to have performed by DBE subcontractors.

If a prime contractor is found to be not in compliance with its DBE commitment, Everett Transit will notify it of its non-compliance and will direct the contractor to cure the non-compliance 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 surety. In addition, Everett Transit may consider a contractor's non-compliance with its stated contract goal or good faith efforts when evaluating contractor responsibility in future bids or proposals. Everett Transit will notify the Washington State Office of Minority and Women's Business Enterprises and the Federal Transit Administration of any false, fraudulent or dishonest conduct in connection with the program, so that those agencies may take such action as they deem appropriate, e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension or debarment or Program Fraud and Civil Penalties rules provided in 49 CFR §26.109.

Section 26.39 Fostering Small Business Participation

Everett Transit will include a small business element in the Disadvantaged Business Enterprise Program to ensure compliance with 49 CFR Part 26 to foster small business participation. The small business element will be structured as a race neutral element to facilitate small business concerns. Everett Transit supports fostering small business participation which includes taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and

unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

For our purposes, defining small business will be based upon the SBA.gov NAICS codes and thresholds for each industry and will be applied as applicable by the Prime Contractor and verified by the DEBELO or appointed employee of Everett Transit through the Washington state Small Business Administration website.

The strategy that Everett Transit will use to acquire small business participation will be based upon a yearly assessment of contracts. Everett Transit is a small agency operating as part of the Seattle UZA; as such, contracting opportunities for large projects may be limited. It is Everett Transit's intent to assess any viable contracting opportunity that may allow for a prime contractors to provide subcontracting opportunities of a size that small businesses, including DBE's can reasonably perform, rather than self-performing all the work involved.

Everett Transit does not have large projects, or the expertise due to agency size to manage the finite details in regards to unbundling contracts. Our strategy will be geared to working with our Prime contractors by requiring them to provide small business opportunities.

Everett Transit intends to implement the Small Business Participation element by:

- Annually assessing contracting opportunities for larger projects where the Prime Contractor can provide subcontracting to small business
- Prepare a contract clause to be included in bid documents for large projects, requiring Prime Contractors to identify small business opportunities of a size that small business, including DBE's can reasonably perform
- Work with our Procurement Division to ensure the requirement is included in bid documents
- DEBELO will attend pre-bid meetings to ensure understanding of the requirement
- DEBELO will review bids and/or proposals to determine contractor compliance with the small business participation.
- DEBELO or appointed staff will perform verification of small business through Washington state SBA website
- DEBELO will verify:
 - Names and addresses of small business and/or DBE firms that will participate in the contract
 - Description of the work the small business and/or DBE firm will perform
 - Value of the subcontract
 - Percentage and dollar amount of the subcontract to actually be performed by the small business and/or DBE themselves
 - Written and signed verification that the small business and/or DBE that is participating in the contract as provided in the Prime Contractor's commitment
- Project Manager or project coordinator will provide an onsite monitoring and verification of small business participation during the project and confirm the participation with the DEBELO

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

Everett Transit does not use set asides or quotas in the administration of this DBE program.

Section 26.45 Overall Goals

In accordance with 49 CFR Part 26, Everett Transit has sets an overall Race/Gender-Neutral DBE goal based upon anticipated and awarded U.S. DOT-assisted contracts, exclusive of FTA funds to be used for the purchase of transit vehicles. To determine the goal, Everett Transit follows the two-step goal-setting methodology and uses a Weighting Base Figure spreadsheet to determine weighting.

Step One: Determining a Base Figure - 49 CFR Section 26.45 (c)

Everett Transit's (ET) market area is established by using all of Snohomish County, a twenty mile radius into King County and a review of past participation.

Consistent with USDOT guidance, ET examines all U.S. DOT assisted projects anticipated for the goal planning period. Overall business availability is established and is compared to DBE firms within Washington State using NAICS applicable to each project. Data is extrapolated from the US Census (County Business Patterns) and the Washington State Office of Minority and Women Business Enterprises. The result of this data is exported into the Weighting Base Figure spreadsheet and base figure is determined.

Step Two: Determining if an Adjustment is Warranted - 49 CFR Section 26.45 (d)

After establishing a base figure, Everett Transit will consider other available information to determine if an adjustment to the base figure is warranted. Additional information will include results from WSDOT disparity studies to determine if there has been an overutilization of a particular set of DBE's.

It is important to point out that Everett Transit is only a microcosm of WSDOT's disparity study. Examination of local historical data and past participation reveal that the results of the WSDOT study are not necessarily indicative of our area. Although overutilization does not generally apply to the agency, we are cognizant of the possibility and will consider this information as we review our goals each year.

Next, past participation of Everett Transit's contracts are taken into consideration. ET is a small agency participating in a larger Seattle-Tacoma-Everett UZA. A large majority of FTA funded projects include rolling stock purchases and preventive maintenance on our vehicle fleet. Opportunities for contracting work are limited; however, when information on past participation is available it will be reviewed and used in the adjustment as defined by 49 CFR 26.45.

Transit Vehicle Manufacturers Goals – 49 CFR Section 26.49

Everett Transit will not use DBE goals in contracts for rolling stock. Transit vehicle manufacturers (TVM) are required to develop their own DBE programs. Therefore Everett Transit will require in its bid or proposal packages for transit vehicles a certification from each TVM that they have developed and submitted their own program to the FTA and that said program has been approved or not disapproved. Everett Transit will verify certified TVM's on FTA's Office of Civil Rights DBE webpage.

Means Used to Meet Overall Goals – 49 CFR Section 26.51 (c)

Everett Transit uses race/gender-neutral means to encourage DBE participation in its federally assisted contracts. Everett Transit does not use DBE quotas or set-asides to achieve the overall annual goal for DBE participation. Participation will be achieved by race/gender-neutral means or by the use of contract goals.

Public Participation – 49 CFR Section 26.45 (g)

Public participation is a key component of Everett Transit's process for establishing DBE goals. Outreach efforts are made to engage the public as part of the goal-setting process and a public comment period is used proposed goals.

Everett Transit consults with different community organizations that provide or disseminate information about local marketplace conditions for minority and women owned businesses. Attendance at the meetings provides an opportunity to discuss proposed overall DBE goals and rationale for the goals, while soliciting comments from meeting participants. Organizations may include:

- Downtown Everett Association (DEA)
- Downtown Economic Alliance
- US DOT Northwest SBTRC

A public notice announcing the overall proposed goal will also be provided on Everett Transit's website and published in general circulation media such as The Herald. Translation in Spanish will be provided in La Raza, a weekly Spanish newspaper. A comment period of 45-days will be provided.

Section 26.53 Good Faith Efforts Procedures

Demonstration of good faith efforts (26.53(a) & (c))

If a contract goal has been set for procurement, a contract award will be made only to a bidder who has made a good faith effort to meet the goal. Good faith efforts will be determined in two

ways. Failure to make good faith efforts may result in a bidder being not responsible and its bid rejected.

Information to be submitted (26.53(b))

Meeting the goal will constitute good faith effort. In order to allow Everett Transit to make a good faith effort determination in this case, bidders will be required to submit the following information with their bid:

- Names and addresses of DBE firms that will participate in the contract;
- A description of the work the DBE firm(s) will perform;
- The value of the subcontract;
- The percentage and dollar amount of the subcontract to actually be performed by the DBE(s) themselves;
- Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment.

If the goal has not been met, the bidder will be required, within one week after bid due date and prior to award of contract, to furnish documentation showing that it made good faith efforts to achieve the contract goal. The DBE Liaison Officer will review the steps taken by the bidder to establish if said steps represent good faith efforts that could reasonably be expected to result in DBE participation in accordance with 49 CFR Part 26, Appendix A. Said review will include, but not be limited to, verifying bidder efforts with DBE firms listed in the documentation provided, ensuring that ads were placed where and when claimed, ensuring that sufficient time was allowed for DBEs to submit bids, comparing other bidders' goal achievements, reasons for rejecting DBE subcontract bids, if any; assistance the prime bidder is willing to provide to DBE firms.

Before a contract is awarded, Everett Transit staff will attempt to ascertain that all information is complete, accurate, and adequately documents the bidder's good faith efforts.

Administrative reconsideration (26.53(d))

If Everett Transit determines the apparent lowest responsive and responsible bidder did not make good faith efforts, the bidder shall be so notified. Within five (5) business days of being informed by Everett Transit that it is not responsible because it has not documented sufficient good faith efforts, a bidder may request administrative reconsideration. Bidders should make this request in writing to the following reconsideration official: City Finance Director. The reconsideration official will not have played any role in the original determination of failure to document make good faith efforts.

As part of the reconsideration process, the bidder will have the opportunity to provide additional written documentation or argument concerning the issue of whether it made adequate good faith efforts to meet the goal. The bidder shall have the opportunity to meet in person with the reconsideration official to discuss its case.

The bidder will be informed in writing of the reconsideration decision, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The decision of the reconsideration official will be final and cannot be administratively appealed to the Department of Transportation.

If the determination that a good faith effort has not been made by the apparent lowest bidder is upheld, a contract will not be awarded to that bidder. In this event, staff will review the efforts of

the next lowest bidder(s) until a successful good faith efforts determination can be made and a contract can be awarded or all bids are rejected.

Good Faith Efforts when a DBE is replaced on a contract (26.53(f))

Everett Transit will require a contractor to make good faith efforts to replace a terminated DBE or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. The prime contractor will be required to notify the DBE Liaison Officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, the prime contractor will be required to obtain Everett Transit's prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. If the contractor fails or refuses to comply in the time specified, the DBE Liaison Officer may cause an order to be issued, stopping all or part of payment/work until satisfactory action has been taken. (The prime contractor will not be allowed an extension of the completion date for work days lost if such stop order is issued and may become subject to liquidated damages, if required by the contract.) If the contractor still fails to comply, Everett Transit may terminate the contractor for default.

Section 26.55 Counting DBE Participation

When a DBE is participating in a FTA-assisted contract, only the work performed by the DBE will be counted toward Everett Transit's annual goals and toward the prime contractor's contract goals.

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

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

Everett Transit will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. We will make our certification decisions based on the facts as a whole.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

Everett Transit is the member of a Unified Certification Program (UCP) administered by Washington State Office of Minority and Women Business Enterprises (OMWBE). The UPC will meet all of the requirements of this section.

The Washington State Office of Minority and Women Business Enterprises (OMWBE) has legislative authority to perform all minority, women and disadvantaged business enterprise certifications for all public agencies in the State. For DBE certifications, the office is required to utilize certification procedures that meet all federal requirements as defined in 49 CFR Part 26, as amended, to ensure eligibility of certified firms for Department of Transportation projects. Everett Transit participates in the annual funding of the Office and therefore has access to the directory of certified DBEs published by the Office and updated on a regular basis.

Section 26.83- 26.87 Certification Decisions

In the state of Washington, all DBE certifications are reviewed through the Washington State Office of Minority and Women Business Enterprises (OMWBE). Eligibility is reviewed and certified by OMWBE to ensure the federal requirements are met as defined in 49 CFR Part 26, as amended for Department of Transportation Projects. Everett Transit has access to the certified directory which is updated regularly.

A third party may challenge a firm's presumed eligibility or a firm's certification as a DBE. Everett Transit shall promptly review the information received. If the challenge appears to have merit, Everett Transit will notify the Washington State Office of Minority and Women's Business Enterprises, who has the authority to investigate and resolve the challenge in accordance with the certification requirements of 49 CFR Part 26, as amended. Everett Transit will provide all available information for investigation and identify the third party challenger to the Office of Minority and Women's Business Enterprises. The challenged party may submit rebutting information to the OMWBE for their consideration. Everett Transit shall actively cooperate with the OMWBE, if needed, until the investigation is concluded and a final determination issued by the OMWBE.

In addition to the performance of the certification function for all public agencies in the State of Washington, the OMWBE is responsible for decertification if a DBE no longer qualifies for the program under 49 CFR Part 26 and SBA small business criteria. Everett Transit will cooperate with the 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.

Section 26.89 Certification Appeals

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

U.S. Department of Transportation
Departmental Office of Civil Rights
1200 New Jersey Avenue, SE
Washington, DC 20590

We will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT-assisted contracting.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

Everett Transit will safeguard from disclosure to third parties information that may reasonably be regarded confidential business information consistent with federal, state and local law. To the extent allowed by federal, state or local law, Everett 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

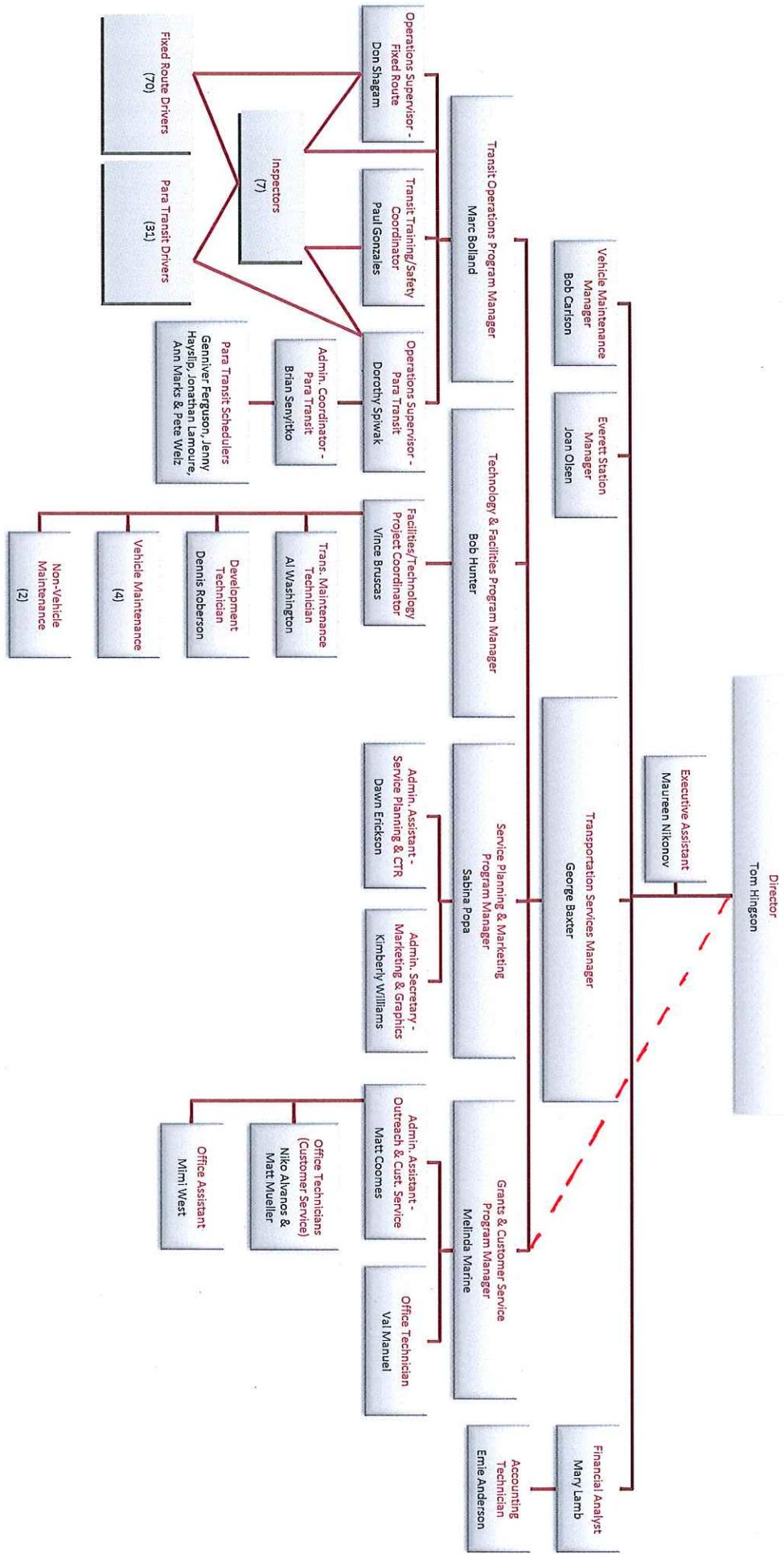
Everett Transit shall use the prime contractor's commitment to DBE subcontractor participation submitted with its bids as the prime contractor's goal for the contract. However, the prime contractor shall not be credited with DBE participation until actual payment has been made to the DBE subcontractors involved. Therefore, contractors shall be required to submit with each payment request the amounts earned by DBE subcontractors and to be paid to DBE

subcontractors no later than 30 days upon receipt of Everett Transit's payment or progress payment. Everett Transit may audit contract 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 provided with payment requests.

ATTACHMENTS

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|--------------|--|
| Attachment 1 | Transportation Services Department Organizational Chart 2014 |
| Attachment 2 | DBE Directory |
| Attachment 3 | Weighting Base Figure Worksheet |
| Attachment 4 | Everett Transit DBE Goal FFY 2015-2017 |

Attachment 1



Attachment 2

DBE DIRECTORY

State of Washington
Office of Minority and Women's Business Enterprises
406 South Water
PO Box 41160
Olympia, WA 98504-1160
Telephone: 360-753-9693
Fax: 360-586-7079
www.omwbe.wa.gov

Step 1 - Determine the weight of each type of work by NAICS Code:

* Enter all the FTA-assisted projects below. Project amounts should be assigned relevant NAICS Code(s).

	NAICS Code	Project	Amount of DOT funds on project:	% of total DOT funds (weight)
1)	541380	EVST PM Water leak Identification	\$20,000.00	0.0584
2)	238990	EVST PM Brick Restoration	\$173,800.00	0.5077
3)	237310	EVST - PM Parkinglots	\$132,000.00	0.3856
4)	811213	EVST - PA System Repair	\$5,600.00	0.0164
5)	423690	EVST Emergency Call Stations	\$10,953.00	0.0320
6)				0.0000
7)				0.0000
8)				0.0000
9)				0.0000
10)				0.0000
11)				0.0000
12)				0.0000
13)				0.0000
14)				0.0000
15)				0.0000
16)				0.0000
17)				0.0000
18)				0.0000
19)				0.0000
20)				0.0000
21)				0.0000
22)				0.0000
23)				0.0000
24)				0.0000
25)				0.0000
Total FTA-Assisted Contract Funds			\$342,353.00	1

Step 2 - Determine the relative availability of DBE's by NAICS Code:

* Use DBE Directory, census data and/or a bidders list to enter the number of available DBE firms and the number of available firms.

	NAICS Code	Project	Number of DBEs available to perform this work	Number of all firms available (including DBEs)	Relative Availability
1)	541380	EVST PM Water leak Identification	2	25	0.0800
2)	238990	EVST PM Brick Restoration	4	100	0.0400
3)	237310	EVST - PM Parkinglots	10	41	0.2439
4)	811213	EVST - PA System Repair	0	2	0.0000
5)	423690	EVST Emergency Call Stations	1	43	0.0233
6)					
7)					
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24)					
25)					
Combined Totals		17	211	0.0806	<i>Overall availability of DBEs</i>

Step 3 - (Weight) x (Availability) = Weighted Base Figure

	NAICS Code	Project	Weight	x	Availability	Weighted Base Figure
1)	541380	EVST PM Water leak Identification	0.05842	x	0.08000	0.0047
2)	238990	EVST PM Brick Restoration	0.50766	x	0.04000	0.0203
3)	237310	EVST - PM Parkinglots	0.38557	x	0.24390	0.0940
4)	811213	EVST - PA System Repair	0.01636	x		
5)	423690	EVST Emergency Call Stations	0.03199	x	0.02326	0.0007
6)				x		
7)				x		
8)				x		
9)				x		
10)				x		
11)				x		
12)				x		
13)				x		
14)				x		
15)				x		
16)				x		
17)				x		
18)				x		
19)				x		
20)				x		
21)				x		
22)				x		
23)				x		
24)				x		
25)				x		
Total						0.1198
Expressed as a % (*100)						11.98%
Rounded, Weighted Base Figure:						12%

Step 1 - Determine the weight of each type of work by NAICS Code:

* Enter all the FTA-assisted projects below. Project amounts should be assigned relevant NAICS Code(s).

	NAICS Code	Project	Amount of DOT funds on project:	% of total DOT funds (weight)
1)	238150	EVST Bus Shelter Repair	\$20,000.00	0.2478
2)	238220	EVST HVAC Repair/Replace	\$25,000.00	0.3098
3)	334515	EVST Replace Electrical Submeter Panels	\$35,695.00	0.4423
4)				0.0000
5)				0.0000
6)				0.0000
7)				0.0000
8)				0.0000
9)				0.0000
10)				0.0000
11)				0.0000
12)				0.0000
13)				0.0000
14)				0.0000
15)				0.0000
16)				0.0000
17)				0.0000
18)				0.0000
19)				0.0000
20)				0.0000
21)				0.0000
22)				0.0000
23)				0.0000
24)				0.0000
25)				0.0000
Total FTA-Assisted Contract Funds			\$80,695.00	1

Step 2 - Determine the relative availability of DBE's by NAICS Code:

* Use DBE Directory, census data and/or a bidders list to enter the number of available DBE firms and the number of available firms.

	NAICS Code	Project	Number of DBEs available to perform this work	Number of all firms available (including DBEs)	Relative Availability
1)	238150	EVST Bus Shelter Repair	0	28	0.0000
2)	238220	EVST HVAC Repair/Replace	4	305	0.0131
3)	334515	EVST Replace Electrical Submeter Panels	0	8	0.0000
4)					
5)					
6)					
7)					
8)					
9)					
10)					
11)					
12)					
13)					

14)					
15)					
16)					
17)					
18)					
19)					
20)					
21)					
22)					
23)					
24)					
25)					
Combined Totals		4	341	0.0117	<i>Overall availability of DBEs</i>

Step 3 - (Weight) x (Availability) = Weighted Base Figure

	NAICS Code	Project	Weight	x	Availability	Weighted Base Figure
1)	238150	EVST Bus Shelter Repair	0.24785	x		
2)	238220	EVST HVAC Repair/Replace	0.30981	x	0.01311	0.0041
3)	334515	EVST Replace Electrical Submeter Panels	0.44234	x		
4)				x		
5)				x		
6)				x		
7)				x		
8)				x		
9)				x		
10)				x		
11)				x		
12)				x		
13)				x		
14)				x		
15)				x		
16)				x		
17)				x		
18)				x		
19)				x		
20)				x		
21)				x		
22)				x		
23)				x		
24)				x		
25)				x		
Total						0.0041
Expressed as a % (*100)						0.41%
Rounded, Weighted Base Figure:						0%

Step 1 - Determine the weight of each type of work by NAICS Code:

* Enter all the FTA-assisted projects below. Project amounts should be assigned relevant NAICS Code(s).

	NAICS Code	Project	Amount of DOT funds on project:	% of total DOT funds (weight)
1)	517110	EVST CCTV Replacement/Upgrade	\$80,695.00	1.0000
2)				0.0000
3)				0.0000
4)				0.0000
5)				0.0000
6)				0.0000
7)				0.0000
8)				0.0000
9)				0.0000
10)				0.0000
11)				0.0000
12)				0.0000
13)				0.0000
14)				0.0000
15)				0.0000
16)				0.0000
17)				0.0000
18)				0.0000
19)				0.0000
20)				0.0000
21)				0.0000
22)				0.0000
23)				0.0000
24)				0.0000
25)				0.0000
Total FTA-Assisted Contract Funds			\$80,695.00	1

Step 2 - Determine the relative availability of DBE's by NAICS Code:

* Use DBE Directory, census data and/or a bidders list to enter the number of available DBE firms and the number of available firms.

	NAICS Code	Project	Number of DBEs available to perform this work	Number of all firms available (including DBEs)	Relative Availability
1)	517110	EVST CCTV Replacement/Upgrade	0	102	0.0000
2)					
3)					
4)					
5)					
6)					
7)					
8)					
9)					
10)					
11)					
12)					
13)					

14)				
15)				
16)				
17)				
18)				
19)				
20)				
21)				
22)				
23)				
24)				
25)				
Combined Totals			102	<i>Overall availability of DBEs</i>

Step 3 - (Weight) x (Availability) = Weighted Base Figure

	NAICS Code	Project	Weight	x	Availability	Weighted Base Figure
1)	517110	EVST CCTV Replacement/Upgrade	1.00000	x		
2)				x		
3)				x		
4)				x		
5)				x		
6)				x		
7)				x		
8)				x		
9)				x		
10)				x		
11)				x		
12)				x		
13)				x		
14)				x		
15)				x		
16)				x		
17)				x		
18)				x		
19)				x		
20)				x		
21)				x		
22)				x		
23)				x		
24)				x		
25)				x		
Total Expressed as a % (*100)						
Rounded, Weighted Base Figure:						

**Disadvantaged Business Enterprise (DBE)
City of Everett-Everett Transit DBE 2015-2017 Goal**

Section 26.45 Overall Goals

In accordance with 49 CFR Part 26, Everett Transit has set an overall Race/Gender-Neutral DBE goal for FY 2015 - 2017 at seven percent (7%). The goal was developed based upon anticipated and awarded U.S. DOT-assisted contracts, exclusive of FTA funds to be used for the purchase of transit vehicles. To determine the goal, Everett Transit followed the two-step goal-setting methodology and has attached the Weighting Base Figure spreadsheet for projects in 2015, 2016 and 2017. (Attachment 1)

Step One: Determining a Base Figure - 49 CFR Section 26.45 (c)

Everett Transit's (ET) market area was established by using all of Snohomish County, a twenty mile radius into King County and a review of past participation.

Consistent with USDOT guidance, ET examined all U.S. DOT assisted projects anticipated during the FFY of 2015, 2016, and 2017. Overall business availability was established and compared to DBE firms within Washington State using NAIC's applicable to each project. Data was then extrapolated from the US Census (County Business Patterns) and the Washington State Office of Minority and Women Business Enterprises. The data was then exported to the Weighting Base Figure spreadsheet (attachment 1) and base figure was determined at twelve percent (12%).

Step Two: Determining if an Adjustment is Warranted - 49 CFR Section 26.45 (d)

After establishing a base figure, Everett Transit considered other available information to determine if an adjustment to the base figure was warranted. Additional information was considered from two sources:

WSDOT 2012 Disparity Study (BBC Research & Consulting):

In 2012, WSDOT retained BBC Research and Consulting to conduct a "disparity study" to assist in the implementation of the Federal DBE Program. Review of the study revealed the overutilization of white women owned businesses; it is important to point out that Everett Transit is only a microcosm of that study. Examination of local historical data and past participation reveal that the results of the WSDOT study are not necessarily indicative of our area. Although the overutilization does not apply to the agency in general, we are cognizant of the possibility and will continue to consider this information as we review our goal setting each year.

Next, past participation of Everett Transit's contracts were taken into consideration. ET is a small agency participating in a larger Seattle-Tacoma-Everett UZA. A large majority of FTA funded projects include rolling stock purchases and preventive maintenance on our vehicle fleet. Opportunities for contracting work are limited; however, past participation for FFY 2012-2014 was established at one and seven tenths percent (1.7%).

We have examined the evidence available and have determined that an adjustment to the base figure established in Step One is necessary to arrive at our overall goal. The overall goal of twelve percent (12%) and the past participation of one and seven tenths percent (1.7%) result in an overall Race/Gender-Neutral goal of seven percent (7%).

Transit Vehicle Manufacturers Goals – 49 CFR Section 26.49

Everett Transit will not use DBE goals in contracts for rolling stock. Transit vehicle manufacturers (TVM) are required to develop their own DBE programs. Therefore Everett Transit will require in its bid or proposal packages for transit vehicles a certification from each TVM that they have developed and submitted their own program to the FTA and that said program has been approved or not disapproved. Everett Transit will verify certified TVM's on FTA's Office of Civil Rights DBE webpage.

Means Used to Meet Overall Goals – 49 CFR Section 26.51 (c)

Everett Transit will use race/gender-neutral means to encourage DBE participation in its federally assisted contracts. Everett Transit does not use DBE quotas or set-asides to achieve the overall annual goal for DBE participation. Participation will be achieved by race/gender-neutral means or by the use of contract goals.

Public Participation – 49 CFR Section 26.45 (g)

Public participation is a key component of Everett Transit's process for establishing DBE goals. Outreach efforts will be made to engage the public as part of the goal-setting process as well providing a comment period for feedback on proposed goals.

Everett Transit consults with different community organizations that provide or disseminate information about local marketplace conditions for minority and women owned businesses. Attendance at the meetings will provide an opportunity to discuss its proposed overall DBE goal and rationale for the goal, while soliciting comments about the goal from meeting participants. Organizations may include:

- Downtown Everett Association (DEA)
- Downtown Economic Alliance
- US DOT Northwest SBTRC

Public notice announcing the overall proposed goal will also be provided on Everett Transit's website, published in general circulation media, The Herald as well as translated into Spanish and published in La Raza, a weekly Spanish newspaper. The notice will provide an opportunity for comment over a 45 day period.