DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM PLAN

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

To satisfy Federal Transit Administration requirements for 49 CFR Part 26

Dated: 4/21/2025

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM PLAN

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I. POLICY STATEMENT

The Martin County Board of County Commissioners (the COUNTY) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT) 49 CFR Part 26. The COUNTY has received Federal financial assistance from the DOT, and as a condition of receiving this assistance, the COUNTY has signed an assurance that it will comply with 49 CFR Part 26.

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

1. Ensure nondiscrimination in the award and administration of DOT assisted contracts;
2. Create a level playing field on which DBEs can compete fairly for DOT 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 DOT-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.

Diane Moore has been delegated as the DBE Liaison. In that capacity, the DBE Liaison is 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 COUNTY in its financial assistance agreements with the DOT.

The COUNTY has disseminated this policy statement to all the components of its organization and to the public via the Martin County web page.

Board of County Commissioners

Martin County, Florida

Don G. Donaldson, County Administrator

Approved as to Form & Legal Sufficiency:

Sarah W. Woods, County Attorney

II. GENERAL REQUIREMENTS

Definitions

The COUNTY will adopt the definitions contained in Section 26.5 of 49 CFR Part 26 for this program.

Nondiscrimination

The COUNTY 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 COUNTY 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

The COUNTY will report DBE participation to DOT using the Uniform Report of DBE Awards or Commitments and Payments.

The COUNTY will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidders list to calculate overall goals.
The bidders list will include the

- Firm name;
- Firm address including ZIP code;
- Firm's status as a DBE or non-DBE;
- Race and gender information for the firm's majority owner;
- NAICS code applicable to each scope of work the firm sought to perform in its bid;
- Age of the firm; and
- The annual gross receipts of the firm.

This information will be collected by a procurement form that will be included with the Bid package of all DOT-assisted bids or quotes.

Information collected will be entered in the DOT Operating Administration system. Once the system is operational, recipients will be required to enter the data no later than December 1 following the Federal fiscal year in which the relevant contract was awarded.

Assurances

a. Each financial assistance agreement the County signs with a DOT operating administration (or a primary recipient) must include the following assurance:

Federal Financial Assistance Agreement Assurance (26.13a):
The COUNTY shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The COUNTY's DBE Program, as required by 49 CFR Part 26 and approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the COUNTY of its failure to carry out its approved program, the Department may impose sanction as provided for 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.).

b. Each contract the County signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

Contract Assurance (26.13b):
The COUNTY 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 contactor 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 which may include, but is not limited to;

(1) Withholding monthly progress payments
(2) Assessing sanctions;
(3) Liquidated damages; and/or
(4) Disqualifying the contractor from future bidding as non-responsible.

III. ADMINISTRATIVE REQUIREMENTS

DBE Program Updates

The U.S. Department of Transportation (DOT) issued the updated DBE Final Rule which went into effect May 9, 2024. As a result of this Final Rule the Federal Transit Administration (FTA) is moving to a two-tiered system for Disadvantage Business Enterprise (DBE) program compliance. As a recipient of FTA funds, for planning, capital and operating assistance, the COUNTY is required to assess their anticipated contracting opportunities and identify their appropriate Tier designation:

The COUNTY has assessed their anticipated contracting opportunities and determined that the appropriate Tier designation for the County is Tier I. As a Tier I recipient of FTA funds for planning, capital and operating assistance, the County is required to maintain a DBE plan complying with 49 CFR Part 26.

FTA defines a Tier I recipients as those recipients that will award prime contracts exceeding a cumulative total value of $670,000 in FTA funds in a federal fiscal year, excluding transit vehicle purchases.

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

DBE Liaison Officer (DBELO)

We have designated the following individual as our DBE Liaison:

Diane Moore
Martin County DBE Liaison
2401 SE Monterey Road
Stuart, FL 34996 (772) 288-5475
E-mail address: dmoore@martin.fl.us

In that capacity, The DBELO is responsible for implementing all aspects of the DBE program and ensuring that the COUNTY complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to Don Donaldson, County Administrator, concerning DBE matters.

The DBE Liaison is responsible for developing, implementing and monitoring the DBE program. Duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Analyzes the COUNTY's progress toward goal attainment and identifies ways to improve progress.
5. Acts as liaison to the Uniform Certification Process in Florida.

Financial Institutions

It is the policy of the COUNTY to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions. The COUNTY has issued Requests for Proposals for banking services periodically which can identify such institutions. The COUNTY evaluates the availability of DBE financial institution every three (3) years.

To date there are no DBE banking institutions identified in Martin County.

Prompt Payment and Retainage

The COUNTY will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than thirty (30) days from the receipt of each payment the prime contractor receives from the COUNTY. 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 time frame may occur only for good cause following written approval of the COUNTY. This clause applies to both DBE and non- DBE subcontractors.

The COUNTY has established procedures to monitor and enforce that prompt payment and return of retainage is in fact occurring. The COUNTY will require prime contractors to maintain records and documents of payments to subcontractors. Prime contractors will supply to the COUNTY certified records showing prompt contract payments to all subcontractors.

DBE Directory

The COUNTY utilizes the Florida Department of Transportation (FDOT) Florida Unified Certification Program (UCP) Disadvantaged Business Enterprise (DBE) online Directory to identify all firms eligible to participate as DBEs. Internet address:
https://fdotxwp02.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/CustomSearch.aspx

Overconcentration

The COUNTY has not identified that overconcentration exists in the types of work that DBEs perform. Overconcentration will be re-evaluated every three (3) years.

Business Development Program

The COUNTY has an agreement with the Business Development Board of Martin County (BDBMC) to provide a business development program that supports existing companies in their expansion and growth needs and attracts new companies to the community. The BDBMC seeks to promote economic growth in Martin County by retaining and assisting existing targeted businesses and attracting desirable new businesses while also preserving the quality of life and expanding educational and employment opportunities.

Monitoring and Enforcement Mechanisms

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

1. The COUNTY 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 49 CFR Part 26.109.
2. The COUNTY will also consider similar action under its own legal authorities, including responsibility determinations in future contracts.
3. The COUNTY will provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by reviewing contracting records and monitoring work sites on which DBEs are performing for each contract on which DBEs are participating. Audits will be performed if deemed necessary. The COUNTY will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.
4. The COUNTY will implement the following running tally mechanisms:
   (a) With respect to achieving the County's overall goal, it will keep a running tally that provides for a frequent comparison of cumulative DBE awards/commitments to DOT-assisted prime contract awards to determine whether the current implementation of contract goals is projected to be sufficient to meet the annual goal.
   (b) With respect to each DBE commitment, it will keep a running tally that provides for a frequent comparison of payments made to each listed DBE relative to the progress of work, including payments for such work to the prime contractor to determine whether the contractor is on track with meeting its DBE commitment and whether any projected shortfall exists that requires the prime contractor's good faith efforts to address to meet the contract goal pursuant to 49 CFR part 26.23(g).

Small Business Participation

The COUNTY has incorporated this nondiscriminatory element to its DBE program, in order to facilitate competition on DOT-assisted projects by small business concerns (both DBE and non-DBE small businesses). The County shall take all necessary affirmative steps to assure that small businesses are used when possible, including but not limited to:

1. Placing small businesses on solicitation lists;

2. Assuring that small businesses are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small businesses;
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small businesses.;
5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration; and
6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

The COUNTY shall make a good faith effort to provide interested minority business enterprises or minority persons with adequate information about the plans, specifications and requirements of contracts or the availability of jobs. The COUNTY shall make a good faith effort to effectively use services and resources of available small business organizations, contractors' groups, and other organizations that provide assistance in the recruitment and placement of small business enterprises and provide written notice to a reasonable number of small business enterprises that their interest in contracting with the County is being solicited in sufficient time to allow the small business enterprises to participate effectively.

IV. GOALS, GOOD FAITH EFFORTS, AND COUNTING

Set-asides or Quotas

The COUNTY does not use quotas or set-asides in any way in the administration of this DBE program.

Overall Goals

In accordance with Section 26.45, the COUNTY will submit its triennial overall DBE goal to the Federal Transit Administration (FTA) on August **1** of the year specified by FTA. The COUNTY will also request use of project-specific goals as appropriate, and/or will establish project-specific DBE goals as directed by FTA.

The process generally used by the COUNTY to establish the overall DBE goal is a 2-step goal setting process as described below:

Step One, Base Figure
The COUNTY'S method used to calculate the relative availability of DBE's ("base figure") for "Step 1" of the process is derived from utilizing the Florida Department of Transportation (FDOT) Florida Unified Certification Program (UCP) Disadvantaged Business Enterprise (DBE) online Directory that represents available certified DBE firms within the service area, defined as FDOT District 4 (Indian River, St Lucie, Martin, Palm Beach and Broward Counties).

First, the total number of DBE vendors listed in the service area is determined. Secondly, the number of firms with transit-related NAICS codes that are "ready, willing and able" to perform transit services is determined. The Step One calculation is as follows:

Number of Ready, Willing and Able DBE's divided by the numbers of vendors= Step One Base Figure

Step Two, Adjustments

In considering the adjustment to the Step One base figure, the COUNTY will review actual past participation. The past participation percentage is the median of DBE participation percentages included in the semi-annual Uniform Reports of Awards and Payments submitted to the FTA. A review of the COUNTY databases, bidders lists, pre-bid conference attendance list and outreach functions are also reviewed to identify any additional DBEs.

The DBE goal is the average of the Step One base figure and the Step Two past participation figure.

Before establishing the overall goal, the COUNTY will consult with the minority, women's and community organizations involved in transit services to obtain information concerning: the availability of disadvantaged and non-disadvantaged businesses; the effects of discrimination on opportunities for DBEs; and the COUNTY's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, the COUNTY will publish a notice of the proposed overall goals, on the County website , informing the public that the proposed goal and its rational are available for inspection during normal business hours at the COUNTY's principal office for 30 days following the date of the notice, and informing the public that the COUNTY will accept comments on the goals for 45 days from the date of the notice. This notice will usually be issued by June 1. The notice will include addresses to which comments may be sent and addresses where the proposal may be reviewed.

The overall goal submission to DOT will include: the goal (including the breakout of estimated race-neutral and race-conscious participation); the methodology used to develop the goal; a summary of information and comments received during this public process and the responses.

The COUNTY will begin using the overall goal on October 1 of the specified triennial period unless other instructions are received from DOT. The goal will remain effective for the duration of the three year period established and approved by FTA.

Goal Setting and Accountability

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

1. Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments; and
2. Establish specific steps and milestones to attempt to correct the problems identified in the analysis that will enable the COUNTY to fully meet the goal for the new fiscal year; and
3. Maintain analysis information on file should the FTA request it.

Transit Vehicle Manufacturers Certification

The COUNTY will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the DBE program requirements.

Only those transit vehicle manufacturers (TVMs) listed on FTA's eligible TVMs list are eligible to bid on FTA-assisted transit vehicle procurements.

FTA recipients are required to report to FTA, within 30 days of awarding a contract for the purchase of a Transit Vehicle:

1. The name of the TVM that was the successful bidder; and
2. The Federal share of the contractual commitment at the time.

Meeting Overall Goals/Contract Goals

The COUNTY will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The following race-neutral means increase DBE participation:

1. Arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE and other small businesses' participation.
2. Provide technical assistance and other services.
3. Carry out information on contracting procedures and specific contract opportunities.
4. Ensure distribution of the website address for the DBE directory to potential prime contractors.

The COUNTY estimates that, in meeting its overall goal, it will obtain a majority of the percentage from race-neutral participation. The COUNTY will use contract goals to meet any portion of the overall goal the COUNTY 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 the use of race-neutral means.

The COUNTY will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. The COUNTY 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 particular type of work).

The COUNTY will express contract goals as a percentage of the Federal share of a DOT-assisted contract.

Good Faith Efforts

In those instances where a contract-specific DBE goal is included in a procurement/solicitation, the COUNTY will not award the contract to a bidder who does not either: (1) meet the contract goal with verified, countable DBE participation; or (2) documents 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 it has made sufficient good faith efforts prior to submission of its bid.

The County Purchasing Department or DBELO are responsible for determining whether a bidder/offerer who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive. The process used to determine whether good faith efforts have been made by a bidder is to review documentation submitted with the solicitation documents. The following is a list of types of actions which will be considered as part of the bidder's good faith efforts to obtain DBE participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

1. Soliciting through all reasonable and available means.
2. Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved.
3. Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.
4. Negotiating in good faith with interested DBEs. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBEs to perform the work.
5. The fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.
6. Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities.
7. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.
8. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
9. Effectively using the services of available minority/women community organizations;

minority/women contractors' groups; local, state, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.

The Purchasing Department will ensure that all information is complete and adequately documents the bidder/offeror's good faith efforts before the COUNTY commits to the performance of the contract by the bidder/offeror. The COUNTY treats bidder/offerors' compliance with good faith efforts requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require the bidders/offerors' to submit the following information with their proposal:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The 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; and
6. If the contract goal is not met, evidence of good faith efforts.

Within 30 days of being informed by the COUNTY that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make the request in writing to the following reconsideration official: Don Donaldson, 2401 SE Monterey Road, Stuart, FL 34996. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror 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/offeror 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 so. The COUNTY will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder/offeror 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 the DOT.

The COUNTY requires that prime contractors not terminate a DBE subcontractor listed on a bid/contract with a DBE goal without the COUNTY's prior written consent. Prior written consent will only be provided where there is "good cause" for termination of the DBE firm, as established by Section 26.53(f)(3) of the DBE regulation. Before transmitting to the COUNTY its request to terminate, the prime contractor must give notice in writing to the DBE its intent to do so. A copy of this notice must be provided to the COUNTY prior to consideration of the request to terminate. The DBE will then have five (5) days to respond and advise the COUNTY

of why it objects to the proposed termination.

In those instances where "good cause" exists to terminate a DBE contract, the COUNTY will require the prime 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 prime contractor shall notify the DBELO immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, the prime contractor is required to obtain the COUNTY's approval of the substitute DBE and to provide copies of new or amended subcontracts or other documents of good faith efforts. If the contractor fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceedings.

Sample Bid Specification

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the COUNTY 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 defined in Appendix A, 49 CFR Part 26, to meet the contract goal for DBE 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; (5) written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (6) if the contract goal is not met, evidence of good faith efforts.

Counting DBE Participation

The County will count DBE participation toward the overall and contract goal as outlined in 49 CFR part 26.55.

V. CERTIFICATION

The COUNTY is a non-certifying member of the Unified Certification Program (UCP) administered by the FDOT. The UCP will meet all of the requirements of this section. The COUNTY will use and count for DBE credit only those DBE firms certified by the FDOT. Contact information: https://www.fdot.gov/equalopportunity/dbecertification.shtm

FDOT certification procedures can be found at:
https://www.fdot.gov/equalopportunity/dbecertification.shtm

Any firm may appeal a FDOT decision in a certification matter to DOT. Such appeals must follow the procedures outlined in 49 CFR part 26.89.

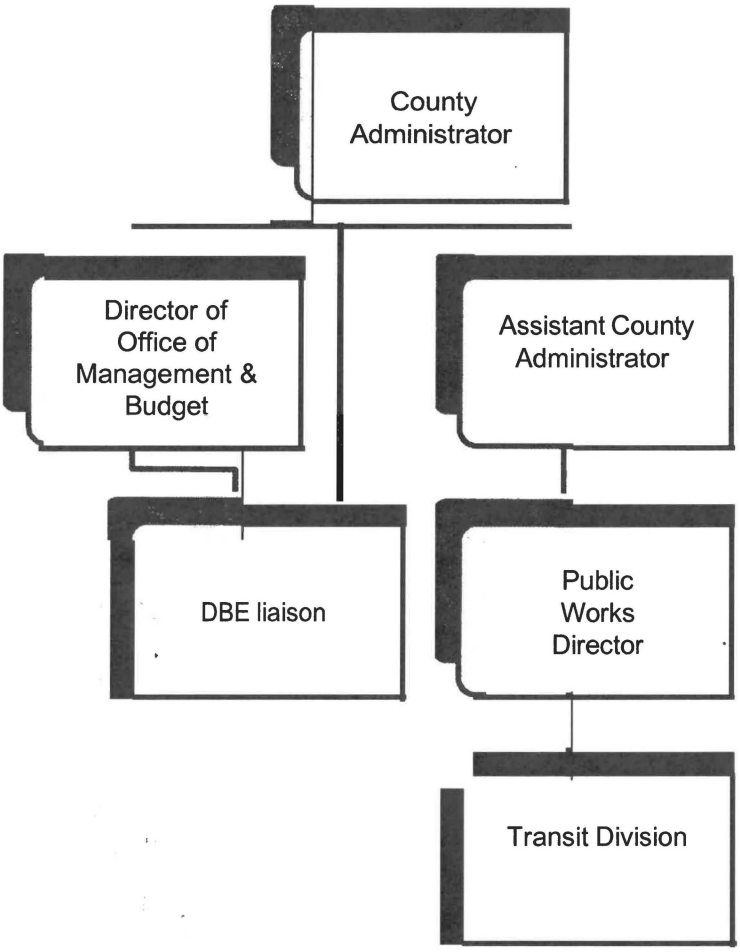
VI. COMPLIANCE AND ENFORCEMENT

The COUNTY will safeguard, from disclosure to third parties, information that is considered confidential consistent with State law.

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

All participants in the DBE program (including, but not limited to, recipients, DBE firms and applicants for DBE certification, complainants and appellants, and contractors using DBE firms to meet contract goals) are required to cooperate fully and promptly with DOT and County compliance reviews, certification reviews, investigations, and other requests for information. Failure to do so shall be a ground for appropriate action against the party involved (e.g., with respect to the County, a finding of noncompliance; with respect to DBE firms, denial of certification or removal of eligibility and/or suspension and debarment; with respect to a complainant or appellant, dismissal of the complaint or appeal; with respect to a contractor which uses DBE firms to meet goals, findings of non-responsibility for future contracts and/or suspension and debarment).

ATTACHMENT 1
DBE ORGANIZATION CHART



ATTACHMENT 2
Monitoring and Enforcement Mechanisms/Legal Remedies

The Martin County Board of Commissioners (the COUNTY) has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, breach of contract action, pursuant to the terms of the contract.

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.

ATTACHMENT3

Current DBE Goal is posted on Martin County Website, www.martin.fl.us

ATTACHMENT 4

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 DBE goal of ___ %) is committed to a minimum of ___ % DBE utilization on this contract and submits documentation demonstrating good faith efforts.

Name of bidder/offeror firm:

State Registration Number: _____

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:

_____

_____

_____

_____

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:

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value stated above.

By:_____

(Signature)

Title:.....

ATTACHMENT 5

REGULATION 49 CFR PART 26

Link to access:

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