

**DISADVANTAGED BUSINESS  
ENTERPRISE (DBE)  
PROGRAM PLAN**

**BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA**

Dated: 7/29/2014

**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; and
6. Assist the development of firms that can compete successfully in the market place 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.

  
\_\_\_\_\_  
Taryn Kryzda  
County Administrator

7/28/2014  
Date

Approved as to form and correctness:

  
\_\_\_\_\_  
Michael D. Durham  
County Attorney

July 28 2014  
Date

## **II. GENERAL REQUIREMENTS**

### **Definitions**

The COUNTY will adopt the definitions contained in Section 26.5 of 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 name, address, DBE/Non-DBE status, age, and annual gross receipts. This information will be collected by a procurement form that will be included with the Bid package of all DOT-assisted bids or quotes.

### **Assurances**

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

#### **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 Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

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

Contract Assurance (26.13b):

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 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.

### **III. ADMINISTRATIVE REQUIREMENTS**

#### **DBE Program Updates**

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 Taryn Kryzda, 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) Certified Business Directory (BizNet) database to identify all firms eligible to participate as DBEs. Internet address: <http://www3b.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/>

### **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 keep records of actual payments to DBE firms for work committed to them at the time of contract award.

### **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 Purchasing Division shall:

1. Collect small business information from entities responding to Requests for Proposals and Requests for Bids;
2. Develop outreach efforts with the objective of creating contracting opportunities for small businesses;
3. Have a strategy of requiring prime contractors to identify small business subcontracts on large procurements and promote joint venture opportunities for small businesses; and
4. At the end of each fiscal year, the Purchasing Manager shall report small business contract awards for the year to the DBE Liaison. The DBE Liaison will make an assessment and recommend to the County Administrator whether any additional efforts are necessary to increase small business participation on contracts.

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 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) Certified Business Directory (BizNet) database 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, in the local newspaper, informing the public that the proposed goal and its rationale 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; and proof of publication of the goal in the local newspaper.

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 requirements of this section.

### **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 Purchasing Manager and DBELO are responsible for determining whether a bidder/offeror 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 Manager 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: Taryn Kryzda, 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**

We will count DBE participation toward overall and contract goal as provided in 49 CFR 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:

Ms. Vicki Smith  
Certification Mgr. EOO  
605 Suwannee St. MS 65  
Tallahassee, FL 32399  
(850) 414-4746  
[victoria.smith@dot.state.fl.us](mailto:victoria.smith@dot.state.fl.us)

FDOT certification procedures can be found at:  
<http://www.dot.state.fl.us/equalopportunityoffice/dbecertification.shtm>

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

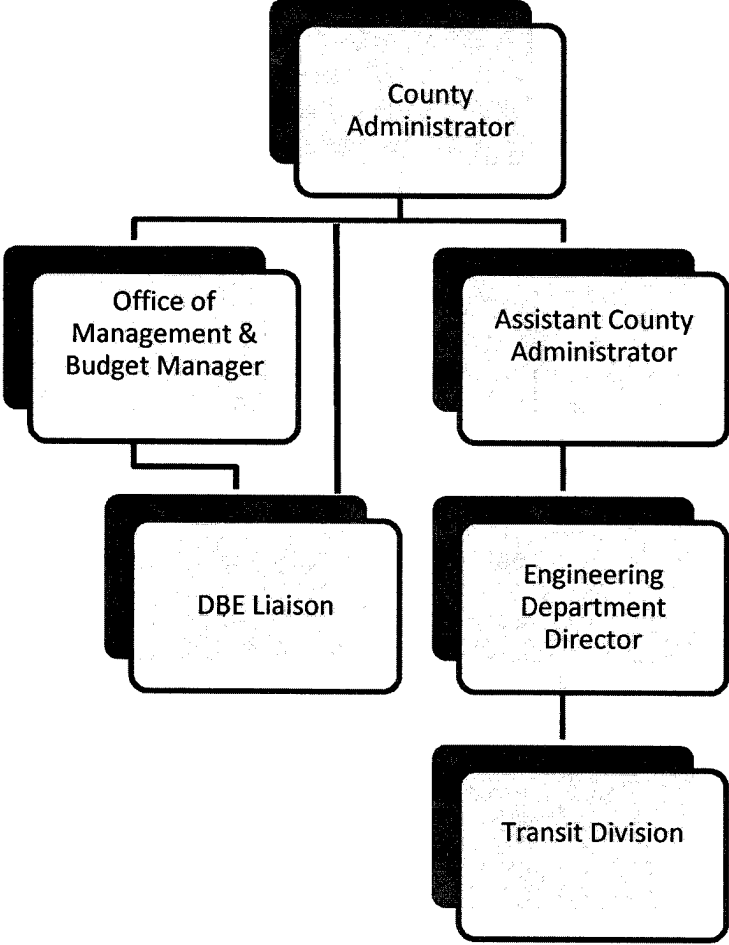
U.S. Department of Transportation  
Office of Civil Rights Certification Appeals Branch  
1200 New Jersey Avenue SE  
West Building, 7<sup>th</sup> Floor  
Washington, DC 20590

## **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.

**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.



## ATTACHMENT 3

### MCBCC FY 15-17 Federal Transit Administration DBE Approved Goal Submission

**Recipient ID: 6060**

The Martin County Board of County Commissioners (“MCBCC”) hereby submits the Disadvantaged Business Enterprise (DBE) goal of 1% for fiscal years 2015-2017. This submission was prepared in accordance with 49 CFR, Part 26, and the rule effective February, 28, 2011. Martin County has applied the two-step DBE goal setting process, as follows:

**Step One: Determining the actual relative availability of DBE’s to perform the contracts that MCBCC intends to let:**

The Florida Department of Transportation (FDOT) Certified Business Directory (BizNet) is the database that represents available certified DBE firms within the service area, defined as Martin County, Florida and surrounding areas in St. Lucie County, Indian River County and Okeechobee County. This data base is used to estimate the percentage of DBE vendors in the area for purposes of contracting opportunities related to Martin County Public Transportation. The FTA grant fund contracting opportunities breaks down as follows; 45% for the construction of bus shelters and ADA compliance upgrades to the bus stops, 45% for transit enhancements and 10% for the transit operating service. The FDOT Biznet data base was used for this calculation with the service area defined as FDOT District 4 (Indian River, St Lucie, Martin, Palm Beach and Broward Counties) with NAICS codes of 237310, 238990, 339950, 485113, 48541, 48599, 485991, 485999 and 488490. All DBEs are located in Palm Beach and Broward Counties. The total vendors was determined using the County’s Bidder List, the Department of Management services certified MBEs list for construction and the U.S. Census County Business Patterns, using the same NAICS codes as above.

Therefore, the County’s goal calculation is as follows:

| Type of work                | % of<br>Total | DBEs*     | Total<br>Vendors<br>Available | DBEs as %<br>of Total | Weight       |
|-----------------------------|---------------|-----------|-------------------------------|-----------------------|--------------|
| Bus shelters & ADA upgrades | 45%           | 7         | 1,000                         | 0.70%                 | 0.32%        |
| Transit Enhancements        | 45%           | 1         | 69                            | 1.45%                 | 0.65%        |
| Transit Services            | 10%           | 5         | 126                           | 3.97%                 | 0.40%        |
|                             | <b>100%</b>   | <b>13</b> |                               |                       | <b>1.36%</b> |

\*all DBEs are locating in Palm Beach or Broward Counties

The Step One base figure is 1.36%

**Step Two: Adjustment to Step One Base Figure:**

In considering the adjustment to the Step One base figure, past participation suggests that the calculation should be adjusted. FTA funded contracts awarded for the six (6) semi-annual periods from September 2011 through March 2014 reflect DBE participation of 0.0%, 0.0%, 0.0%, 0.0%, 8.3%, and 4.5%. The median past participation is 0.0%. The average of the Step One base figure and the Step Two past participation figure is .07% a review of the MCBCC data bases, bidder's lists, pre-bid conference attendance list and outreach functions did not identify any additional DBEs. No additional information is available related to the Step Two adjustment.

**Therefore, MCBCC will set a goal of 1.0%.**

**Race/gender-neutral and race/gender conscious split:**

Race/gender neutral - 1%  
Race/gender conscious – 0%

**Name & Address of Responsible Personnel for Points of Contact**

Diane Moore, DBE Liaison Officer  
Martin County Board of County Commissioners  
Office of Management & Budget  
2401 SE Monterey Road  
Stuart, FL 34996  
Phone: 772-288-5475 Email: [dmoore@martin.fl.us](mailto:dmoore@martin.fl.us)

Attached is a copy of the Notice of Martin County's DBE Goal that was published in the local newspaper on June 11, 2014 and the Affidavit of Publication. This advertisement initiated the 45-day comment period. There were no comments received during this period.

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

