



OmniTrans



DBE

DISADVANTAGED BUSINESS ENTERPRISE

PROGRAM PLAN MAY 2021

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I. **POLICY STATEMENT AND PROGRAM OBJECTIVES**

A. **Policy Statement/Objectives (§26.3, §26.7, §26.21, §26.23)**

OMNITRANS has established and adopted a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation, Title 49, Code of Federal Regulations (CFR), Part 26 “Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.” OMNITRANS receives Federal financial assistance from the Department of Transportation (DOT), and as a condition of receiving this assistance, OMNITRANS has signed an assurance that it will comply with Title 49 CFR Part 26. The DBE Program applies to all OMNITRANS DOT-assisted projects.

It is the policy of OMNITRANS to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to compete for and participate in the performance of all OMNITRANS DOT–assisted contracts and subcontracts.

Pursuant to the intent of these Regulations, the OMNITRANS policy objectives are to seek the following:

1. Ensure non-discrimination in the award and administration of all OMNITRANS DOT-assisted contracts and subcontracts;
2. Create a level playing field by which DBEs can fairly compete for and perform in OMNITRANS DOT-assisted contracts;
3. Ensure that the OMNITRANS DBE Program is narrowly tailored in accordance with applicable law and current legal standards, including the Ninth Circuit Ruling in *Western States Paving vs. Washington State Department of Transportation*;
4. Ensure that only firms meeting 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. Help remove procurement and contracting barriers, which impede DBE participation in OMNITRANS DOT-assisted contracts;
6. Monitor and enforce contractor compliance in meeting established goal objectives and program requirements;
7. Assist DBEs and Small Businesses increase their ability to compete successfully in the marketplace; and
8. Ensure OMNITRANS contractors and subcontractors take all necessary and reasonable steps to comply with these policy objectives.

As evidence of OMNITRANS commitment to pursue these policy objectives, Frank Holland has been designated, as the DBE Liaison Officer (DBELO). In this capacity Mr. Holland is responsible for implementing all aspects of the DBE program. The DBELO has direct access to the Chief Executive Officer for DBE-related matters.

Implementation of the DBE Program is afforded the same priority as compliance with all other legal obligations incurred by OMNITRANS in its financial assistance agreements with DOT. It is the expectation of the CEO/General Manager that all OMNITRANS personnel shall adhere to the full spirit and intent of the DBE program in pursuing all DBE requirements, accordingly.

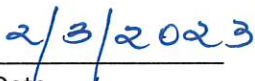
OMNITRANS will disseminate this policy statement to all of the departments. Additionally, OMNITRANS will distribute this policy to DBE and non-DBE business communities that are interested in or performing work on OMNITRANS projects.

In response to requirements set forth under 49 CFR Part 26; "Participation of Disadvantaged Business Enterprises in U.S. Department of Transportation Programs," effective March 4, 1999, and subsequently issued DOT Directives and Final Rules, OMNITRANS will ensure DOT-assisted contracting and procurement processes promote equity in access, consideration and opportunity for DBEs and other small businesses

Erin Rogers, Interim CEO/General Manager



(Signature of Chief Executive Officer)



Date

B. Applicability (§26.3, §26.21)

As a 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. As a direct recipient of federal funds from DOT, and as a condition of federal financial assistance, OMNITRANS is required to submit for approval to the DOT Operating Administration from which it receives the majority of its funding, a DBE Program developed in accordance with federal regulations published under 49 CFR Part 26 and subsequent guidance. This DBE Program sets forth the policies and procedures to be implemented by OMNITRANS to ensure that DBEs have an equitable opportunity to participate in OMNITRANS DOT-assisted contracting opportunities.

In direct response to these regulatory requirements, OMNITRANS hereby establishes a DBE Program, which will:

1. Comply with federal regulations and financial assistance agreements;
2. Meet legal standards for narrow-tailoring requirements;
3. Ensure non-discrimination in the award of DOT-assisted contracts; and
4. Reaffirm the commitment to fairness and the principles of equal opportunity.

In conformance with 49 CFR Part 26, OMNITRANS will continue to carry out its DBE Program until all DOT funds have been expended.

OMNITRANS additionally complies with the California Department of Transportation's (Caltrans') DBE Program on projects on which it is a sub-recipient of federal funds through Caltrans.

OMNITRANS will advise all applicable DOT Operating Administrations of any significant updates and/or changes to this DBE Program.

In the event of any conflicts or inconsistencies between the DBE Program Regulations, 49 CFR Part 26, and the OMNITRANS DBE Program with respect to DOT-assisted contracts, the Regulations shall prevail.

C. Definition of Terms (§26.5)

All terms used in this DBE Program shall have the meaning set forth in 49 CFR Part 26, (See DBE Program Regulations, 49 CFR Part 26 in Exhibit A, § 26.5).

D. Non-Discrimination Requirements (§26.7)

OMNITRANS 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, OMNITRANS 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.

E. Reporting to DOT (§26.11)

OMNITRANS will submit to the applicable DOT Operating Administration the “Uniform Report of DBE Awards or Commitments and Payments” (See Exhibit E) semi-annually on June 1 and December 1 of each year, as required. The June 1 report will include DBE activity from October 1 through March 31. The December 1 report will include DBE activity from April 1 through September 30. This report presents a summary of U.S. DOT-assisted prime contracts and subcontracts awarded or committed to as well as actual payments for contracts completed and the associated dollar value during each reporting period. OMNITRANS will include non-TVM vehicle purchases and payments with each Uniform Report.

To ensure Uniform Reports are timely and accurately submitted, OMNITRANS has implemented the following procedure:

1. Update all solicitation language for FTA-assisted projects that requires contractors to report awards and payments to all subcontractors on a monthly basis
2. Place the responsibility of collecting and reporting Uniform Report data directly on the DBELO
3. Request award and payment data from subrecipients no less than 30 days prior to FTA due dates
4. Begin collecting all Uniform Report data no less than 45 days prior to due dates.
5. Implement an electronic reporting system to allow for contemporaneous data reporting and expedited Uniform Report generation.

Expenditures for FTA-assisted transit vehicle procurements are not included in the funding base used to calculate the overall goal for DBE participation. OMNITRANS shall submit TVM purchase information to FTA within 30 days of making an award.

Upon request, OMNITRANS will compile and submit ad-hoc DBE contract award and progress reports for U.S. DOT-assisted projects. Furthermore, OMNITRANS will continue to provide reports relative to the OMNITRANS DBE Program, as directed. These reports will provide DBE participation information on OMNITRANS race-neutral and gender-neutral contracts on all U.S. DOT-assisted procurement activities.

OMNITRANS has developed a detailed record keeping system as a mechanism for monitoring and tracking DBE commitments/attainments. The system includes recently updated procedures to comply with DOT regulations and maintenance of support documentation including subcontractor commitments, contract documents for all subcontractors, and Monthly DBE Subcontractors Paid Report Summary and Payment Verification (Exhibit D) from prime contractors. OMNITRANS has also implemented an electronic reporting system for award and payment amounts that will allow for the streamlined generation of the Uniform Report.

F. Bidders List (§26.11)

OMNITRANS has developed and maintains a Bidders List consisting of all firms bidding on prime contracts, and bidding or quoting subcontracts on OMNITRANS DOT-assisted projects/contracts. OMNITRANS utilizes, a third-party online bidding system, to capture bidder information.

The following information is included in the bidders list:

1. Firm Name;
2. Address;
3. Status as a DBE or non-DBE;
4. Age of Business; and
5. Annual Range of Gross Receipts.

G. Federal Financial Assistance Agreement Assurance (§26.13 {a})

OMNITRANS has signed the following assurances as a condition of financial assistance agreements with the DOT, and which is hereby made applicable to all OMNITRANS DOT-assisted contracts:

1. Assurance (§26.13 {a}):

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

“OMNITRANS shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. DOT-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. OMNITRANS shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of U.S. DOT-assisted contracts. OMNITRANS DBE Program, as required by 49 CFR Part 26 and as approved by U.S. 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 OMNITRANS of its failure to carry out its approved program, the Department may impose sanctions as provided under 49 CFR 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.).”

2. Contract Assurance (§26.13 {b})

OMNITRANS 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.”

II. ADMINISTRATIVE REQUIREMENTS**A. DBE Program Updates (§26.21)**

Since the recipient has received a grant of \$250,000 or more in FTA planning capital, and or operating assistance in a federal fiscal year, the program shall continue until all funds from DOT financial assistance have been expended. Updates representing significant changes in the program will be provided to DOT.

B. Policy Statement (§26.23)

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

C. DBE Liaison Officer (§26.25)

OMNITRANS has designated the following individual as the Disadvantaged Business Enterprise Liaison Officer (DBELO):

Mr. Frank Holland
Sr. Contracts Administrator
OMNITRANS

1700 West Fifth Street
San Bernardino, CA 92411
Telephone: (909) 379-7186
Email: frank.holland@omnitrans.org

In this capacity, the DBELO or his designee is responsible for implementing all aspects of the DBE Program and ensuring that OMNITRANS complies with all provisions of 49 CFR Part 26 and subsequent DOT-issued directives and final rules. The DBELO has direct, independent access to the OMNITRANS Chief Executive Officer/General Manager concerning DBE Program matters (Refer to Exhibit B, "DBE Program Organizational Chart"). The DBELO has support personnel devoting a portion of their time to implement and administer the Program. The DBELO is responsible for developing, implementing and monitoring the DBE Program, in coordination with other appropriate officials.

The DBELO's and/or designee's duties include, but are not limited to, the following activities:

1. Gathers and reports statistical data and other information as required by the DBE Program, including preparation of semi-annual DBE reports (Exhibit E, Uniform Report of Awards & Commitments) and overall Project DBE goals and related analysis for submission to the applicable DOT Operating Administration and management ad hoc reporting.
2. Reviews applicable contracts, purchase requisitions, advertisements, boilerplate language specifications and other related documentation specific to implementing applicable DBE requirements.
3. Consults with affected departments in developing overall DBE goals and project goals.
4. Ensures that notices and requests for proposals are made available to DBEs in a timely manner.
5. Reviews DOT-assisted contracts and procurements for purposes of applying contract-specific DBE goals, when appropriate, and/or applicable race-neutral methods.
6. Analyzes OMNITRANS progress towards meeting overall DBE goal commitments by monitoring individual contract DBE attainments ("Monthly Subcontractor Paid Report"- Exhibit D).
7. Participates in pre-bid meetings for purposes of reviewing DBE solicitation and contract requirements with potential bidders and/or offerors.
8. Advises the CEO/General Manager and/or the OMNITRANS Board on DBE matters and achievements.
9. Provides DBEs with information on preparing bids, obtaining bonding and insurance.
10. Determines contractor compliance with race-conscious DBE Good Faith Effort provisions, as applicable, in a race-conscious environment and conducts contract DBE responsiveness reviews, including assessing DBE participation eligibility towards the OMNITRANS overall goal, as applicable, to both race-conscious and race-neutral methods.
11. Provides outreach to DBEs and community organizations to advise them of opportunities.

Additionally, the DBELO and/or designee is charged with implementing the race-neutral measures defined in Section VI of this DBE Program document.

Designee:

Mr. Art Torres

Director of Procurement
OMNITRANS
1700 West Fifth Street
San Bernardino, CA 92411
Telephone: (909) 379-7203
Email: art.torres@omnitrans.org

D. DBE Financial Institutions (§26.27)

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

To date we have identified the institutions listed in Exhibit C, DBE Financial Institutions.

Information on the availability of such institutions can be obtained from the DBE Liaison Officer.

E. Prompt Payment Provisions (§26.29)

The DBE Program found at Title 49 CFR Part 26 requires that any delay or postponement of payment over 30 days may take place only for good cause and with OMNITRANS prior written approval. Any violation of this provision shall subject the violating prime contractor or subcontractor to the penalties, sanctions and other remedies specified in Section 7108.5 of the Business and Professions Code. These requirements shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to the prime contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the prime contractor, deficient subcontract performance, or noncompliance by a subcontractor.

OMNITRANS has, by a contract clause pursuant to 49 CFR Part 26, 26.29, "Prompt Payment Mechanisms for Recipients", adopted a prompt payment provision on all DOT-assisted contracts, to facilitate timely payment to subcontractors. This provision, governing the payment to subcontractors (DBEs and non-DBEs), requires a prime contractor to issue payment to all subcontractors for satisfactory work performed, no later than ten (10) days from the prime contractor's receipt of payment from OMNITRANS. A provision shall also apply to the disbursement of retention proceeds withheld by the prime contractor, requiring the prompt return of retainage payments from the prime contractor to the subcontractor within 30 days of subcontractor's satisfactory completion of the accepted work. These prompt payment provisions are required to be incorporated in all subcontract agreements issued by the prime contractor.

OMNITRANS requires prime contractors to maintain records and documents of payments to subcontractors, including DBEs, for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the financial assistance agreement, whichever is longer. These records will be made available for inspection upon request by any authorized representative of OMNITRANS or DOT. This reporting requirement extends to all subcontractors, both DBE and non-DBE.

OMNITRANS proactively reviews contract payments to subcontractors including DBEs on a quarterly basis. Payment reviews will evaluate whether the actual amount paid to DBE subcontracts is equivalent to the amounts reported to OMNITRANS by the prime contractor.

F. DBE Directory (§26.31)

OMNITRANS refers interested parties to the California Unified Certification Program (CUCP) Database of Certified DBE Firms (DBE Directory) to assist in identifying certified DBEs. The DBE Directory is published at <https://dot.ca.gov/programs/business-and-economic-opportunity/dbe-search>.

G. Overconcentration (§26.33)

OMNITRANS has not identified any types of work that have a burdensome overconcentration of DBE participation. However, should OMNITRANS determine that overconcentration exists in a work classification, OMNITRANS will obtain the approval of the concerned DOT Operating Administration of its determination and the measures devised to address it. Once these measures are approved, they will become part of the OMNITRANS DBE Program.

H. Business Development Programs (§26.35)

OMNITRANS has not established a business development program. The DBELO will continually evaluate the need and assess whether OMNITRANS should establish a Business Development Program and/or a Mentor Protégé Program. If OMNITRANS establishes either program, the program will be guided by the applicable Appendix of 49 CFR Part 26 and approved by the cognizant DOT Operating Administration before being implemented.

I. Monitoring Responsibilities (§26.37)

OMNITRANS implements and carries out appropriate mechanisms to ensure compliance with 49 CFR Part 26 requirements by all program participants, including prompt payment and commercially useful function reviews.

1. Monitoring Payments to DBEs and Non-DBEs:

OMNITRANS undertakes ongoing monitoring of prime payments to subcontractors over the course of any covered contract. Such monitoring activities will be accomplished through the following method(s):

- Monthly reporting of *prime contractor and subcontractor payments to subcontractors, review by OMNITRANS of compliance with prompt payment requirements, and follow up with prime contractors and subcontractors for explanations when prompt payment requirements are not met.*
- *Use of an automated system that requires real time entry of payments to, and receipts by prime contractors and subcontractors and regularly monitoring that system. OMNITRANS has recently implemented a web-based electronic reporting system and requires prime contractors and subcontractors to report payments through this system. OMNITRANS monitors prompt payments to subcontractors using this electronic system.*

OMNITRANS requires prime contractors and subrecipients to maintain records of payments to subcontractors, including DBEs, for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for OMNITRANS' financial assistance agreement, whichever is longer. These records will be made available for inspection upon request by any authorized representative of OMNITRANS or DOT. This reporting requirement extends to all subcontractors, both DBE and non-DBE.

OMNITRANS proactively reviews contract payments to subcontractors including DBEs on a monthly basis and may conduct periodic audits of contractor invoices. Invoice payment reviews will evaluate whether the actual amount paid to DBE subcontractors is equivalent to the amounts reported to OMNITRANS by the prime contractor. During these reviews, OMNITRANS may also review whether payments to DBEs include any lower tier subcontractor payments to non-DBEs, and whether DBE subcontractor is performing a commercially useful function. OMNITRANS may also conduct a review or site visit of subrecipients to verify subrecipients are monitoring DBE Program compliance as required under the OMNITRANS Implementation Agreement for Subrecipients.

2. Prompt Payment Dispute Resolution

OMNITRANS will take the following steps to resolve disputes as to whether work has been satisfactorily completed for purposes of 26.29.

1. OMNITRANS will host initial meeting for prime and sub to present evidence to an OMNITRANS representative who has authority to settle the relevant dispute with individuals authorized to bind each interested party.
2. OMNITRANS will review evidence from both sides and issue a determination.

OMNITRANS has established, as part of its DBE program, the following mechanism(s) to ensure prompt payment and return of retainage:

- Alternative Dispute Resolution (ADR) Contract Clause
Depending on the type of contract, one of the following contract clauses will be used requiring the prime contractor to engage in ADR for any prompt payment and return of retainage to the subcontractor:
- Any controversy or claim arising out of or relating to prompt payment under a construction contract, or the breach thereof, shall be settled by arbitration administered by the American Arbitration Association under its Construction Industry Arbitration Rules, and judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.
- Any controversy or claim arising out of or relating to prompt payment under a contract that is not a construction contract, or the breach thereof, shall be settled by arbitration administered by the American Arbitration Association in accordance with its Commercial [or other] Arbitration Rules, and judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.
- Prompt Payment Contract Clause: A contract clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed:

Contractor will not be reimbursed for work performed by subcontractors unless and until the contractor ensures that the subcontractors are promptly paid for the work performed. Contractor shall include a prompt payment clause that complies with local, state, and federal prompt payment requirements in all subcontracts entered

into under this contract. Should contractor fail to meet subcontractor prompt payment requirements for two (2) consecutive subcontractor payments without good cause, OMNITRANS may impose appropriate penalties for failure to comply with prompt payment requirements.

3. Prompt Payment Complaints

Complaints by subcontractors regarding the prompt payment requirements are handled according to the following steps:

- *Prime: Subcontractor shall first contact prime contractor in writing regarding late payments. If affected subcontractor is not comfortable contacting prime directly regarding payment or unable to resolve payment discrepancies with prime after several attempts to resolve prompt payment issue, subcontractor should contact DBELO to initiate complaint.*
- *OMNITRANS: If subcontractor is unable to timely resolve prompt payment issue after contacting prime contractor, subcontractor shall submit prompt payment complaint in writing to DBELO and include the prime contract number, copy of subcontract or purchase order, and a summary of payment issues. Subcontractor should provide any copies of checks, and correspondence, including emails, that may assist in understanding the facts of any payment issues.*
- *FTA: If filing a prompt payment complaint with the DBELO does not result in timely and meaningful action by OMNITRANS to resolve prompt payment disputes, affected subcontractor may contact the FTA.*

4. Enforcement Actions for Noncompliance of Participants

OMNITRANS will provide appropriate means to enforce the requirements of § 26.29 to include:

- Prior OMNITRANS' issuance of progress payments, commencing with the second invoice, the prime Contractor shall provide OMNITRANS with evidence that the Prime Contractor has paid all Subcontractors all amounts due for work that the subcontractor has performed.
- OMNITRANS may perform interim audits of 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 committed.
- In accordance with the contract, withhold payments up to a specific amount against the prime contractor for each for non-compliance, or impose other sanctions as determined by OMNITRANS.

OMNITRANS will actively implement the enforcement actions detailed above.

OMNITRANS will bring to the attention of the DOT any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps provided in 26.107 (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, take action under suspension and debarment or Program Fraud and Civil Penalties rules). Additionally, OMNITRANS will consider similar action under its own legal authorities, including responsibility determinations in future contracts.

J. Fostering Small Business Participation (§26.39)

Effective February 28, 2012, OMNITRANS has established a Small Business Element as a supplement to the existing DBE Program to facilitate competition by small business concerns, 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 in direct response to regulatory requirements, 49 CFR Part 26.39 “Fostering Small Business Participation” (Federal Register/ Vol. 76, No. 19/ Friday, January 28, 2011/ Rules and Regulations).

While OMNITRANS has historically utilized race- and gender- neutral strategies to promote and advance small business participation efforts as a part of DBE Program implementation efforts, this element of the program serves to unify in a singular location these important efforts.

For purposes of capturing small business utilization, OMNITRANS adheres to the U.S. DOT’s Small Business definition for what constitutes a Small Business Enterprise.

This Small Business Element includes, but is not limited to the following assertive, active and effective strategies:

- Structuring contracting requirements to facilitate competition by small businesses by requiring prime contractors to specify elements of work that small businesses can perform and to provide subcontract opportunities for those elements to DBEs and other small businesses.
- Configuring large contracts into smaller contracts when feasible, which would make contracts more accessible to small business, and would not impose significant additional cost, delay or risk to OMNITRANS;
- Providing technical assistance in orienting small businesses to public contracting procedures, bonding, financing, use of the Internet, and facilitating introductions to OMNITRANS and other U.S. DOT recipients’ contracting activities;
- Providing outreach and communications programs on contract procedures and contract opportunities to ensure the inclusion of small businesses;
- Providing business development assistance.

III. DETERMINING, MEETING & COUNTING PARTICIPATION TOWARDS THE OVERALL DBE GOAL

OMNITRANS is currently operating a strictly race-neutral DBE Program in accordance with DOT guidance following the Western States Paving decision of the 9th Circuit Court of Appeals. Should OMNITRANS incorporate a race-conscious DBE Program in the future, the breakout of estimated race-neutral and race-conscious participation to this program will be updated. This section of the program will be updated triennially when the goal calculation is updated.

As OMNITRANS is currently operating a strictly race-neutral DBE Program, contract goals are not applicable to OMNITRANS procurements. Should OMNITRANS, at a future date, incorporate a race-conscious component to its DBE Program, it may then use contract goals to meet any portion of the overall goal that OMNITRANS does not project being able to meet using race-neutral means. OMNITRANS will ensure FTA approval prior to implementing any race-conscious program.

A. Use of Set-Asides or Quotas (§26.43)

OMNITRANS shall not permit the use of quotas for DBEs on DOT-assisted contracts in accordance with 49 CFR Part 26. Further, OMNITRANS shall not set aside contracts for DBEs on DOT-assisted contracts subject to the regulatory provisions, except in limited and extreme circumstances where no other method could be reasonably expected to redress egregious instances of discrimination.

B. Methodology for Setting Overall DBE Goals (§26.45; §26.49)

In accordance with §26.45(f), and with FTA approval, OMNITRANS will establish and submit an overall program goal on a triennial basis. The overall program goal will represent the amount of DOT-assisted funds OMNITRANS anticipates expending on DBE firms over three years and will be presented as a percentage of the total DOT-assistance received.

The overall program goal will be developed in accordance with the 2-Step process specified in §26.45 (c) & (d). The Step 1 is to determine the goal “base figure” based on the relative availability of DBEs in the OMNITRANS market area. The Step 2 is to adjust the goal “base figure” from Step 1 so that it reflects as accurately as possible the DBE participation OMNITRANS would expect in the absence of discrimination based on past participation, a disparity study and/or information about barriers to DBE participation. Annual projections on DBE participation during each fiscal year will be developed as specified by §26.45 (e)(3)(iii).

OMNITRANS will consult with minority, women's and general contractor groups, community organizations, and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the OMNITRANS' efforts to establish a level playing field for the participation of DBEs.

OMNITRANS will publish a notice on the OMNITRANS website of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the OMNITRANS principal office for a 30-day public comment period

OMNITRANS will submit the overall program goal to DOT in accordance with §26.45 (f)(2). The overall goal submission to DOT will include a summary of information and comments received during this public comment/participation process and any OMNITRANS responses.

OMNITRANS will begin using our overall goal on October 1 of each year, unless we have received other instructions from DOT. If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project (See Exhibit F for Current Triennial DBE Goal Methodology).

OMNITRANS intends to meet those goals to the maximum extent feasible through the race neutral measures described herein and will perform annual reviews consistent with the prescribed methodology of its federal aid contracting program and attainments made towards achieving the goal to determine if adjustments to the overall DBE goal are warranted.

OMNITRANS will further follow accountability mechanisms in instances where OMNITRANS has failed to meet its overall goal for a given fiscal year. OMNITRANS will thoroughly analyze why it fell short of meeting its overall goal for a given goal period and establish specific steps and milestones for correcting identified problems so that OMNITRANS will meet its overall goal in

subsequent years. OMNITRANS will complete its proposed plan within 90 days of the end of the fiscal year, as applicable, to ensure compliance. The plan will be available to FTA upon request.

C. Transit Vehicle Manufacturers (TVM) Certifications (§26.49)

OMNITRANS will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on DOT-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, OMNITRANS may, at its discretion and with DOT 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.

D. Race-Neutral Measures (§26.51)

As OMNITRANS is currently operating a strictly race-neutral DBE Program; contract goals are not applicable to OMNITRANS procurements. OMNITRANS will implement the following race-neutral measures which are aimed at increasing DBE and other small business participation:

- Arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE and other small business participation. OMNITRANS will hold and/or attend conferences, which include a networking component to promote teaming opportunities between prospective prime contractors and the DBE and Small Business contracting community.
- Configure large contracts into smaller contracts when feasible, which would make contracts more accessible to small business, and would not impose significant additional cost, delay or risk to OMNITRANS.
- Identify components of the work which represents subcontracting opportunities and identifying the availability of DBE subcontractors to participate in proportion to total available subcontractors. Contractors will be encouraged to consider subcontractors for components of the work for which there is a known supply of ready, willing, and able subcontractors, including DBE subcontractors, in preparing their bids.
- Provide technical assistance in orienting small businesses to public contracting procedures, use of the Internet, and facilitating introductions to OMNITRANS and other U.S. DOT recipients' contracting activities. OMNITRANS will also provide business development assistance and provide DBEs with information in preparing bids.
- Plan and participate in DBE training seminars.
- Provide assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, , and providing information to help DBEs, and other small businesses, obtain bonding and financing). OMNITRANS will refer the DBE and Small Business contracting community to the SBA Bonding Assistance Program.
- Solicit DBEs and other small businesses participation by carrying out information and communication programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists of bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate).
- Actively promote the Small Business conferences, programs, and support services offered by other agencies that have established DBE and Small Business Programs as a supportive service to help develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses.

- Advise its contracting community of the online directory of certified DBEs, found at the California Unified Certification Program website: <https://dot.ca.gov/programs/business-and-economic-opportunity/dbe-search>.
- Advise the contracting community of the available small businesses certified by the California Department of General Services (DGS) and found at the following url: <https://caleprocure.ca.gov/pages/PublicSearch/supplier-search.aspx>.

E. Good Faith Efforts Procedures (§26.53)

As OMNITRANS is currently operating a strictly race-neutral DBE Program, contract goals are not applicable to OMNITRANS procurements, therefore Good Faith Efforts procedures for contract goals are not applicable.

Should OMNITRANS implement a race-conscious component to this DBE Program, the DBE Program will be amended to provide the procedures for the administrative reconsideration process and to specify the OMNITRANS Reconsideration Official.

F. Counting DBE Participation (§26.55)

OMNITRANS will count DBE participation toward overall goals as provided in 49 CFR 26.55.

1. Notification of Reporting Responsibilities

Prior to execution of all contracts containing DBE goals, the prime contractor shall be directed to the contract specification for OMNITRANS' specific DBE reporting and record keeping requirements.

2. DBE Activity Reporting Forms

All prime contractors shall submit monthly progress reports on DBE utilization to OMNITRANS on Form 103- Monthly DBE Subcontractors Paid Report Summary and Payment Verification (See Exhibit D). Failure to submit these reports in a timely manner may result in a penalty of \$10 per day, per report. The last Form 103 report shall be clearly marked "Final."

3. Contractor Good Faith Efforts and Reporting Obligations

During the term of the contract, the contractor shall continue to make good faith efforts to ensure that DBEs have an opportunity to successfully perform in the contract, and that the contractor meets its DBE goal.

The following guidelines apply in calculating DBE participation toward meeting established goals in accordance with Title 49CFR, Part 26.55:

- Only work proposed to be performed by a DBE's own work forces (including cost of supplies, materials and equipment leases) obtained by the DBE for the work of the contract, except supplies and equipment the subcontractor purchases and/or leases from the prime contractor or its affiliate.
- When a DBE subcontracts part of its work of its contract to another firm, the value of the subcontracted work may be counted toward DBE goals only if the DBE subcontractor is itself a certified DBE. Work that a DBE subcontracts to a non-DBE firm does not count toward DBE goals. A DBE should perform at least thirty percent (30%) of the total cost of its contract with its own workforce.

- In instances of joint venture, a Bidder/Proposer may only count toward its DBE goal the portion of the bid which meets certification, ownership and control standards.
- A Bidder/Proposer may count toward its DBE goal, only expenditures to firms that are proposed to perform a commercially useful function on that contract. A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing and supervising the work involved.
- A Bidder/Proposer may count toward its DBE goal, sixty percent (60%) of its expenditures for materials and supplies required under the contract and obtained from a DBE regular dealer, and one hundred (100%) percent of such expenditures to a DBE manufacturer. For purposes of this section, a manufacturer is a firm that operates or maintains a factory or establishment that produces on the premises the materials and supplies obtained by the contractor. A regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials or supplies required for performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business.
- A Bidder/Proposer may count towards its DBE goal, fees and commissions paid to DBE firms that are not manufacturers or regular dealers, provided that the fees or commissions are determined to be reasonable and not excessive, as compared with fees customarily allowed for similar services.
- Special Provisions for Trucking – A Bidder/Proposer may count towards its goal, all transportation services provided by DBE trucking firms, who can demonstrate control of trucking operations for which it seeks credit and it owns, insures, and operates, using drivers it employs in the performance of the contract. The DBE must itself own and operate at least one fully licensed, insured, and operation truck used on the contract. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the contract. The DBE may also lease trucks from a non-DBE firm, including an owner-operator. The DBE who leases trucks from a non-DBE is entitled to credit only for the fee or commission it receives as a result of the lease arrangement. The DBE does not receive credit for the total value of the transportation services provided by the lessee, since these services are not provided by a DBE.
- In cases where DBE certification has ceased during the performance period of the contract, although the prime contractor will continue to report the dollar value of the worked performed to OMNITRANS on the monthly DBE Paid Report (Form 103), OMNITRANS will not count the participation towards its overall goal.

G. Commercially Useful Function Standards (§26.55)

OMNITRANS will count payments to a DBE firm for DBE credit only if the DBE is performing a Commercially Useful Function (CUF) on that contract. A DBE performs a CUF when it is responsible for execution of the work of the contract or a distinct element of the work by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, installing the material (where applicable), and paying for the material itself.

To determine whether a DBE is performing a commercially useful function, OMNITRANS will evaluate the amount of work subcontracted, industry practices, whether the amount the firm is

to be paid under the contract is commensurate with the work it is actually performing, the DBE credit claimed for its performance of the work, and other relevant factors. OMNITRANS will conduct site visits and phone interviews of DBEs performing on FTA-assisted contracts to determine if a commercially useful function is being provided by DBEs. A DBE questionnaire has been developed to monitor DBE compliance with CUF requirements. OMNITRANS will interview various types of DBE firms, including, construction, services, materials, supplies and trucking firms to determine if the DBE firm is providing a commercially useful function. OMNITRANS has developed several CUF questionnaire forms that will be used for CUF interviews.

A DBE does not perform a CUF if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, OMNITRANS may examine similar transactions, particularly those in which DBEs do not participate. The firm's role must not be a superfluous step added in an attempt to obtain credit towards the goal.

If a DBE does not perform or exercise responsibility for at least thirty percent (30%) of the total cost of its contract with its own work force or, if the DBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, OMNITRANS will presume that it is not performing a commercially useful function.

If OMNITRANS determines that a DBE is not performing a CUF, the DBE may present evidence to rebut this determination. OMNITRANS' decisions on commercially useful function matters are subject to review by the U.S. DOT Operating Administration.

A DBE's repeated failure to perform a CUF may raise questions regarding the firm's control, as it relates to independence, and perhaps ownership. If there is evidence of a pattern of failing to perform a CUF that raises serious issues with the firm's ability to control the work and its independence from a non-DBE firm, OMNITRANS will address this matter with the DBE firm. OMNITRANS may commence a proceeding under Section 26.87 to determine the continued eligibility of the DBE firm.

In cases of deliberate attempts to circumvent the intent of the DBE program, or fraud, these actions may lead to criminal prosecution of both the prime contractor and the DBE. If fraud is suspected OMNITRANS should contact the DOT Office of Inspector General.

IV. DBE CERTIFICATION STANDARDS

As a non-certifying member of the CUCP, OMNITRANS will accept DBE certifications from certifying member agencies of the CUCP (§26.61-§26.73; §26.81; §26.83a). The CUCP DBE Certification application is located at: <https://dot.ca.gov/programs/business-and-economic-opportunity/dbe-certification-information>.

For more information about the certification process or to apply for certification, firms should visit the California DOT Office of Business & Economic Opportunity website at <http://www.dot.ca.gov/obeo>.

V. CERTIFICATION PROCEDURES

OMNITRANS is a member of the CUCP administered by the State of California Certifying Members. The CUCP will meet all of the requirements of Subpart E of 49 CFR Part 26 (SUBPART E).

VI. REQUIRED CONTRACT PROVISIONS AND ENFORCEMENT

Information, Confidentiality, Cooperation (§26.109)

OMNITRANS will safeguard from disclosure to third parties, information that may reasonably be regarded as confidential business information, consistent with Federal Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a), California Public Records Act (Government Code §6250) state, and local law. Notwithstanding the preceding provision, OMNITRANS will not release any information that may reasonably be construed as confidential business information to any third party (other than DOT) without the written consent of the firm that submitted the information. This includes applications for DBE certification and supporting information.

EXHIBIT A: DBE PROGRAM REGULATIONS, 49 CFR PART 26

The DBE program regulations can be found at the following website:

https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl

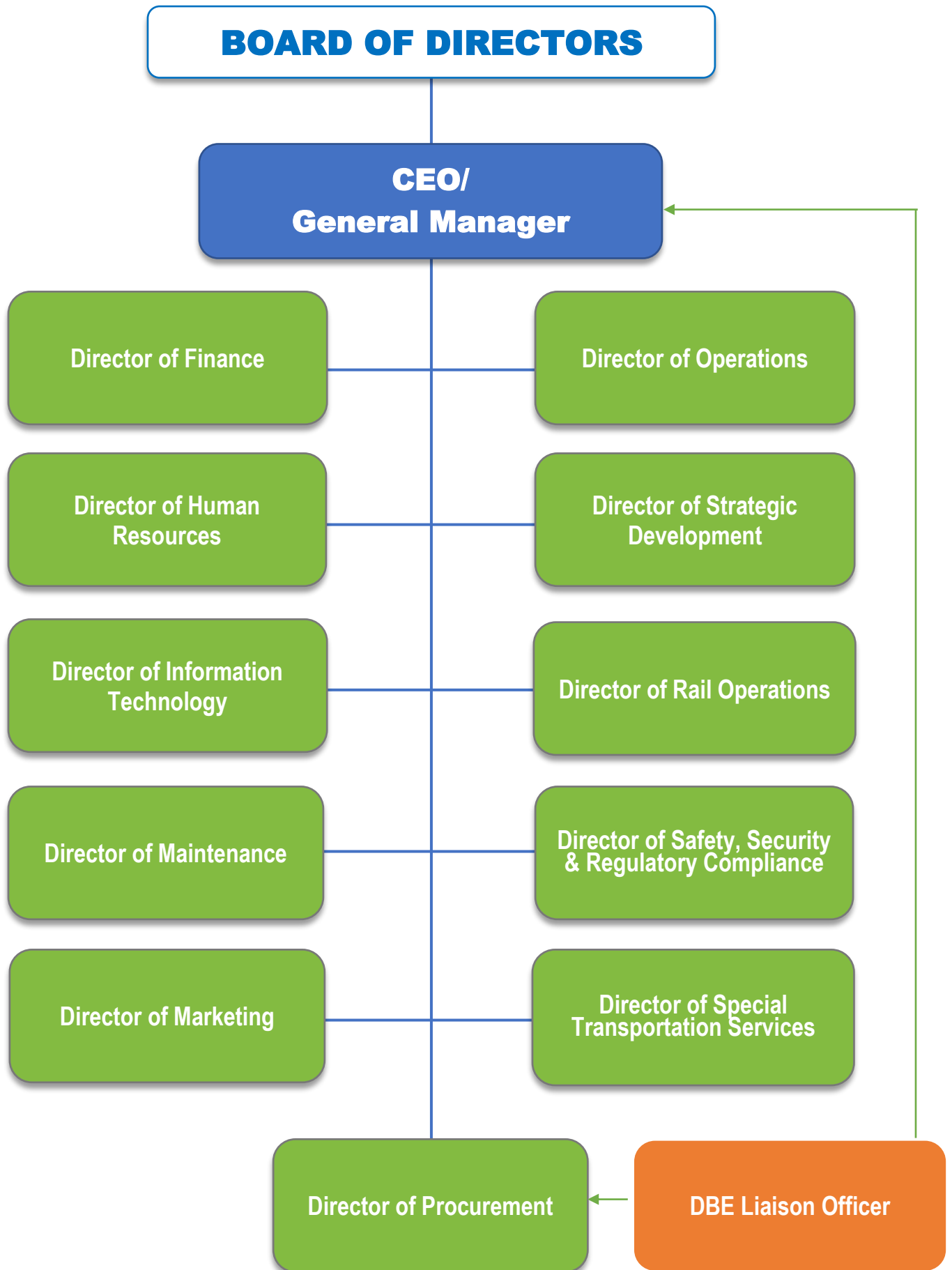

EXHIBIT B: DBE PROGRAM ORGANIZATIONAL CHART

EXHIBIT C: DBE FINANCIAL INSTITUTIONS

INSTITUTION/BRANCH	LOCATION(S)
AMERICAN CONTINENTAL BK	ARCADIA, CA; CHINO HILLS, CA; CITY OF INDUSTRY, CA; SAN GABRIEL, CA
AMERICAN FNB	ALHAMBRA, CA; CITY OF INDUSTRY, CA
AMERICAN PLUS BK NA	ARCADIA, CA; PASADENA, CA; ROWLAND HEIGHTS, CA
ASIAN PACIFIC NB	ROWLAND HEIGHTS, CA; SAN GABRIEL, CA
BANK OF GUAM	SAN FRANCISCO, CA
BANK OF HOPE	BUENA PARK, CA; CERRITOS, CA; COLTON, CA; DIAMOND BAR, CA; GARDEN GROVE, CA; GARDENA, CA; HUNTINGTON PARK, CA; IRVINE, CA; LA CRESCENTA, CA; LA PALMA, CA; LOS ANGELES, CA; NORTHRIDGE, CA; OAKLAND, CA; RANCHO CUCAMONGA, CA; ROWLAND HEIGHTS, CA; SAN DIEGO, CA; SUNNYVALE, CA; TORRANCE, CA; WALNUT, CA
BANK OF THE ORIENT	MILLBRAE, CA; OAKLAND, CA; PALO ALTO, CA; SAN FRANCISCO, CA
BANK OF WHITTIER NA	WHITTIER, CA
BROADWAY FED BK FSB	INGLEWOOD, CA; LOS ANGELES, CA
CALIFORNIA BUS BK	IRVINE, CA
CALIFORNIA INTL BK NA	WESTMINSTER, CA
CALIFORNIA PACIFIC BK	FREMONT, CA; SAN FRANCISCO, CA
CATHAY BK	ALHAMBRA, CA; ARCADIA, CA; ARTESIA, CA; CITY OF INDUSTRY, CA; CUPERTINO, CA; DIAMOND BAR, CA; DUBLIN, CA; EL MONTE, CA; FOUNTAIN VALLEY, CA; FREMONT, CA; IRVINE, CA; LOS ANGELES, CA; MILLBRAE, CA; MILPITAS, CA; MONTEREY PARK, CA; NORTHRIDGE, CA; OAKLAND, CA; ONTARIO, CA; ORANGE, CA; RANCHO CUCAMONGA, CA; RICHMOND, CA; ROWLAND HEIGHTS, CA; SACRAMENTO, CA; SAN DIEGO, CA; SAN FRANCISCO, CA; SAN GABRIEL, CA; SAN JOSE, CA; TEMPLE CITY, CA; TORRANCE, CA; UNION CITY, CA; WEST COVINA, CA; WESTMINSTER, CA
COMMERCIAL BK OF CALIFORNIA	ANAHEIM, CA; COSTA MESA, CA; IRVINE, CA; LOS ANGELES, CA; SANTA MONICA, CA; SHERMAN OAKS, CA
COMMONWEALTH BUS BK	BUENA PARK, CA; IRVINE, CA; LOS ANGELES, CA; TORRANCE, CA
COMMUNITY CMRC BK	CLAREMONT, CA; LOS ANGELES, CA; MONTEREY PARK, CA; TARZANA, CA; WOODLAND HILLS, CA
CTBC BK CORP USA	CITY OF INDUSTRY, CA; CUPERTINO, CA; IRVINE, CA; LOS ANGELES, CA; MILPITAS, CA; MONTEREY PARK, CA; SAN FRANCISCO, CA; SAN GABRIEL, CA; SAN MARINO, CA
EAST WEST BK	ALHAMBRA, CA; ANAHEIM, CA; ARCADIA, CA; ARTESIA, CA; BEVERLY HILLS, CA; CARSON, CA; CERRITOS, CA; CHINO HILLS, CA; CITY OF INDUSTRY, CA; CUPERTINO, CA; DALY CITY, CA; DIAMOND BAR, CA; EL MONTE, CA; ENCINO, CA; FREMONT, CA; GLENDALE, CA; IRVINE, CA; LOS ANGELES, CA; MILPITAS, CA; MONTEBELLO, CA; MONTEREY PARK, CA; NEWARK, CA; OAKLAND, CA; ONTARIO, CA; PALOS VERDES, CA; PASADENA, CA; PLEASANTON, CA; RANCHO CUCAMONGA, CA; ROSEMEAD, CA; ROWLAND HEIGHTS, CA; SACRAMENTO, CA; SAN DIEGO, CA; SAN FRANCISCO, CA; SAN GABRIEL, CA; SAN JOSE, CA; SAN MARINO, CA; SAN MATEO, CA; SOUTH PASADENA, CA; TEMPLE CITY, CA; TORRANCE, CA; VAN NUYS, CA; WALNUT, CA; WESTMINSTER, CA
EASTERN INTL BK	ALHAMBRA, CA; LOS ANGELES, CA
EVERTRUST BK	ALHAMBRA, CA; ARCADIA, CA; CERRITOS, CA; CITY OF INDUSTRY, CA; CUPERTINO, CA; IRVINE, CA; MILPITAS, CA; PASADENA, CA
FIRST CHOICE BK	ALHAMBRA, CA; ANAHEIM, CA; CARLSBAD, CA; CERRITOS, CA; CHULA VISTA, CA; LOS ANGELES, CA; PASADENA, CA; ROWLAND HEIGHTS, CA; SAN DIEGO, CA
FIRST CMRL BK USA	ALHAMBRA, CA; ARCADIA, CA; FREMONT, CA; IRVINE, CA; ROWLAND HEIGHTS, CA; SAN JOSE, CA
FIRST GEN BK	ARCADIA, CA; ARTESIA, CA; IRVINE, CA; ROWLAND HEIGHTS, CA; SAN GABRIEL, CA
GATEWAY BK FSB	OAKLAND, CA
GOLDEN BK NA	TUSTIN, CA
HANMI BK	ARTESIA, CA; BUENA PARK, CA; DIAMOND BAR, CA; GARDEN GROVE, CA; GARDENA, CA; IRVINE, CA; LOS ANGELES, CA; NORTHRIDGE, CA; ROWLAND HEIGHTS, CA; SAN DIEGO, CA; SAN FRANCISCO, CA; SANTA CLARA, CA; TORRANCE, CA; VAN NUYS, CA
MEGA BK	ARCADIA, CA; HACIENDA HEIGHTS, CA; IRVINE, CA; ROWLAND HEIGHTS, CA; SAN GABRIEL, CA

INSTITUTION/BRANCH	LOCATION(S)
METROPOLITAN BK	OAKLAND, CA; SAN FRANCISCO, CA; SAN JOSE, CA
MISSION NB	BERKELEY, CA; SAN FRANCISCO, CA
NEW OMNI BK NA	ALHAMBRA, CA; ARCADIA, CA; ROWLAND HEIGHTS, CA
ONEUNITED BK	GARDENA, CA; LOS ANGELES, CA; LYNWOOD, CA
OPEN BK	BUENA PARK, CA; GARDENA, CA; LOS ANGELES, CA; SANTA CLARA, CA
PACIFIC ALLI BK	IRVINE, CA; ROSEMEAD, CA; ROWLAND HEIGHTS, CA
PACIFIC CITY BK	ARTESIA, CA; BUENA PARK, CA; IRVINE, CA; LOS ANGELES, CA; ROWLAND HEIGHTS, CA; TORRANCE, CA
PREFERRED BK	ALHAMBRA, CA; ARCADIA, CA; CITY OF INDUSTRY, CA; DIAMOND BAR, CA; IRVINE, CA; LOS ANGELES, CA; PICO RIVERA, CA; SAN FRANCISCO, CA; TARZANA, CA; TORRANCE, CA
ROYAL BUS BK	ARCADIA, CA; CERRITOS, CA; DIAMOND BAR, CA; IRVINE, CA; LOS ANGELES, CA; MONTEREY PARK, CA; OXNARD, CA; ROWLAND HEIGHTS, CA; SAN GABRIEL, CA; TORRANCE, CA; WESTLAKE VILLAGE, CA
SHINHAN BK AMER	BUENA PARK, CA; IRVINE, CA; LOS ANGELES, CA; SAN DIEGO, CA; TORRANCE, CA
STATE BK OF INDIA CA	ARTESIA, CA; FREMONT, CA; FRESNO, CA; LOS ANGELES, CA; SAN DIEGO, CA; SAN JOSE, CA; TUSTIN, CA
UNITED PACIFIC BK	CITY OF INDUSTRY, CA; MONTEREY PARK, CA
UNITI BK	BUENA PARK, CA; GARDEN GROVE, CA; LOS ANGELES, CA
UNIVERSAL BK	ARCADIA, CA; LOS ANGELES, CA; MONTEREY PARK, CA; ROSEMEAD, CA; WEST COVINA, CA
US METRO BK	ANAHEIM, CA; GARDEN GROVE, CA; LOS ANGELES, CA
WALLIS BK	LOS ANGELES, CA

EXHIBIT D: FORM 103- MONTHLY DBE SUBCONTRACTORS PAID REPORT SUMMARY AND PAYMENT VERIFICATION

 Summary of Disadvantaged Business Enterprise (DBE) - Subcontractors Paid Monthly Report						
Reporting Period (Month/Year)		Report Number		Date Prepared		
1) Project Name			2) Project Location			
3) Contract Number		4) Original Contract Award Amount		5) Contract Award Date		
6) Current Contract Value		7) Omnitrans Payment to Prime This Month		8) Total Amount Paid to Prime to Date		
9) Date of Last Progress Payment Received from Omnitrans		10) Percent of Project Complete		11) DBE Goal Percentage (committed)		
12) Prime Contractor			13) Contact Person			
14) Street Address			15) City/State/Zip			
16) Area Code/Phone No.			17) Email Address			
18) SUBCONTRACTOR/SUPPLIER	Dollars Paid This Month	Dollar Amount Paid to Date	Schedule Activity ID (Construction only)	Type of Work Performed	Original Dollar Amount Committed	Dollar +/- resulting from Change Order Activity
Subcontractor/Supplier #1						
Name						
Address						
Area Code/Phone						
Contact Person						
Subcontractor/Supplier #2						
Name						
Address						
Area Code/Phone						
Contact Person						
Subcontractor/Supplier #3						
Name						
Address						
Area Code/Phone						
Contact Person						



Summary of Disadvantaged Business Enterprise (DBE) - Subcontractors Paid Monthly Report

Reporting Period (Month/Year)	Report Number	Date Prepared
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Subcontractor/Supplier #4	↓	↓	↓	↓	↓	↓
Name						
Address						
Area Code/Phone						
Contact Person						
Subcontractor/Supplier #5	↓	↓	↓	↓	↓	↓
Name						
Address						
Area Code/Phone						
Contact Person						
Subcontractor/Supplier #6	↓	↓	↓	↓	↓	↓
Name						
Address						
Area Code/Phone						
Contact Person						

INSTRUCTIONS
 The Prime shall make prompt payment of all monies due and owed to DBE and non-DBE firms within 10 business days upon receipt of payment from OmniTrans as per Contract Agreement. Payment of retention shall be made to all DBE and non-DBE subcontractors within 10 days after satisfactory completion of the subcontracted work.
 This form is due to OmniTrans by the 15th of each month and should reflect all payments made to subs through the last day of the previous month.
 The Prime must report monthly, even if the sub(s) did not perform any work for the previous month. Please forward signed original documents by email and/or fax.

Completed By:

Name	Signature	Date

**Summary of Disadvantaged Business Enterprise (DBE) - Subcontractors Paid Monthly Report**

Reporting Period (Month/Year)	Report Number	Date Prepared
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Instructions – Summary of Monthly DBE Payments Information**SUCCESSFUL BIDDER:**

This form requires specific information regarding the disadvantaged business enterprise subcontractors paid on this construction contract.

The form must be completed for all DBEs. The form requires that the Reporting Period (month/year) be included. A Report Number should also be completed. This field should include a sequential number with the first form having number "1". The date prepared should also be included.

IMPORTANT: Identify **all** DBE firms that were paid during the reporting period for the project, regardless of tier. Names of the First Tier DBE Subcontractors and their respective item(s) of work listed should be consistent, where applicable, with the names and items of work in the "List of Subcontractors" submitted with your bid.

There is a column for the "Dollars Paid This Month". Enter the Total amount paid for each DBE firm for the reporting period. Also include the total amount paid to date, which shall include the amount paid for the current reporting period.

Include the Schedule Activity ID for construction contracts. Include a brief description for the type of work performed. The original dollar amount committed to the DBE firm should be included in the appropriate Column and any increase or decrease in the subcontract amount resulting from a change order shall be included in the "Dollar +/- resulting from Change Order Activity" column.

This form must be signed and dated by the prime contractor's representative that is responsible for reporting DBE compliance matters. The form must be submitted no later than the 15th day of each month.

EXHIBIT E: UNIFORM REPORT OF DBE AWARDS OR COMMITMENTS AND PAYMENTS

UNIFORM REPORT OF DBE COMMITMENTS/AWARDS AND PAYMENTS											
Please refer to the instruction sheet for directions on filling out this form											
1	Submitted to (check only one) <input type="checkbox"/> FHWA <input type="checkbox"/> FAA <input type="checkbox"/> FTA - Recipient ID Number										
2	AIP Numbers (FAA Recipients); Grant Number (FTA Recipients):										
3	Federal Fiscal year in which reporting period falls FY 2017				4. Date This Report Submitted:						
5	Reporting Period <input type="checkbox"/> Report due June 1 (for period Oct 1-Mar 31)			<input type="checkbox"/> Report due Dec 1 (for period April 1-Sep 30)			<input type="checkbox"/> FAA annual report due Dec 1				
6	Name and address of Recipient:										
7	Annual DBE Goal(s):		Race Conscious Projection:		Race Neutral Projection:		OVERALL Goal:				
Awards/Commitments this Reporting Period											
A	AWARDS/COMMITMENTS MADE DURING THIS REPORTING PERIOD (Total contracts and subcontracts committed during this reporting period)	A	B	C	D	E	F	G	H	I	
		Total Dollars	Total Number	Total to DBEs (dollars)	Total to DBEs (number)	Total to DBEs/Race Conscious (dollars)	Total to DBEs/Race Conscious (number)	Total to DBEs/Race Neutral (dollars)	Total to DBEs/Race Neutral (number)	Percentage of total dollars to DBEs	
		8 Prime contracts awarded this period	\$ -	0	\$ -	0			\$ -	0	#DIV/0!
		9 Subcontracts awarded/committed this period	\$ -	0	\$ -	0	\$ -	0	\$ -	0	#DIV/0!
10	TOTAL			\$ -	0	\$ -	0	\$ -	0	#DIV/0!	
B BREAKDOWN BY ETHNICITY & GENDER											
B		Total to DBE (dollar amount)			Total to DBE (number)						
		Women	Men	Total	Women	Men	Total				
11	Black American	\$ -	\$ -	\$ -	0	0	0				
12	Hispanic American	\$ -	\$ -	\$ -	0	0	0				
13	Native American	\$ -	\$ -	\$ -	0	0	0				
14	Asian-Pacific American	\$ -	\$ -	\$ -	0	0	0				
15	Subcontinent Asian Americans	\$ -	\$ -	\$ -	0	0	0				
16	Non-Minority	\$ -	\$ -	\$ -	0	0	0				
17	TOTAL	\$ -	\$ -	\$ -	0	0	0				
Payments Made this Period											
C	PAYMENTS ON ONGOING CONTRACTS	A	B	C	D	E	F				
		Total Number of Contracts	Total Dollars Paid	Total Number of Contracts with DBEs	Total Payments to DBE firms	Total Number of DBE firms Paid	Percent to DBEs				
18	Prime and subcontracts currently in progress	0	\$ -	0	\$ -	0	#DIV/0!				
D	TOTAL PAYMENTS ON CONTRACTS COMPLETED THIS REPORTING PERIOD	A	B	C	D	E					
		Number of Contracts Completed	Total Dollar Value of Contracts Completed	DBE Participation Needed to Meet Goal (Dollars)	Total DBE Participation (Dollars)	Percent to DBEs					
		19 Race Conscious	0	\$ -	\$ -	\$ -	#DIV/0!				
		20 Race Neutral	0	\$ -	\$ -	\$ -	#DIV/0!				
21	Totals	0	\$ -	\$ -	\$ -	#DIV/0!					
22	Submitted by:			23. Signature:			24. Phone Number:				

EXHIBIT F: Current Triennial DBE Goal Methodology

Current Triennial DBE Goal Methodology is available upon request. Please contact Frank Holland, DBELO at frank.holland@omnitrans.org for a copy of the triennial DBE Goal Setting and Methodology document.