

County of Volusia
Transit Services Division
d/b/a Votran

**Disadvantaged Business
Enterprise Program**

July 2023



Volusia County
FLORIDA

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List of Acronyms

CFR	Code of Federal Regulations
DBE	Disadvantaged Business Enterprise
DBELO	Disadvantaged Business Enterprise Liaison Officer
DOT	U.S. Department of Transportation
FDOT	Florida Department of Transportation
FFY	Federal Fiscal Year
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
MAP-21	Moving Ahead for Progress in the 21st Century Act
MBDP	Minority Bank Deposit Program
NAICS	North American Industry Classification System
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SBE	Small Business Enterprise
TEA-21	Transportation Equity Act for the 21 st Century
TVM	Transit Vehicle Manufacturer
UCP	Unified Certification Program

Policy Statement

Objectives/Policy Statement (§26.1, §26.23)

Volusia County Transit Services Division, doing business as Votran, has established a Disadvantaged Business Enterprise (DBE) program in accordance with Title 49 of the Code of Federal Regulations (CFR), Part 26 addressing participation of Disadvantaged Business enterprises (DBEs) in U.S. Department of Transportation (DOT) financial assistance programs.

The Transit Services Division receives federal financial assistance from the Federal Transit Administration (FTA) and, as a condition of receiving this assistance, has signed an assurance that it will comply with 49 CFR Part 26. This requirement most recently was reinstated by Congress in the Infrastructure Investment and Jobs Act, Public Law 117-58.

It is the policy of the Transit Services Division to ensure that DBEs as defined in Part 26 have an equal opportunity to receive and participate in FTA-assisted contracts. In accordance with Part 26, Subpart A, it is also our policy to:

1. Ensure nondiscrimination in the award and administration of FTA-assisted contracts;
2. Create a level playing field on which DBEs can compete fairly for FTA-assisted contracts;
3. Ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. Help remove barriers to the participation of DBEs in FTA-assisted contracts;
6. Promote the use of DBEs in all types of federally-assisted contracts and procurement activities;
7. Assist the development of firms that can compete successfully in the marketplace outside the DBE Program; and
8. Make appropriate use of the flexibility afforded to recipients of federal financial assistance in establishing and providing opportunities for DBEs.

Volusia County Transit Service Division has established a DBE Liaison Officer (DBELO) responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the Transit Services Division in its financial assistance agreements with FTA.

Ralf Heseler
Planning Manager/Disadvantaged Business Enterprise Liaison Officer
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The Transit Services Division has disseminated this policy statement to all components of our organization and to DBE and non-DBE business communities that may perform work for the Transit Services Division on FTA-assisted contracts. This policy statement will be published on the Volusia County website.


Bobbie G. King, Transit Services Director


Date

Subpart A – General Requirements

Objectives (§26.1)

The eight objectives of the Transit Services Division’s DBE Program are found in the policy statement at the beginning of this document.

Applicability (§26.3)

The Transit Services Division, through the County of Volusia, is the recipient of federal transit funds authorized by Titles I, III, V, and VI of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Public Law 102-240 or by federal transit laws in Title 49, U.S. Code, or Titles I, III, and V of the Transportation Equity Act for the 21st Century (TEA-21), Public Law 105-178. Titles I, III, and V of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59, 119 Stat. 1144; Divisions A and B of the Moving Ahead for Progress in the 21st Century Act (MAP-21), Public Law 112-141, 126 Stat. 405.

Definitions of Terms (§26.5)

The Transit Services Division will use the definitions contained in 49 CFR, §26.5 for this program.

Nondiscrimination Requirements (§26.7)

The Transit Services Division 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, the Transit Services Division 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 (§26.11)

Uniform Report of DBE Award or Commitment and Payments (§26.11(a)) and Reporting (§26.11(b))

The Transit Services Division will report DBE participation to FTA using the Uniform Report of DBE Awards or Commitments and Payments, found in Appendix B to Part 26. Other data or information will be provided to FTA as directed.

Bidders List (§26.11(c))

The Transit Services Division has created and maintains a bidders list consisting of information about all DBE and non-DBE firms that bid or quote on its contracting opportunities. The bidders list will include names, addresses, ages of firms, annual gross receipts, and DBE/non-DBE status. The Transit Services Division will collect this information by requiring prime bidders to report the names, addresses, and possibly other information of DBE subcontractors to the Transit Services Division prior to the time of bid opening or finalization of a contract agreement.

Record Keeping (§26.11(d))

The Transit Services Division will maintain records documenting a firm's compliance with the requirements of this part. The Transit Services Division will keep a complete application package for each certified firm and all affidavits of no-change, change notices, and on-site reviews. These records will be retained in accordance with applicable record retention requirements of the Transit Services Division's financial assistance agreement. Other certification or compliance related records must be retained for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the Transit Services Division's financial assistance agreement, whichever is longer.

Federal Financial Assistance Agreement (§26.13)

The Transit Services Division has signed the following assurances, applicable to all FTA-assisted contracts and their administration:

Federal Financial Assistance Agreement Assurance (§26.13(a))

The following language will appear in financial assistance agreements with subrecipients:

The Transit Services Division shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any FTA-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 FTA-assisted contracts. The recipient's DBE Program, as required by 49 CFR Part 26 and as approved by FTA, 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 the Transit Services Division 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.).

Contract Assurance (§26.13(b))

The Transit Services Division will ensure that the following clause is placed in every FTA-assisted contract and subcontract:

The contractor, subrecipient, 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 FTA-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

DBE Program Updates (§26.21)

Since the Transit Services Division receives \$250,000 or more in FTA planning, capital and/or operating assistance in a federal fiscal year (FFY), this program will be carried out until all funds from DOT financial

assistance have been expended. Updates representing significant changes in the program will be provided to FTA.

Policy Statement (§26.23)

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

DBE Liaison Officer (§26.25)

The Transit Services Division has designated Ralf Heseler as the DBELO as stated in the policy statement at the beginning of this document. The DBELO is responsible for implementing all aspects of the DBE program and ensuring that the Transit Services Division complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the Transit Services Director 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. To assist in the administration of the program, the DBELO has access to the Transit Services Division staff for support, as necessary. The 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 with all departments to set overall annual goals;
4. Ensure that solicitation notices are available to DBEs in a timely manner;
5. Identify contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment and identify ways to improve progress);
6. Analyze the Transit Services Division's progress toward attainment and identify ways to improve progress;
7. Participate in pre-solicitation conferences;
8. Advise the Transit Services Division Director/Volusia County Council on DBE matters and achievement;
9. Provide DBEs with information and assistance in preparing offers, obtaining bonding and insurance;
10. Certify DBEs according to the criteria set by DOT and act as liaison to the Uniform Plan and participate in DBE training seminars;
11. Unified Certification Program (UCP) in the State of Florida;
12. Provide outreach to DBEs and community organizations to advise them on opportunities;
13. Monitor payments to DBEs for work committed to them at the time of contract award;
14. Maintain and update the directory of certified DBEs

DBE Financial Institutions (§26.27)

It is the policy of the Transit Services Division to investigate the full extent of service offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, and make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions. Efforts are made to identify and use such institutions through the solicitation for financial services and are sent to the institutions identified in the United States Department of Treasury, Financial Management Service Division, Minority Bank Deposit

Program (MBDP) listing of financial institutions in the State of Florida. The availability of such institutions can be obtained at the U.S. Department of Treasury website: www.fiscal.treasury.gov/mbdp/participants.html

Prompt Payment Mechanisms (§26.29)

Prompt Payment and Retainage (§26.29(a-b))

The Transit Services Division will include the following clause in each FTA-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than fourteen (14) days from the receipt of each payment the prime contractor receives from the Transit Services Division. The prime contractor agrees further to return retainage payments to each subcontractor within thirty (30) days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced timeframe may occur only for good cause following written approval of the Transit Services Division. This clause applies to both DBE and non-DBE subcontracts.

Satisfactory Completion (§26.29(c))

For purposes of complying with prompt payment, a subcontractor's work is determined to be satisfactorily completed when all tasks called for in the subcontract have been accomplished and documented as required by the recipient. When a recipient has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

Monitoring and Enforcement (§26.29(d-e))

The Transit Services Division has established a mechanism to monitor and enforce that prompt payment and return of retainage is occurring. The Transit Services Division and the DBELO will review all retainage for vendors listed on the pay application for all material and services performed to ensure compliance.

The Transit Services Division agrees to pay its Contractors (both DBE and non-DBE primes), under direct contract with the Transit Services Division, within forty-five (45) calendar days providing receipt of all proper invoices and support documentation has been submitted to the Transit Services Division. Failure of the Contractor to satisfy prompt payment to its subcontractors no later than seven (7) business days from the receipt of payment from the Transit Services Division may constitute a breach of contract for work, and the Transit Services Division may withhold payments to the Contractor or exercise other remedies under such contract including, but not limited to, termination of the contract, commencing suspension or debarment proceedings against the Contractor.

The Transit Services Division, in conjunction with the DBELO, will be responsible for reviewing, approving, and submitting payment invoices to the County's Finance Department.

Directory (§26.31)

The Transit Services Division maintains a directory identifying all firms eligible to participate as DBEs. The Transit Services Division uses the Florida Department of Transportation (FDOT) UCP DBE directory, which is a searchable list of all certified DBEs eligible to perform work under the federal DBE Program.

FDOT's UCP website also provides a searchable list of member agencies that provide certification services and non-certification services in Florida. The FDOT UCP is available online at:

<https://fdotxwp02.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/>

The Transit Service Division/Votran website provides a link to the State of Florida UCP Directory on its "Doing Business with Votran" webpage under the "Disadvantage Business Enterprise (DBE)" section at:

<https://www.votran.org/about-us/doing-business.stml>

Overconcentration (§26.33)

The Transit Services Division has not identified that overconcentration exists in the types of work that DBEs perform. The Transit Services Division will continue to monitor DBE participation and usage and will use appropriate measures designed to assist DBEs if any overconcentration areas are identified.

If it has been identified that overconcentration exists, the Transit Services Division will use incentives, technical assistance, business development programs, mentor, protege programs, and other appropriate measures designed to assist DBEs in performing work outside of the specific field that non-DBEs are unduly burdened. The Transit Services Division may also consider varying their use of contract goals, to the extent consistent with §26.51, to ensure that non-DBEs are not unfairly prevented from competing for subcontracting. The Transit Services Division must obtain the approval of the FTA for its determination of overconcentration and the measures that are being devised to address it.

Business Development Programs (§26.35)

The Transit Services Division is not required to establish a formal business development program. The following activities are designed to ensure that DBEs have the equal opportunity to participate in contracts:

- Participate in training seminars and community outreach for the purpose of in forming potential contractors of available business opportunities;
- Email procurement advertisements to businesses listed in the DBE directory, which are likely to participate on the contract;
- Encourage DBE attendance at solicitation conferences (pre-bid meetings).

Monitoring & Enforcement Mechanisms (§26.37)

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

The Transit Services Division will bring to the attention of the FTA any false, fraudulent, or dishonest conduct in connection with the program, so that FTA 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 rule provided in [26.109]).

The Transit Services Division will consider similar action under its own legal authorities, including responsibility determination in future contracts and will provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. Periodic project meetings and unannounced site visits will also be done. The Transit Services Division also requires each Contractor to submit a "Contractor's Request for Payment Form" with each invoice

for payment. This form gives a breakdown of all subcontractors working on the project for that invoice period, description of work performed, and the amount invoiced. Failure of the Contractor to provide the "Contractor's Request for Payment Form" may result in the invoice not being paid until the Contractor has provided the form.

The Transit Services Division will require prime contractors to maintain records and documents of payments to DBEs for three (3) years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the Transit Services Division or FTA. This reporting requirement also extends to any certified DBE subcontractor. Interim audits of contract payments to DBEs will be performed to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the Schedule of DBE Participation Form.

A list of contract remedies available to the Transit Services Division is provided in Subpart F of this program.

Fostering Small Business Participation (§26.39)

The Transit Services Division has developed a Small Business Enterprise (SBE) component in compliance with 49 CFR Section 26.39 to increase the participation of small businesses on FTA-funded contracts.

The Federal Highway Administration (FHWA) released a memorandum as guidance for DOT recipients to formulate the requirements set forth in Section 26.39. The guidance from FHWA was considered when determining the size threshold and the appropriate components and strategies to foster SBE participation. The Transit Services Division has developed additional strategies to create effective contracting opportunities for small businesses. These innovative strategies have been incorporated in the SBE Program as elements set forth in Section 26.39 and the FHWA memorandum.

Pursuant to the amended regulations, the SBE component will be incorporated within the Transit Services Division's DBE Program upon approval from the FTA. Within nine (9) months of receiving FTA approval of the Transit Services Division's SBE Program Plans, it will begin to implement this program.

Small Business Element (SBE) Strategies

The specific strategies recommended in Section 26.39 are included in the Transit Services Division's SBE Program and are applicable only to federally assisted contracts. The strategies which the Transit Services Division uses are designed to be more effective in creating contracting opportunities for small businesses. The strategies are as follows:

- Identify subcontracting possibilities on large FTA-assisted contracts.
- Require prime contractors to identify small business sub-contracts on large procurement projects.
- Create standards for bidders on the prime contract in multi-year design-build contracts or other large contracts (e.g., for "megaprojects") to specify elements of the contract or specific subcontracts that are of a size that small businesses, including DBEs, can reasonably perform.
- Require prime contractors on contracts with no DBE goals to provide subcontract opportunities of a size that small businesses including DBEs, could reasonably perform, rather than self-performing all the work involved.
- Identify alternative acquisition procurements strategies structured to facilitate the ability of consortia or joint ventures consisting of small businesses, including DBEs, to compete for and perform prime contracts.

- Utilize procedures to meet the portion of the overall goal projected through race-neutral measures which ensure that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform.
- Identify steps to eliminate unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

Definition of Small Business Enterprise (SBE) Size Standard

The SBE size classification, as set forth in the FHWA guidance memorandum allows the Transit Services Division to define a small business using size standard appropriate to achieve the Section 26.39 objective of increasing the use of small businesses on the Transit Services Division's FTA-funded contracts. SBEs are therefore defined as micro small business enterprises (hereafter referred to as MSBE) with average annual revenue over a three-year period of less than \$500,000.

According to ReferenceUSA, in the United States approximately 64% of the businesses that provide the goods and services the Transit Services Division procures have annual revenue of less than \$500,000. Table 1 shows that 6.04% percent of the businesses in Florida that provide the goods and services the Transit Services Division procures have annual revenue of less than \$1 million, and 3.02% percent of the same types of businesses in the two-county service area (Volusia and Flagler) also have an annual revenue of less than \$1 million.

Table 1: Business Profile by Annual Revenue

Annual Revenue	United States	State of Florida	Votran Service Area
\$500,000 - \$999,999	19.81%	20.85%	6.04%
\$1,000,000 – \$2,500,000	20.05%	18.29%	3.02%
\$2,500,001 - \$4,999,999	6.91%	6.32%	0%
\$5,000,000 - \$10,000,000	3.20%	2.70%	0%
Over \$10M	4.94%	3.72%	0%

Source: Data Axle Reference Solutions (formerly ReferenceUSA)

Subpart C—Goals, Good Faith Efforts, and Counting

Set-asides or Quotas (§26.43)

The Transit Services Division does not use set-asides or quotas in any way in the administration of this DBE program unless as specified in the implementation of SBE participation in accordance with §26.39.

Overall Goal (§26.45)

In accordance with §26.45, the Transit Services Division will submit its triennial overall DBE goal to FTA on or before August 1, 2023. The Transit Services Division will also request use of project-specific DBE goals as appropriate and/or will establish project-specific DBE goals as directed by FTA. Project- or

contract-specific goals are adapted to the circumstances of each contract (e.g., type and location of work and availability of DBEs to perform the work).

The process used by the Transit Services Division to establish overall DBE goals conforms with §26.45 of 49 CFR and is based on the demonstrable evidence of DBE firms ready, able, and willing to participate/perform contracting opportunities derived from the Transit Services Division's FTA-assisted projects/contracts. The goal reflects the level of DBE participation anticipated, absent the effects of discrimination. Through this process, the Transit Services Division has established an overall goal of 5.2% for DBE participation in FTA-assisted contracts during FFYs 2024-2026. The calculations and data sources supporting this goal are included in Attachment 3.

The Transit Services Division also conducted the required direct consultation activities to inform the public of the proposed overall goal and its rationale. Flyers, email announcements, the Transit Services Division's website, and other sources were used to communicate the proposed goal to the public and seek input. The proposed goal was also available for inspection during normal business hours at the Transit Services Division and Volusia County's Purchasing Office for thirty-one (31) days following the date the proposed goal was made available on the Transit Services Division website (July 1, 2023). The notice informed the public that the Transit Services Division will accept comments on the goal for thirty-one (31) days from the date of the notice and the direct consultation opportunity required by §26.45(g). The notice included addresses to which comments may be sent and addresses (including offices and websites) at which the proposal may be reviewed. Documentation of the specific outreach efforts conducted for the FFY 2024-2026 overall DBE goal setting process is included in Attachment 4.

The Transit Services Division's submission to FTA includes:

- The goal, including the breakout of estimated race-neutral and race-conscious participation, as appropriate
- A copy of the methodology used to develop the goal
- A summary of information and comments received during the public participation process and the Transit Services Division's responses
- Proof of publication of the goal in any media outlets

The Transit Services Division will begin using the overall goal on October 1, 2023, unless other instructions are received from FTA. If the Transit Services Division establishes a goal on a project basis, it will begin using its goal by the time the first solicitation for an FTA-assisted contract for a project is advertised following this date.

Goal Setting and Accountability (§26.47)

The Transit Services Division cannot be penalized or treated by the Department as being in noncompliance with this rule, because the Transit Services Division DBE participation falls short of its overall goal, unless the Transit Services Division fails to administer the program in good faith. If the Transit Services Division does not have an approved DBE Program or overall agency goal, or if the Transit Services Division fails to implement the DBE Program in good faith, the Transit Services Division will be considered in noncompliance with this part.

If the awards and commitments shown on the Transit Services Division'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, it will:

1. Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments.
2. Establish specific steps and milestones to correct the problems identified in the analysis.
3. Submit the plan to FTA within ninety (90) days of the end of the affected fiscal year.

Transit Vehicle Manufacturers Goals (§26.49)

The Transit Services Division will require each Transit Vehicle Manufacturer (TVM), as a condition of being authorized to submit an offer on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, the Transit Services Division may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

Meeting Overall Goals and Contract Goals (§26.51)

Race-Neutral and Race-Conscious Participation (§26.51(a-c))

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 5 of this program. This section of the program will be updated every three (3) years when the goal calculation is updated.

Contract Goal (§26.51(d-g))

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

The Transit Services Division will establish contract goals only on FTA-assisted contracts that have subcontracting possibilities. It need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the work.)

The Transit Services Division will express the contract goals as a percentage of the total amount of an FTA-assisted contract.

Good Faith Efforts Procedures (§26.53)

Award of Contracts with a DBE (§26.53(a))

In instances in which a contract-specific DBE goal is included in procurement or solicitation, the Transit Services Division will not award the contract to a bidder that does not either (1) meet the contract goal with verified, countable DBE participation or (2) document that it has made adequate good faith efforts to meet the DBE contract goal, even though it was unable to do so. It is the obligation of the bidder to demonstrate that it has made sufficient good faith efforts prior to submission of its bid.

Information to be Submitted and Demonstration of Good Faith Efforts (§26.53(b-c))

The DBELO is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsible.

The Transit Services Division will ensure that all information is complete and accurate and adequate documents have been submitted showing good faith efforts before the Transit Services Division commits to the performance of the contract by the bidder/offeror.

1. The process used to determine whether good faith efforts have been made by a bidder are as follows. Each solicitation, for which a contract goal has been established, will require the DBELO to make a determination if the offeror has submitted the following information in compliance with Appendix A to Part 26: Names and addresses of DBE firms that will participate in the contract.
2. Description of the work that each DBE will perform.
3. Dollar amount of the participation of each DBE firm participating.
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal.
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment.
6. Evidence of good faith efforts if the contract goal is not met

Administrative Reconsideration (§26.53(d))

Within three (3) working days of being informed by the Transit Services Division that it is non-responsive because it has not documented sufficient good faith efforts, a bidder may request administrative reconsideration. A bidder must make this request in writing to the following reconsideration official: Bobbie G. King, Transit Services Director, 950 Big Tree Rd, South Daytona, FL 32119. The Reconsideration Official will not have played any role in the original determination that the bidder did not document sufficient good faith efforts.

As part of this reconsideration, the bidder will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder will have the opportunity to meet in person with the Reconsideration Official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. The Transit Services Division will send the bidder a written 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 result of the reconsideration process is not administratively appealable to FTA.

Good Faith Efforts When a DBE is Terminated/Replaced on a Contract with Contract Goals (§26.53(f-g))

The Transit Services Division requires that prime contractors not terminate a DBE subcontractor listed on a bid/contract with a DBE contract goal without its prior written consent. Prior written consent must be provided where there is "good cause" for termination of the DBE firm, as established by §26.53(f)(3).

Before transmitting to the Transit Services Division 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 the Transit Services Division prior to consideration of the request to terminate. The DBE will have five (5) days to respond and advise the Transit Services Division on why it objects to the proposed termination. The five-day period may be reduced if the matter is one of public necessity, e.g., safety.

In instances in which "good cause" exists to terminate a DBE's contract, the Transit Services Division will require a contractor to make good faith efforts to replace a DBE that is terminated 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 Transit Services Division will require the prime contractor to notify the DBELO immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, the Transit Services Division will require the prime contractor to obtain 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 timeframe specified, the Transit Services Division's DBELO or designee 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 Executive DBELO or designee may issue a termination for default proceeding.

Sample Bid Specification

The requirements of 49 CFR Part 26, Regulations of the DOT, apply to this contract. It is the policy of the Transit Services Division to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of ___% percent has been established for this contract. The bidder/offeror shall make good faith efforts, as participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; and (5) written documentation from the DBE that it is participating in the contract as provided in the commitment made under (4) and (5) if the contract goal is not met, evidence of good faith efforts.

When a contract goal is established pursuant to the Transit Services Division's DBE Program, the sample bid specification can be used to notify bidders/offerors of the requirements to make good faith efforts. The forms found at Attachment 6 can be used to collect information necessary to determine whether the bidder/offeror has satisfied these requirements. The sample specification is intended for use in both non-construction and construction contracts for which a contract goal has been established. It can be included in invitations for bid for construction, in requests for proposals for architectural/engineering and other professional services, and in other solicitation documents. A bid specification is required only when a contract goal is established.

Counting DBE Participation (§26.55)

The Transit Services Division will count DBE participation toward overall and contract goals as provided in §26.55. Only the value of the work actually performed by the DBE will count toward DBE goal as follows:

- The entire amount that is performed by the DBE.
- The entire amount of reasonable fees or commissions charged by a DBE firm for providing a bona fide service or for providing bonds or insurance required for the performance of the FTA-assisted contract
- The value of work subcontracted by a DBE to another DBE.

- When a DBE performs as part of a joint venture, the portion of the total dollar value of the contract equal to the distinct defined portion of the work of the contract that the DBE performs will be counted.
- Expenditures to a DBE contractor will be counted toward DBE goals only if the DBE is performing a commercially useful function on that contract as set forth in §26.55(c)(1-5). For determining whether a trucking company is performing a commercially useful function, the Transit Services Division will refer to §26(d)(1-6).
- For establishing whether expenditures for materials or supplies count toward DBE goals, the Transit Services Division will refer to §Part 26.55e.
- A DBE's participation will not be counted toward DBE goals of the prime contractor or the Transit Services Division's overall goal until the DBE is paid.

Subparts D and E—Certification Standards and Procedures

Unified Certification Programs (§26.81)

The Transit Services Division is a certifying member of the Unified Certification Program (UCP) administered by the Florida Department of Transportation Equal Opportunity Office (EEO), 605 Suwannee Street, MS 65, Tallahassee, FL 32399-0450. The EEO Office can be contacted by telephone: (850) 414-4747, fax: (850) 414-4879, and website at: fdot.gov/equalopportunity/dbesbepograms.shtm. To be certified as a DBE, a firm must meet all certification eligibility standards. The Florida UCP will meet all requirements of the certification procedures.

Procedures for Certification Decisions (§26.83 -26.89)

The Transit Services Division will follow the certification processes of Subpart E of Part 26 to determine the eligibility of firms to participate as DBEs in FTA-assisted contracts. Information regarding certification appeals will be included in the Transit Services Division's DBE program plans.

For information about the certification process or to apply for certification, firms should contact:

County of Volusia Transit Services Division
Disadvantaged Business Enterprise Liaison Officer
950 Big Tree Road
South Daytona, FL 32119
(386) 756-7496, ext.4099

Denials of Initial Requests for Certification (§26.86) (h)

Any firm or complaint may appeal Florida's UCP decision in a certification matter to DOT. A firm that has been denied DBE certification will be able to reapply within the next 12 months. Appeals may be sent to:

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

If DOT overturns the Transit Services Division's denial of a DBE application for certification, the Transit Services Division will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for its DOT assisted contracts.

Removal of a DBE's eligibility (§26.87)

If the DBELO determines based on review of the firm's record, there is reasonable cause to believe that the firm is ineligible. A written notice will be provided to the firm that it is being declared ineligible and will identify the reasons for the proposed determination. All statements of reasons for findings on the issue of reasonable cause must specifically reference the evidence in the record on which each reason is based. Information regarding the certification appeals process will be included in every DBE Program plan.

Certification Appeals (§26.89)

In compliance with CFR Part 26, a firm denied certification or whose eligibility is removed by a recipient, has the right to make an administrative appeal to FDOT. The Transit Services Division will coordinate with FDOT to promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for its DOT-assisted contracting (e.g., certify a firm if DOT has determined that denial of its application was erroneous).

Subpart F—Compliance and Enforcement

Information, Confidentiality, Cooperation (§26.109)

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

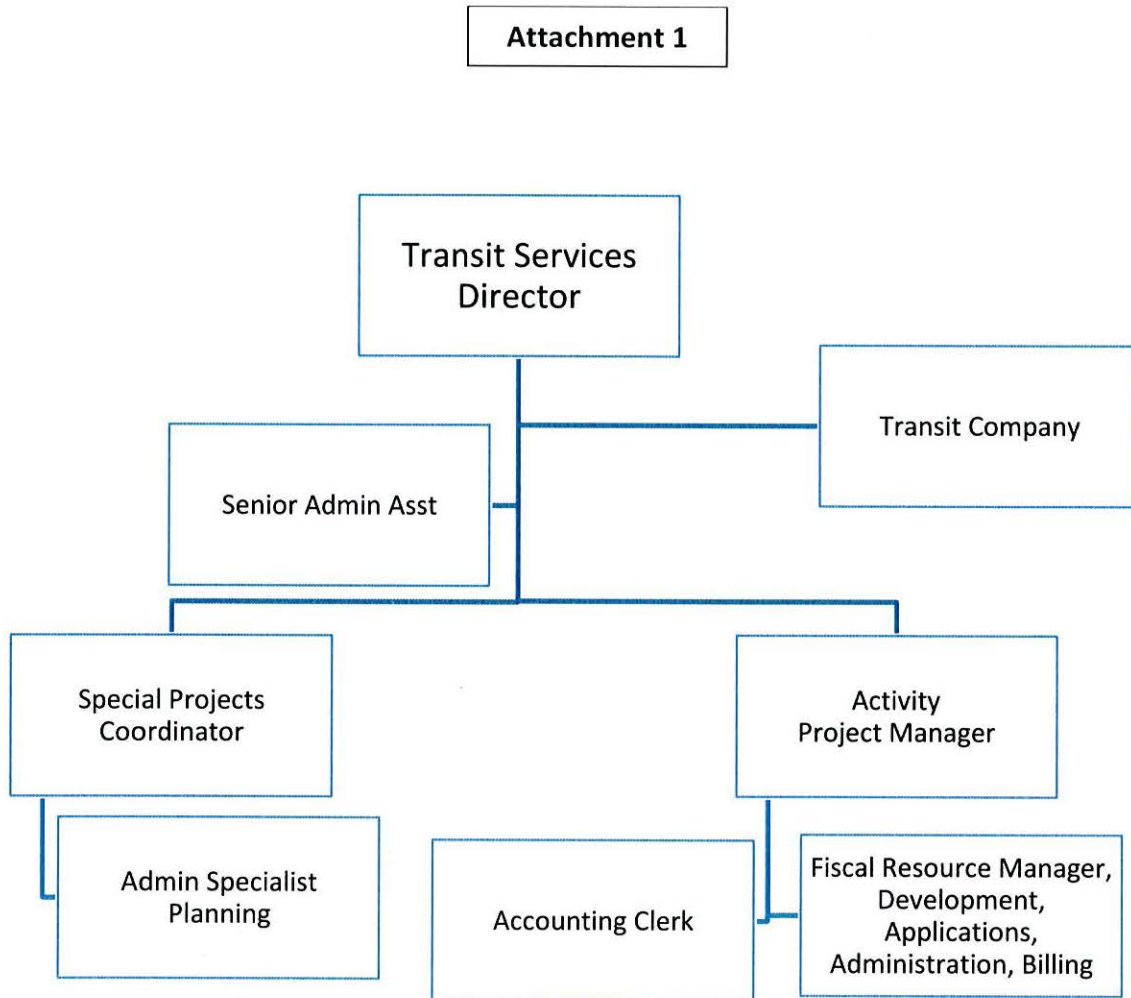
Notwithstanding any contrary provisions of state or local law, the Transit Services Division will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than FTA) without the written consent of the submitter.

Consequences of Non-Compliance

The Transit Services Division will provide appropriate means to enforce will provide appropriate means to enforce the requirements of §26.29. These means may include:

1. Withhold payments to the contractor under the contract until the contractor complies; and/or
2. Cancel, terminate, or suspend the contract, in whole or in part.

Attachment 1—Transit Services Division Organization Chart



The DBELO function is part of the Special Projects Coordinator (Transit Planning Manager) duties

Attachment 2—Monitoring and Compliance Mechanisms

Prime contractors shall provide the Transit Services Division with monthly updates as to the prime contractor's continuing compliance with the DBE requirements set forth in their contract. The prime contractor shall submit with each invoice a report of DBE expenditures (see "DBE Reporting" form below). Such a report must show each DBE, the amount of such DBE's subcontract, the amount earned to date, the amount earned with respect to that invoice and the amount remaining to be earned.

The Transit Services Division has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

1. Breach of contract action, pursuant to the terms of the contract
2. Breach of contract action, pursuant to State purchasing codes

In addition, the federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE program, including, but not limited to, the following:

1. Suspension or debarment proceedings pursuant to 49 CFR Part 26
2. Enforcement action pursuant to 49 CFR part 31
3. Prosecution pursuant to 18 USC 1001.

(Note: the examples provided above are not intended to be an exclusive or exhaustive list of the monitoring mechanisms and legal remedies used by DOT recipients).

VENDOR NAME / LOGO

Street Address
City, State, Zip Code
Telephone #

DBE REPORTING

Service Period 1/0/00 - 1/0/00

DBE Contract Amt: **\$ 15,500.00**

DBE Firm A: <u>Company Name A</u>	DBE Firm A Amount Allocated:	\$ 10,000.00
DBE Firm B: <u>Company Name B</u>	DBE Firm B Amount Allocated:	\$ 2,500.00
DBE Firm C: <u>Company Name C</u>	DBE Firm C Amount Allocated:	\$ 2,000.00
DBE Firm D: <u>Company Name D</u>	DBE Firm D Amount Allocated:	\$ 1,000.00
		\$ 15,500.00

DBE Firm	Amt Allocated	DBE Prev Billed	DBE Billed this period	YTD DBE Billed	DBE Remaining	Cummulative total % of DBE prev billed	% DBE this period	% YTD DBE
Company Name A	\$ 10,000.00	\$ 1,000.00	\$ 50.00	\$ 1,050.00	\$ 8,950.00	10.0%	0.5%	10.5%
Company Name B	\$ 2,500.00	\$ 50.00	\$ 60.00	\$ 110.00	\$ 2,390.00	2.0%	2.4%	4.4%
Company Name C	\$ 2,000.00	\$ 50.00	\$ 70.00	\$ 120.00	\$ 1,880.00	2.5%	3.5%	6.0%
Company Name D	\$ 1,000.00	\$ 50.00	\$ 80.00	\$ 130.00	\$ 870.00	5.0%	8.0%	13.0%
Total	\$ 15,500.00	\$ 1,150.00	\$ 260.00	\$ 1,410.00	\$ 14,090.00	7.4%	1.7%	9.1%

Attachment 3—FFYs 2024-2026 FTA Overall DBE Goal Calculation

As a recipient of FTA funds, the Transit Services Division must establish a DBE goal in accordance with 49 CFR §26.45. The Transit Services Division’s proposed DBE goal effective through September 30, 2026 is 5.2% of the federal financial assistance expended in FTA-assisted contracts. The DBE goal must be updated every three (3) years in accordance with FTA regulations and is due to FTA by August 1, 2023. The Transit Services Division’s DBE goal for FFYs 2024–2026 is calculated to change from the prior value of 10.75% to 5.2%. The calculation steps, data sources, and assumptions to support this calculation are documented herein.

DBE Goal-Setting Process Overview

The DBE goal-setting process consists of two steps, as described below.

Step 1. Determining the “Base” DBE Goal

Step 1.A Identifying Future FTA-Assisted Contracts and Associated North American Industry Classification System (NAICS) Codes

1. The budget for proposed projects or any other relevant documents is examined to ascertain the type and scope of projects involving FTA funds proposed for the upcoming three years.
2. The list of projects is analyzed to determine the types of firms/services by NAICS codes with which the Transit Services Division would likely engage to execute FTA-assisted projects.
3. Using Census definitions, a list of relevant NAICS codes is compiled based on the firm types identified in Step 1.A.2.

Step 1.B. Determining the Relative Availability of DBEs in the Market Area

1. The reasonable market area for procuring goods and services identified in Step 1.A must be identified to establish geographic parameters for statistical analysis.
 - Consistent with the current DBE goal and the Transit Services Division’s experience drawing contractors, the market area includes Volusia County and five nearby counties: Brevard, Flagler, Lake, Orange, and Seminole.
2. Once the geographic scope of the market area is determined, the availability of DBEs in the market area can be ascertained.
 - The primary source for this determination will be the State of Florida UCP directory. The UCP is a searchable listing of all certified DBE firms eligible to perform work under the FTA DBE Program.
 - The list of available DBEs is narrowed down through the identification of only firms that performed work relevant to the Transit Services Division’s upcoming FTA-assisted projects/expenditures (i.e., the same NAICS codes identified in Step 1.A.2).
3. The DBE firms identified in Step 1.B.2 for each NAICS code are tallied.

Step 1.C. Determining Relevant Market Conditions

1. Using the NAICS codes identified in Step 1.A.3, the most recent U.S. Census County Business Patterns (CBP) database is used to tally all firms available in the market area for each code.

Step 1.D. Calculating the "Base" DBE Goal

1. The total number of all available firms from the relevant NAICS categories from Step 1.C serves as the denominator and the total number of DBE firms determined in Step 1.B.3 serves as the numerator.
2. The resulting percentage is the "base" DBE goal.

Step 1.E. Calculating the "Weighted Base" DBE Goal

1. The percentage of available DBEs in the market area (from Step 1.B.3) relative to total number of firms for each NAICS code (from Step 1.C) for each contracting category is multiplied by the percentage of future FTA-assisted projects from Step 1.A.1 for each contracting category.
2. The summation of the percentages from Step 1.E.1 is the "weighted base" DBE goal.

Step 2. Determining Adjustments for the "Overall" DBE Goal

After the base DBE goal has been calculated in Step 1, additional information and data relevant to the Transit Services Division’s historical contracting experiences is considered to determine what adjustment, if any, to the base goal is appropriate to arrive at the final overall goal.

FFYs 2024–2026 DBE Goal Calculations

The Transit Services Division, in compliance with §26.45 has estimated an overall FTA DBE goal of 5.2% for FFYs 2024–2026. The goal was developed using the methodology previously described. The specific calculations and data sources supporting the calculated DBE goal are provided below.

Step 1. Calculation of Base Goal

The Transit Services Division’s future anticipated FTA-assisted contracting opportunities for FFYs 2024–2026 were identified and include the following projects:

Table 2: Base DBE Goal Determination

NAICS Code ¹	Description	No. of DBE Firms ²	Total Firms ³
541850	Indoor and Outdoor Display Advertising	0	26
561720	Janitorial Services	9	1,145
315210	Cut and Sew Apparel Contractors	1	14
561311	Employment Placement Agencies	1	80
323111	Commercial Printing	0	175
423120	Motor Vehicle Supplies and New Parts Merchant Wholesalers	0	121
334310	Audio and Video Equipment Manufacturing	0	0
Total:		11	1,561
Base DBE Goal⁴:			0.7%

¹ Source: U.S. Census Bureau, <https://www.census.gov/eos/www/naics/index.html>

² Source: FDOT UCP DBE Directory for the market area

³ U.S. Census CBP for the market area

⁴ Total number of DBE firms (Item 2) ÷ total firms (Item 3)

Table 3 illustrates the allocation of future FTA-funded projects under each contracting opportunity and associated NAICS codes. For each contracting opportunity, the percentage of available DBEs in the market area is calculated.

Table 3: DBE Availability by Contracting Category

Contracting Category	NAICS Codes ¹	DBE Firms ²	Total Firms ³	% DBE ⁴
Advertising	541850: Indoor and Outdoor Display Advertising	0	26	0.0%
Janitorial Services	561720: Janitorial Services	9	1,145	0.8%
Clothing/Apparel	315210: Cut and Sew Apparel Contractors	1	14	7.1%
Staffing/Recruitment	561311: Employment Placement Agencies	1	80	1.3%
Printing Services	323111: Commercial Printing	0	175	0.0%
Vehicle Parts	423120: Motor Vehicle Supplies and New Parts Merchant Wholesalers	0	121	0.0%
Public Announce System	334310: Audio and Video Equipment Video Manufacturing	0	0	0.0%
Tire Racks Fabrication	423120: Motor Vehicle Supplies and New Parts Merchant Wholesalers	0	121	0.0%

¹ Source: U.S. Census Bureau <https://www.census.gov/eos/www/naics/index.html>

² Source: FDOT UCP DBE Directory for the market area

³ U.S. Census CBP for the market area

⁴ Total number of DBE firms (Item 4) ÷ total number of firms for each contracting category (Item 5)

Table 4 summarizes the total anticipated FTA-funded contract values for FFYs 2024–2026 allocated to each contracting category.

Table 4: Allocation of Total Contract Value by Contracting Category

Contracting Category	Total Contracting Opportunity	% of Total Contracting Value
Advertising	\$0	0.0%
Janitorial Services	\$279,000	16.4%
Clothing/Apparel	\$150,000	8.8%
Staffing/Recruitment	\$525,000	30.8%
Printing Services	\$240,000	14.1%
Vehicle Parts	\$450,000	26.4%
Public Announce System	\$50,000	2.9%
Tire Racks Fabrication	\$9,000	0.5%
Total	\$1,703,000	100.0%

Source: Volusia County Transit Services Division Staff

The weighted base goal is calculated by multiplying the percent of available DBEs for each contracting opportunity from Table 3 by the percent of the total contracting opportunity value from Table 4. The resulting sum is the weighted DBE goal of 1.1%.

Table 5: Weighted DBE Goal

Contracting Category	% DBE ¹	% of Total Contracting Value ²	Weighted DBE Goal ³
Advertising	0.0%	0.0%	0.0%
Janitorial Services	0.8%	16.4%	0.1%
Clothing/Apparel	7.1%	8.8%	0.6%
Staffing/Recruitment	1.3%	30.8%	0.4%
Printing Services	0.0%	14.1%	0.0%
Vehicle Parts	0.0%	26.4%	0.0%
Public Announce System	0.0%	2.9%	0.0%
Tire Racks Fabrication	0.0%	0.5%	0.0%
Weighted Base Goal:			1.1%

¹ Source: Table 3

² Source: Table 4

³ Sum of % DBE × % of Total Contracting Value for each category

Step 2. Adjustment to Base Goal

Step 2 of the goal setting process is to examine all evidence available to determine what adjustment, if any, to the base figure is appropriate. In this case, historical DBE payments (or past participation of DBE firms in the Transit Services Division contracting opportunities) are most appropriate to consider for a potential adjustment to the base goal given that the types of upcoming FTA-assisted contracting opportunities are very similar to those awarded over the past three years. Since DBE firms are often subcontractors to non-DBE firms for the Transit Services Division projects, examining bid responsiveness

may not accurately portray DBE firm’s participation in these similar contracts. Over the past three years, the Transit Services Division has achieved a median 9.4% payment to DBE firms relative to all FTA-assisted contract payments (Table 6).

Table 6: Historical DBE Participation in FTA-Assisted Contracts

Semi-Annual Reporting Period Ending	DBE Contractor Payments ¹	Total Contractor Payments ¹	% DBE ²
December 2019	\$121,583	\$1,005,584	12.1%
June 2020	\$0	\$187,952	0.0%
December 2020	\$0	\$864,883	0.0%
June 2021	\$243,118	\$3,676,786	6.6%
December 2021	\$222,484	\$222,484	100.0%
June 2022	\$193,268	\$193,286	100.0%
Median	\$780,453	\$6,150,975	9.4%

¹ Source: Volusia County Semi-Annual DBE Reports submitted to FTA

² DBE Contractor Payments ÷ Total Contractor Payments

Since the historical median DBE payments relative to total payments is greater than the calculated goal for the upcoming three-year period, it is averaged with the weighted DBE goal, yielding the adjusted overall DBE goal. **The final overall DBE goal for FFYs 2024–2026 is 5.2%.**

Table 7: Final FFY 2024-2026 DBE Goal

Weighted Base DBE Goal ¹	Historical Median Contract Payment to DBEs ²	Adjusted Overall DBE Goal ³
1.1%	9.4%	5.2%

¹ Source: Table 5

² Source: Table 6

³ (Weighted Base DBE Goal + Median Contract Payments to DBEs) ÷ 2

Attachment 4—Public Outreach Activities for Goal Setting

DBE Goal-Setting Public Outreach/Consultation Requirements

Section 26.45(g) of Title 49, CFR Part 26 requires specific consultation activities as part of the overall DBE goal setting process as follows:

(g)(1) In establishing an overall goal, you must provide for consultation and publication. This includes:

(i) Consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and your efforts to establish a level playing field for the participation of DBEs. The consultation must include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and it must occur before you are required to submit your methodology to the operating administration for review pursuant to paragraph (f) of this section. You must document in your goal submission the consultation process you engaged in. Notwithstanding paragraph (f)(4) of this section, you may not implement your proposed goal until you have complied with this requirement.

(ii) A published notice announcing your proposed overall goal before submission to the operating administration on August 1st. The notice must be posted on your official Internet Web site and may be posted in any other sources (e.g., minority-focused media, trade association publications). If the proposed goal changes following review by the operating administration, the revised goal must be posted on your official Internet Web site.

(g)(2) At your discretion, you may inform the public that the proposed overall goal and its rationale are available for inspection during normal business hours at your principal office and for a 30-day comment period. Notice of the comment period must include addresses to which comments may be sent. The public comment period will not extend the August 1st deadline set in paragraph (f) of this section.

DBE Goal-Setting Public Consultation Activities

Publication of Notice

The Transit Services Division is required to publish notice announcing the proposed DBE goal before submitting the methodology to FTA. This notice was made available on the Transit Services Division's website throughout July 2023. A copy of the notice is provided at the end of this section. Additionally, several news articles were published regarding the DBE goal public consultation.

Public Consultation Process

Prior to submitting the goal setting methodology to FTA for review, 49 CFR 26.45(g)(1) requires recipient agencies to provide opportunities for consultation with stakeholder groups. This regulatory provision states that consultation with stakeholder groups must include a scheduled, direct, interactive exchange (e.g., an in-person meeting, video conference, teleconference) with as many interested stakeholders as possible.

A virtual DBE goal-setting workshop was held July 19, 2023, at 3 p.m. via Zoom. To advertise the workshop, an announcement was posted on the Transit Services Division's website one week prior. News articles were also published to notify the public of the upcoming workshop. An initial invitation to participate, as well as a follow-up reminder notice, were also directly emailed to registered DBEs and organizations that support DBEs in the established geographic market area. The webinar was attended by nine participants including staff and presenters, and there were no comments or questions regarding the DBE goal or the goal-setting process. After the webinar, one webinar listener reached out to inquire about how disability is incorporated in DBE designation and was referred to the USDOT website for further detail: www.transportation.gov/civil-rights/disadvantaged-business-enterprise/do-you-qualify-dbe. Outside the webinar, there were no comments or questions received during the public comment period regarding the DBE goal or goal-setting process.

Copies of the goal and webinar ad/registration notice, website and news articles, and presentation are provided in Attachment 8.

Attachment 5—Breakout of Estimated Race-Neutral & Race-Conscious Participation

The Transit Services Division will meet the maximum feasible portion of the overall goal by using race-neutral means of facilitating DBE participation. To ensure that the Transit Service Division’s DBE program will be narrowly tailored to overcome the effects of discrimination, if it uses contract goals, it will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see §26.51(f)), and it will track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following:

- DBE participation through a prime contract it obtains through customary competitive procurement procedures.
- DBE participation through a subcontract on a prime contract that does not carry a DBE goal.
- DBE participation on a prime contract exceeding a contract goal.
- DBE participation through a subcontract from a prime contractor that did not consider a firm’s DBE status in making the award.

The Transit Services Division will maintain data separately on DBE achievements in those contracts with and without contract goals, respectively.

Attachment 6—Forms 1 & 2 for Demonstration of Good Faith Efforts

Form 1: Disadvantaged Business Enterprise (DBE) Utilization

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner (please check the appropriate space):

The bidder/offeror is committed to a minimum of _____% DBE utilization on this contract.

The bidder/offeror (if unable to meet the above goal) is committed to a minimum of _____%

DBE utilization on this contract and submits documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: _____

State Registration No. _____

By _____ (Signature) _____ (Title)

Form 2: Letter of Intent

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE firm:

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is \$ _____

Affirmation

By _____

(Signature)

(Title)

If the bidder/offeror does not receive award of the prime contract, any and all representation in this letter of Intent and affirmation shall be null and void.

Attachment 7—Certification Application Forms

The Florida Department of Transportation includes a copy of the state's UCP agreement on the following webpage: <https://www.fdot.gov/equalopportunity/dbecertification.shtm>

COUNTY OF VOLUSIA
TRANSIT SERVICES DIVISION (d/b/a VOTRAN)
DBE CERTIFICATION PROCEDURES

An eligible DBE is a business which is organized to engage in commercial transactions, which is domiciled in Florida, and which is at least 51 percent owned by minority persons and women whose management and daily operations are controlled by such persons; which fulfills a commercially useful business function; and, which employs 50 or fewer permanent full-time employees averaged over a two-year period; and that has a net worth of not more than \$750,000. As applied to sole proprietorships, the \$750,000 net worth requirement shall include both personal and business assets.

CONDITIONS OF APPLICATION

APPLICANT AGREES to permit County of Volusia and its representative access to, and inspection of, the applicant's place(s) of business and business records.

SUBMISSION OF THIS APPLICATION INDICATES that the applicant understands and accepts the conditions of participation in the County's DBE Certification Procedures.

VOLUSIA COUNTY RESERVES the RIGHT to require further information from the applicant prior to ordering the certification process.

VOLUSIA COUNTY RESERVES the RIGHT to deny or revoke certification for cause.

It is the RESPONSIBILITY of the APPLICANT to demonstrate that his/her business meets the criteria as set forth in this certification process.

NOTE: The effective date of the application is the date when all the required documentation has been submitted, not the date of submission of an incomplete packet.

Please complete all questions in full. Any questions not applicable to the company should be marked "N/A". Applicants are to ensure that the Application is signed, notarized and include all requested documents. If it is impossible to submit any document listed, provide an explanation on a separate sheet as to why it cannot be submitted.

Applicants denied certification may request an administrative review of the determination. A request for administrative review must be in writing and mailed or delivered to the County within ten (10) days of notification of the decision.

Attachment 8—Public Consultation Materials

Figure 1: Volusia Transit Services Division Webinar Ad

Votran to host virtual public meeting

[Home](#) > [News releases](#)

Posted On: July 12, 2023

The County of Volusia Transit Services Division, known as Votran, is inviting the public to participate in updating its Disadvantaged Business Enterprise (DBE) goal. As a part of the goal-setting process, Votran is holding a 30-day public comment period until July 31, to gather feedback before submitting the goal to the Federal Transit Administration (FTA) for review and acceptance.

A free webinar will be held from 3 to 4 p.m. on Wednesday, July 19, to provide information and answer questions about the 2023 DBE goal. Interested individuals can register for the webinar by visiting https://benesch.zoom.us/meeting/register/tZltdu6vrzluH93R4zT471BUjIXkFA_CUlod.

The DBE program aims to ensure equal opportunities for disadvantaged business enterprises in the award and administration of U.S. Department of Transportation (DOT) FTA-assisted contracts. The program seeks to address past and current discrimination against DBEs, promote fair competition, enhance program efficiency, and alleviate burdens on small businesses.

"We are dedicated to supporting our community and fostering nondiscrimination of disadvantaged business enterprises," said Ralf Heseler, the Transit Services Division's DBE Liaison Officer. "We encourage the public to participate and join us for the informative webinar to learn more about our goals and the DBE program."

To participate in the public comment period, individuals can review the program at <https://www.votran.org/about-us/doing-business.stml> and provide comments to Ralf Heseler at rheseler@volusia.org or by calling 386-756-7496.

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Notice under the Americans with Disabilities Act (Title II)

Pursuant to Title II of the ADA, Volusia County does not discriminate against qualified individuals with disabilities in providing or conducting its services, programs, or activities. Anyone requiring an auxiliary aid or service for effective communication, or a modification of county policies to participate in a meeting or other event, should contact the county's ADA Title II coordinator, Jim Corbett, at [386-248-1760](tel:386-248-1760) no later than two business days before the event or meeting.

Figure 2: West Volusia Beacon Webinar Ad

Votran to host virtual public meeting

By Community Information - July 12, 2023 65 0



PHOTO COURTESY VOLUSIA COUNTY

The County of Volusia Transit Services Division, known as Votran, is inviting the public to participate in updating its Disadvantaged Business Enterprise (DBE) goal. As a part of the goal-setting process, Votran is holding a 30-day public comment period until July 31, to gather feedback before submitting the goal to the Federal Transit Administration (FTA) for review and acceptance.

A free webinar will be held from 3 to 4 p.m. on Wednesday, July 19, to provide information and answer questions about the 2023 DBE goal. Interested individuals can register for the webinar by visiting https://benesch.zoom.us/meeting/register/tZItdu6vrzluH93R4zT471BUjXkFA_CUlod.

The DBE program aims to ensure equal opportunities for disadvantaged business enterprises in the award and administration of U.S. Department of Transportation (DOT) FTA-assisted contracts. The program seeks to address past and current discrimination against DBEs, promote fair competition, enhance program efficiency, and alleviate burdens on small businesses.



"We are dedicated to supporting our community and fostering nondiscrimination of disadvantaged business enterprises," said Ralf Heseler, the Transit Services Division's DBE Liaison Officer. "We encourage the public to participate and join us for the informative webinar to learn more about our goals and the DBE program."

To participate in the public comment period, individuals can review the program at <https://www.votran.org/about-us/doing-business.shtml> and provide comments to Ralf Heseler at rheseler@volusia.org or by calling 386-756-7496.

Figure 3: Port Orange Connection Webinar Ad

Votran seeks public input in updating Disadvantaged Business Enterprise goal.

Wed, Jul 12, 2023 at 12:30PM

Written by Kristen Schmutz

Belden Communications News



Votran, Volusia County's Transportation Service, is seeking public involvement in updating its Disadvantaged Business Enterprise (DBE) goal by initiating a public comment period that will run until July 31, during which individuals are encouraged to provide their feedback before submitting the DBE to the Federal Transit Administration (FTA) for thorough review and acceptance.

As part of their comprehensive outreach efforts, Votran has organized a complimentary webinar for Wednesday, July 19, from 3 to 4 p.m. to provide interested parties with valuable information and offer an opportunity to ask questions regarding the 2023 DBE goal.

The primary objective of the DBE program is to ensure equal opportunities for disadvantaged business enterprises in awarding and administering contracts supported by the U.S. Department of Transportation (DOT) and the Federal Transit Administration (FTA). By implementing this program, the authorities strive to rectify past and current instances of discrimination against DBEs, foster fair competition, enhance program efficiency, and alleviate burdens faced by small businesses.

"We are dedicated to supporting our community and fostering non-discrimination of disadvantaged business enterprises," said Ralf Heseler, the Transit Services Division's DBE Liaison Officer. "We encourage the public to participate and join us for the informative webinar to learn more about our goals and the DBE program."

To secure a spot in the webinar, individuals can register by visiting the following link: https://benesch.zoom.us/meeting/register/tZltdu6vrzluH93R4zT471BUjlXkfa_CULod.

Interested individuals can access the program details and related information on the official Votran website at

<https://www.votran.org/about-us/doing-business.shtml>. Feedback, comments, and suggestions can be submitted to Ralf Heseler via email at rheseler@volusia.org or by calling 386-756-7496.

Figure 4: Webinar Presentation Slides



INTRODUCTION: MISSION

Mission Statement

Volusia Transit Services Division's mission is to identify and safely meet the mobility needs of Volusia County. This mission will be accomplished through a courteous, dependable and an environmentally-sound team commitment to quality service.



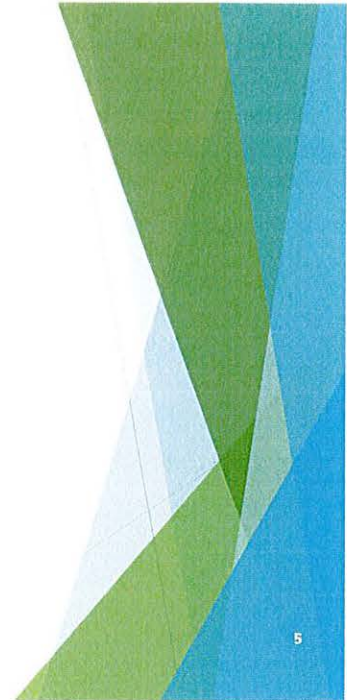
FTA OVERALL DBE GOAL

- Required by 49 CFR Part 26 since Volusia Transit Services Division receives Federal Transit Administration (FTA) funds
- Goal for Disadvantaged Business Enterprise (DBE) participation of FTA-assisted contracts
- Overall goal for three-year period (not contract-specific)



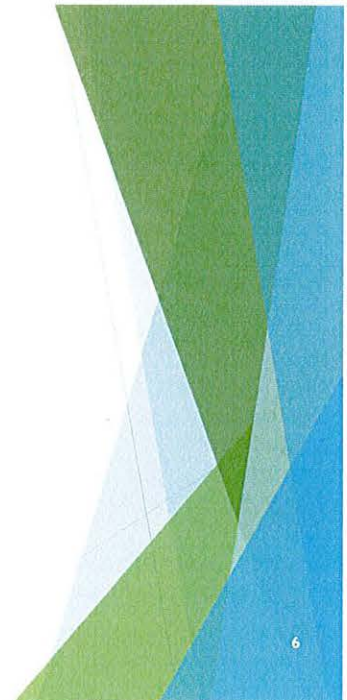
FTA OVERALL DBE GOAL

- Must be updated every three years
- Goal calculation method due to FTA by August 1st (of year due); effective October 1st
- Methodology reviewed and accepted by FTA
- This goal is effective Federal Fiscal Years (FFYs) 2024-2026



TRANSIT SERVICES DIVISION DBE PROGRAM GOALS

- Resolve any potential discrimination against DBEs
- Ensure a “level playing field” for DBEs to fairly compete for FTA-assisted contracts
- Improve the flexibility and efficiency of the DBE program
- Reduce burdens on small businesses



GOAL CALCULATION PROCESS

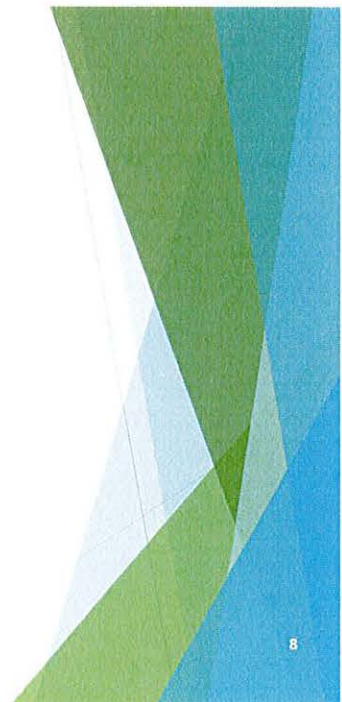
The overall DBE goal must:

- Be based on DBE availability relative to the market area
- Not be simply based on:
 - The 10% national goal
 - Transit Services Division’s previous overall goal, or
 - Transit Services Division’s historical DBE participation
- Include required consultation and publication



FTA-FUNDED CONTRACTS FFY 2024 - 2026

Contracting Category	Total Contracting Opportunity	% of Total Contracting Value
Advertising	\$ -	0.0%
Janitorial Services	\$ 279,000	16.4%
Clothing/Apparel	\$ 150,000	8.8%
Staffing/Recruitment	\$ 525,000	30.8%
Printing Services	\$ 240,000	14.1%
Vehicle Parts	\$ 450,000	26.4%
Public Announce System	\$ 50,000	2.9%
Tire Racks Fabrication	\$ 9,000	0.5%
Total	\$ 1,703,000	100.0%



GOAL CALCULATION PROCESS

Step 1: Base Goal

*NAICS = North American Industry Classification System

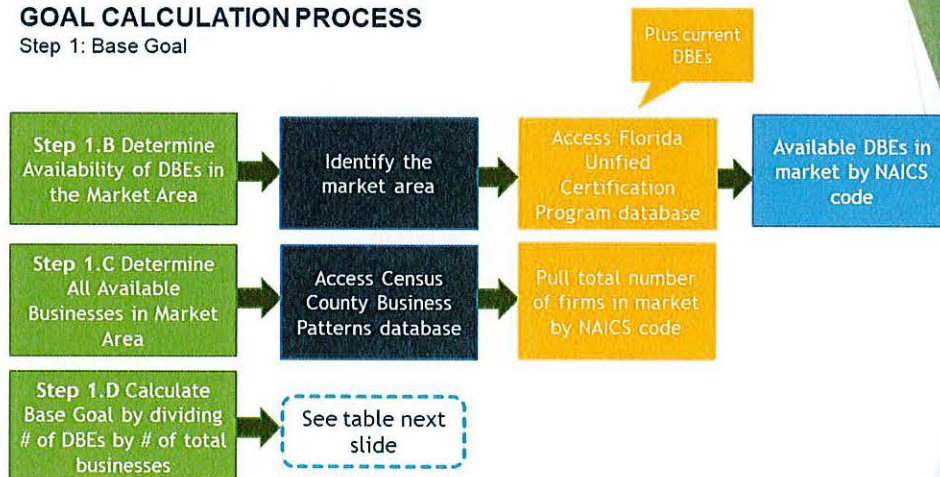


NAICS Code	Description
541850	Indoor and Outdoor Display Advertising
561720	Janitorial Services
315210	Cut and Sew Apparel Contractors
561311	Employment Placement Agencies
323111	Commercial Printing
423120	Motor Vehicle Supplies and New Parts Merchant Wholesalers
334310	Audio and Video Equipment Manufacturing

Source for NAICS Codes: US Census Bureau

GOAL CALCULATION PROCESS

Step 1: Base Goal



GOAL CALCULATION PROCESS

Step 1D: Base Goal

NAICS Code	Description	No. of DBE Firms	Total Firms	
541850	Indoor and Outdoor Display Advertising	0	26	0.0%
561720	Janitorial Services	9	1,145	0.8%
315210	Cut and Sew Apparel Contractors	1	14	7.1%
561311	Employment Placement Agencies	1	80	1.3%
323111	Commercial Printing	0	175	0.0%
423120	Motor Vehicle Supplies and New Parts Merchant Wholesalers	0	121	0.0%
334310	Audio and Video Equipment Manufacturing	0	0	0%
Total:		11	1,561	0.7%

1. Source: US Census Bureau <https://www.census.gov/ipeds/data/naics/2012/naics.html>
2. Source: FDOT VCP DBE Directory for Brevard, Polk, Lake, Orange, Seminole, and Volusia counties ("the six counties")
3. U.S. Census CBP for the six counties
4. Total number of DBE firms (item 2) divided by total firms (item 3)

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GOAL CALCULATION PROCESS

Step 1E: Weighted Base Goal

Contracting Category	% DBE	% of Total Contracting Value	Weighted DBE Goal
Advertising	0.0%	0.0%	0.0%
Janitorial Services	0.8%	16.4%	0.1%
Clothing/Apparel	7.1%	8.8%	0.6%
Staffing/Recruitment	1.3%	30.8%	0.4%
Printing Services	0.0%	14.1%	0.0%
Vehicle Parts	0.0%	26.4%	0.0%
Public Announce System	0.0%	2.9%	0.0%
Tire Racks Fabrication	0.0%	0.5%	0.0%
Weighted Base Goal:			1.1%

1. Source: Table 2
2. Source: Table 3
3. Sum of % DBE x % of Total Contracting Value for each category

Step 1.E Calculate "Weighted Base" DBE Goal

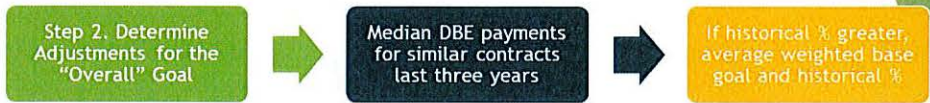
Multiply % DBE by % total FTA funded contracts by category

Sum resulting percents to obtain "weighted base" DBE goal

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GOAL CALCULATION PROCESS

Step 2: Adjusted Goal



Semi-Annual Reporting Period Ending	DBE Contractor Payments	Total Contractor Payments	% DBE
December 2019	\$ 121,583	\$ 1,005,584	12.1%
June 2020	\$ -	\$ 187,952	0.0%
December 2020	\$ -	\$ 864,883	0.0%
June 2021	\$ 243,118	\$ 3,676,786	6.6%
December 2021	\$ 222,484	\$ 222,484	100.0%
June 2022	\$ 193,268	\$ 193,286	100.0%
Median	\$ 658,870	\$ 5,145,391	9.4%

Weighted Base DBE Goal	Median Contract Payments to DBEs	Adjusted Overall DBE Goal
1.1%	9.4%	5.2%

**FFY 2024-2026
DBE Goal = 5.2%**

1. Source: Volusia Transit Services Division Semi-Annual DBE Reports submitted to FTA.
 2. DBE contractor payments divided by total contractor payments for each reporting period.

Race-Conscious versus Race-Neutral Goal

- ▶ Because historical participation exceeds base goal assume that all efforts will be race neutral

PUBLIC COMMENT PERIOD

- 30-day public comment period: July 1-31, 2023
- Public outreach/comment activities
 - Virtual meeting: July 19, 3 pm
 - Volusia Transit Services Division website posting
 - Email to DBEs in Market Area
 - Advertisement: *Daytona Beach News-Journal, La Prensa, Daytona Times*
- Organizations
 - Volusia Hispanic Chamber of Commerce
 - Small Business Development Center (Daytona State College)
 - African American Entrepreneurs Association- Daytona
 - Urban Chamber of Commerce- Daytona

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PUBLIC COMMENT PERIOD

Questions?

For more information please contact:
Ralf Heseler, DBE Liaison Officer
(386) 756-7496
rheseler@volusia.org



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