

1. Objectives/Policy Statement (Section 26.1, 26.23)

TEXARKANA URBAN TRANSIT DISTRICT
1402 Texas Blvd Texarkana, TX 75501 (903) 794-8883, fax: (903) 794-0437



DBE Policy Statement (26.1, 26.23)

The Texarkana Urban Transit District (TUTD) 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 TUTD has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the TUTD has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of TUTD to ensure that DBEs are defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT – assisted Contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT-assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

Eric Elmore, Administrative Supervisor, has been delegated as the DBE Liaison Officer. In that capacity, Eric Elmore 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 TUTD in its financial assistance agreements with the Department of Transportation.

TUTD has disseminated this policy statement internally to the Board of Directors and all TUTD administrative staff through posting on the employee bulletin board and on our shared network drive. We are distributing this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts. A DBE will also be included in all procurements issued by TUTD. The policy statement has been distributed to the Chamber of Commerce and is accessible on TUTD's website. (<http://www.t-linebus.org>)

Chris Brown, Executive Director

Date

2. Applicability (26.3)

TUTD is the recipient of federal transit funds authorized by Titles I, III, V, and VI of ISTEA, Pub. L.102-240 or by Federal Transit laws in Title 49, U.S. Code, or Titles I, II, and V of the Teas-21, Pub. L. 105-178.

3. Definitions (26.5)

TUTD has adopted the definitions contained in Section 26.5 for this program.

4. Nondiscrimination (26.7)

TUTD never excludes 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, TUTD does not, directly or through contractual or other arrangements, use criteria of 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.

5. Record Keeping Requirements (26.11)

Reporting to DOT: 2611(b)

TUTD reports DBE participation to DOT as follows:

TUTD reports DBE participation semi-annually, using DOT form 4630. These reports reflect payments actually made to DBEs on DOT-assisted contracts. Goals are reported every three years and semi-annually for all funds covered by our goal. All DBE reporting is done in TEAM and all DBE submissions are uploaded into TEAM.

Procedures for reporting to TEAM: The Financial Specialist is responsible for entering the information into TEAM. The DBELO tracks and maintains, with a spreadsheet, all expense information needed to complete a DBE report. Monitoring is achieved by the DBELO and the Financial Specialist collaborating on all DBE expenses. TUTD enters the DBE information directly into TEAM.

6. DBE Program Updates (26.21)

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

7. Set-asides or Quotas (26.43)

TUTD does not use quotas in any way in the administration of this DBE program.

8. DBE Liaison Officer (DBELO) (26.25)

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

Eric Elmore, Administration Supervisor
Texarkana Urban Transit District
1402 Texas Blvd
Texarkana, TX 75501
903-794-0746
eelmore@atcog.org

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

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO works with the following staff: (Public Transportation Manager and Operations Coordinator) who assist in the administration of the program. The 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. Ensures that bid notices and request for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment and identifies ways to improve progress.
6. Analyzes TUTD's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
9. Plans and participates in DBE training seminars.
10. Certifies DBEs according to the criteria set by DOT and acts as liaison to the Uniform Certification Process in Texas.
11. Provides outreach to DBEs and community organizations to advise them of opportunities.
12. Maintains TUTDs updated directory on certified DBEs.

9. DBE Financial Institutions

It is the policy of TUTD 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 contract to make use of these institutions. We have made the following efforts to identify and use such institutions. TUTD has researched the availability of DBE owned financial institutions at <http://www.federalreserve.gov/releases/mob/> and did not find any within our area. TUTD will review this on an annual basis.

We make the following efforts to identify and use such institutions:

Minority owned financial institutions are identified by consulting the list maintained by the Federal Reserve at http://federalreserve.gov/releases/mob//current/min_bnk_lst.pdf

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

10. DBE Directory (26.31)

TUTD uses the *Texas Department of Transportation TUCP DBE* and the *Arkansas Unified Disadvantaged Business Enterprise Directory*. The directories list the firm's name, address, phone number, date of most recent certification, and type of work the firm has been certified to perform as a DBE. We make the Directories available to all interested parties via our website (<http://www.t-linebus.org>) and by hard copy. The Directories can be found in **Attachment 2** to this program.

11. Bidders List (26.11)

TUTD has created 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 bidder's list approach to calculating overall goals. The bidders list includes the name, address, DBE/non-DBE status, age of firm and annual gross receipts of firms. The Bidders List can be found in **Attachment 3** to this program.

TUTD collects this information in the following ways:

- TUTD includes a contract clause requiring prime bidders to report the names/addresses, and other relevant information of all firms who quote to them on subcontracts.
- TUTD includes a notice in all solicitations to firms quoting on subcontracts to report information directly to the recipient.

12. Overconcentration (26.33)

TUTD has not identified that overconcentration exist in the types of work that DBEs perform.

13. Contract Assurance (26.13)

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

Assurance 26.13(a)

TUTD will 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 will take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The recipient's DBE Program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to TUTD of its failure to carry out its approved program, the Department will impose sanctions 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 appears in financial assistance agreements with sub-recipients.

Contract Assurance 26.13(b)

We ensure that the following clause is placed in every DOT-Assisted contract and subcontract: The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor will 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 breach of this contract, which will result in the termination of this contract or such other remedy as the recipient deems appropriate.

14. Prompt Payment Mechanisms (26.29)

TUTD includes 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 30 days from the receipt of each payment the prime contract receives from TUTD. The prime contractor agrees further to return retainage payments to each subcontractor within 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 TUTD. This clause applies to both DBE and non-DBE subcontracts. Failure to adhere to the above referenced time frame without written approval may result in sanctions including, but not limited to, withholding of future payments, fines, or termination of contract.

15. Business Development Programs

TUTD has not established a business development program.

16. Monitoring and Enforcement Mechanisms (26.37)

TUTD has taken the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR part 26.

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. **Attachment 4** lists the regulation, provisions, and contract remedies available to us in the events of non-compliance with the DBE regulation by a participant in our procurement activities.
3. We will provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This mechanism will provide for a running tally of actual DBE attainments (e.g., payment actually made to DBE firms), including a means of comparing these attainments to commitments. TUTD will implement appropriate mechanisms to ensure compliance with the party's requirements by all program participants. The mechanisms TUTD may use include, but are not limited to:
 - a. TUTD will notify subcontractors (DBE and non-DBEs) of the Prime Contractor's responsibility for prompt payment and encourage subcontractors to notify TUTD in writing with any possible violations to the prompt payment mechanism.
 - b. Withholding payment from Prime Contractors that do not comply with the prompt payment provision noted above, where it has been determined by the TUTD DBELO that delay of payment to the subcontractor is not justified.
 - c. Stopping work on the contract unit until compliance issues are resolved.
 - d. Terminating the contract.
4. TUTD will verify that the work committed to DBE at contract award is actually performed by DBEs. This is accomplished by:
 - a. Requiring Prime Contractor's to report DBE work performed in each monthly progress report along with an indication of hours worked, any cost incurred and the amounts paid to DBE(s).
 - b. Ensuring that DBE participation is credited toward the overall goal or contract goals only when payments are actually made to DBE firms.

17. Fostering Small Business Participation (26.39)

The small business program element is intended to pull all of TUTD's small business efforts into a single unified place in this DBE Program. DBEs are small businesses, and therefore the following program provisions help small businesses but also help DBEs. The following provisions outline ways that TUTD will utilize small businesses and make it easier for them to compete for DOT-assisted contracts.

The TUTD Small Business Program will be implemented in July prior to the new fiscal year by our DBE Officer, Eric Elmore. TUTD will implement an Alternative Acquisition Strategy. Request for Proposals (RFP) and Request for Qualifications (RFQ) will be issued for any and all TUTD purchases that accumulate annually over the \$3000.00 FTA purchase threshold.

Request for Proposals (RFP) and Request for Qualifications (RFQ) will be sent to any and all registered small businesses.

Registers through the Texarkana Chamber of Commerce, the Texarkana African American Chamber of Commerce, the Texarkana Small Business Program Development Department located on the Texas A&M University Texarkana, the Texas Department of Transportation (TxDOT) and the Arkansas Highway Transportation Department (AHTD) will be verified and Request for Proposals (RFP) and Request for Qualifications (RFQ) will be sent to all participating small business owners.

Another element TUTD has decided to implement is the Business Development Opportunity by hosting a Small Business Participation Fair annually. Our DBE Officer, Eric Elmore will publish a Public Notice in the Texarkana Gazette Newspaper and issue Public Service Announcements (PSA) on the local public television channel and radio stations inviting small businesses to attend and participate in the Small Business Participation Fair.

At the fair, small business owners will be given instructions on how to correctly submit the TUTD's Request for Proposals (RFP), Request for Qualifications (RFQ) and Purchasing Bids. They will also be furnished a TUTD projected list of acquisitions and purchases for the next fiscal year. There will also be a Question and Answer element that will afford small businesses the opportunity for any and all questions to be answered by the TUTD DBE Officer.

We have contacted the Texarkana Chamber of Commerce, the African American Chamber of Commerce, the Texarkana Small Business Program Development Department located on the Texas A&M University Texarkana, the Texas Department of Transportation (TxDOT) and the Arkansas Highway Transportation Department (AHTD) for listings and/or information of small businesses within our area.

We have researched the Small Business Administration website for small businesses located in larger cities outside of our local area.

TUTD Eligibility Requirements

In order for a small business to be eligible, the small business must meet the following requirements:

- Be independently owned and operated;
- Not dominant in the field of operation;
- Principal office is located in Texas, Oklahoma, Arkansas or Louisiana;
- Owners (officers, if a corporation) are domiciled in Texas, Oklahoma, Arkansas or Louisiana;
- A business with 100 or fewer employees; an average annual gross receipts of \$14 million or less, over the last three tax years and;
- Be certified as a small business with the Small Business Administration.

Verification of eligibility will be made through the Central Contractor Registration (CCR) database.

18. Transit Vehicle Manufacturers Goals (26.49)

TUTD requires 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. Alternatively, TUTD may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

19. Overall Goals (26.45)

A description of the methodology to calculate the overall goal and the goal calculations can be found in **Attachment 5** to this program.

In accordance with Section 26.45(f) TUTD will submit its overall goal to DOT by the date determined by the Federal Transit Administration. Before establishing the overall goal, TUTD will consult with the local Small Business Administration, Chambers of Commerce, Business & Professional Women groups, and other community organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and TUTD's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, we will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at our principal office for 30 days following the date of the notice, and informing the public that TUTD and DOT will accept comments on the goals for 45 days from the date of the notice. This notice will be issued in local newspapers and on the <http://www.t-linebus.org> website. The notice must include addresses to which comments may be sent.

Our overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses.

We 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.

20. Breakout of Estimated Race-Neutral & Race-Conscious Participation (26.51)

The breakout of estimated race-neutral and race-conscious participation can be found in **Attachment 6** to this program. This section of the program will be updated when the goal calculation is updated.

Contract Goals

TUTD uses contract goals to meet any portion of the overall goal TUTD 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 our overall goal that is not projected to be met through the use of race-neutral means.

We have established contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We 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.) We will express our contract goals as a percentage of the Federal share of a DOT-assisted contract.

21. Good Faith Efforts Procedures (26.53)

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

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26.

The DBELO and/or his/her designee 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 responsible.

We ensure that all information is complete and accurate and adequately documents the bidder/offer's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

Information to be submitted (26.53(b))

TUTD treats bidders/offer's compliance with good faith efforts' requirements as a matter of responsibility.

Each solicitation for which a contract goal has been established will require the bidders/offerors 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 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 contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts.

Administrative reconsideration (26.53(d))

Within 14 days of being informed by TUTD that it is not responsible because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration.

Bidder/offerors should make this request in writing to the following reconsideration official:

Nancy Hoehn, Transportation Manager
Texarkana Urban Transit district
1402 Texas Blvd
Texarkana, TX 75501
903-255-3553
nhoehn@atcog.org

The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

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

TUTD requires a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. We require the prime contractor to notify the DBE Liaison Officer immediately of the DBE’s inability or unwillingness to perform and provide reasonable documentation. In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

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 TUTD 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 1 % has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49CFR Part 26 (Attachment 1), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror is 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 (5) if the contract goal is not met, evidence of good faith efforts.

Section 26.55 Counting DBE Participation

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

22. SUBPART D – CERTIFICATION STANDARDS

TUTD uses the certification process of the TUCP to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards, and be listed in the TUCP directory.

For information about the certification process or to apply for certification, firms should contact the TXDOT DBE Program at <http://www.txdot.gov/business/partnerships/dbe.html>

23. SUBPART E – CERTIFICATION PROCEDURES

Unified Certification Programs

TUTD is a member of the Texas Unified Certification Program (TUCP) administered by Texas Department of Transportation. The TUCP will meet all of the requirements of this section. The following is a description of the TUCP:

The Texas Unified Certification Program is a certification process for the Federal Disadvantaged Business Enterprise (DBE) Programs in Texas. A business' **DBE certification** is valid at any Texas entity that receives U.S. Department of Transportation (DOT) funds and has a DBE Program.

Small businesses desiring DBE certification must submit an application to one of six certifying agencies within the state. The business' location determines which agency to contact.

Firms certified by each of the six agencies are included in one consolidated and centralized DBE Directory. The TUCP is required by the U.S. Department of Transportation.

Procedures for Certification Decisions

TUTD is not a certifying agency. DBEs should see the TUCP website for information concerning re-certification, “No Change” Affidavits and Notices of Change.

Denials of Initial Requests for Certification

Potential DBE’s should see the TUCP website for information concerning denials of initial requests for certification.

Removal of a DBE’s Eligibility

A DBE facing removal from the DBE list should see the TUCP website for information concerning de-certification proceedings.

Certification Appeals

Any firm or complainant may appeal the TUCP’s decision in a certification matter to DOT. Such appeals may be sent to:

Department of Transportation
Office of Civil Rights Certification Appeals Branch
400 7th Street, SW
Room 2104
Washington, D.C. 20590

24. SUBPART F – COMPLIANCE AND ENFORCEMENT

Information, Confidentiality and, Cooperation

We safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. TUTD is a Political Subdivision of the State of Texas and is therefore subject to Texas Open Records Act/ Texas Public Information Act. Texas Government Code, Chapter 552, gives you the right to access government records; and an officer for public information and the officer's agent may not ask why you want them. All government information is presumed to be available to the public. Certain exceptions may apply to the disclosure of the information. Governmental bodies shall promptly release requested information that is not confidential by law, either constitutional, statutory, or by judicial decision, or information for which an exception to disclosure has not been sought. Governmental bodies may charge a reasonable fee related to gathering and re-producing the requested information.

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

Monitoring Payments to DBEs

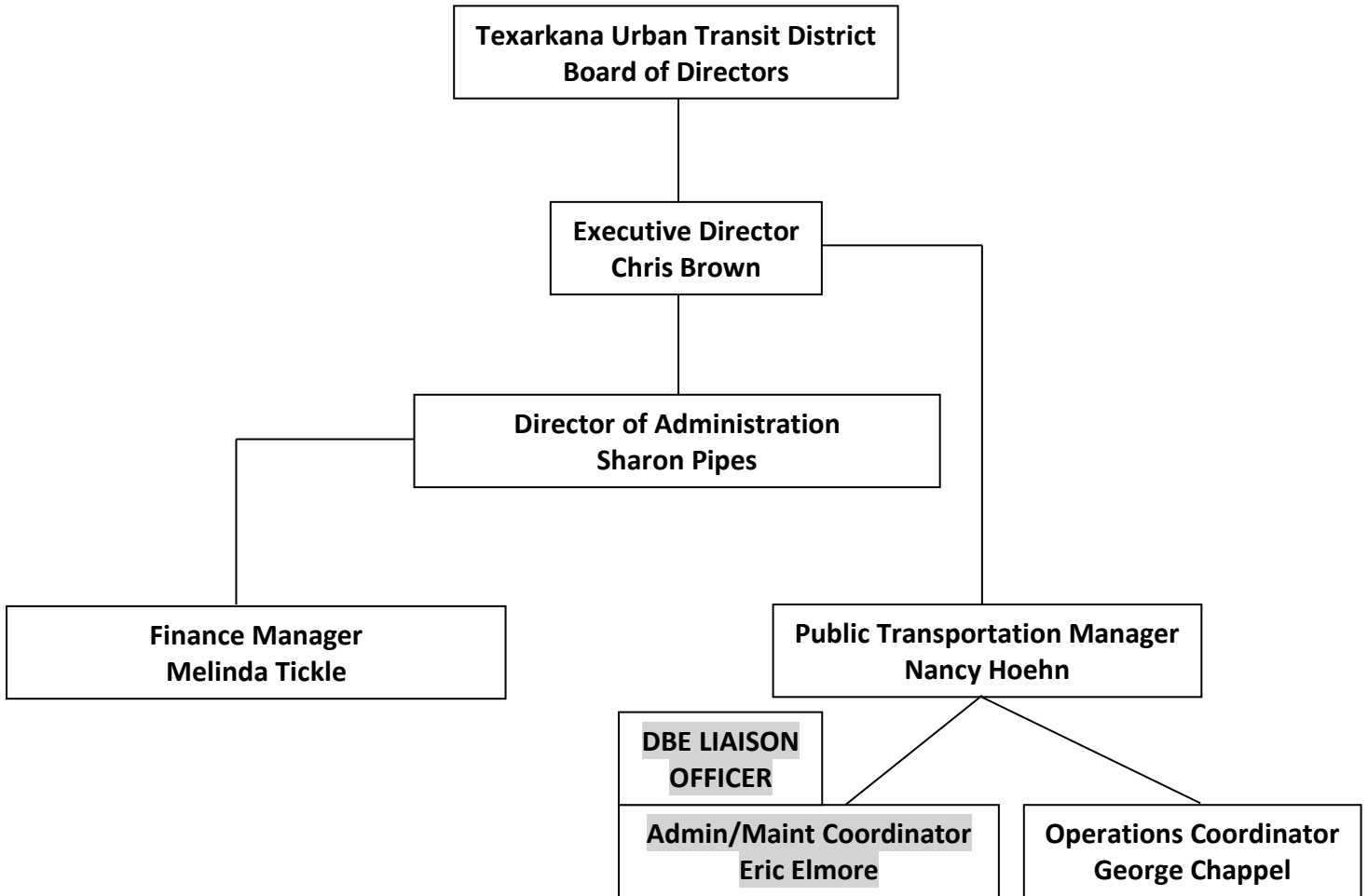
We require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of TUTD or DOT. This reporting requirement also extends to any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

We perform interim audits of contract payments to DBEs. The audit reviews payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts states in the schedule of DBE participation.

ATTACHMENTS

1. Organizational Chart
2. DBE Directories (TX and AR)
3. Bidder's List
4. Monitoring and Enforcement Mechanisms
5. Overall Goal Calculation
6. Breakout of Estimated Race-Neutral & Race-Conscious Participation
7. Form 1&2 for Demonstration of Good Faith Efforts
8. TUCP Letter
9. Regulations: 49 CFR Part 26
10. Good Faith Effort Check List
11. DBE Complaint Log

Attachment 1
Organizational Chart



Attachment 2
DBE Directories

Texarkana Urban Transit District will utilize the Texas Department of Transportation's DBE Work Category Statewide Index:

<http://www.txdot.gov/apps-cg/tucp/tucp-alpha.htm>

And,

The Arkansas Unified Disadvantaged Business Enterprise Directory.

<http://www.arkansashighways.com/ProgCon/letting/dbedirectory.pdf>

Attachment 3
Bidders' List

Abernathy Company
3088 Abernathy Dr.
Texarkana, AR 71854

Lasseter Bus & Mobility
820 Office Park Circle
Lewisville, TX 75057

Aramark Uniforms
P. O. Box 8826
Pine Bluff, AR 71611

ArTex Truck Center
1801 Trinity Blvd.
Texarkana, AR 71854

Bumper to Bumper Auto Parts
1904 College Dr.
Texarkana, TX 75503

Business Graphics
803 Redwater Rd.
Wake Village, TX 75501

Communication Specialists
401 Wood St.
Texarkana, AR 71854

Hope Fire Extinguisher
Stateline Ave & Hazel St
Texarkana, TX 75501

Fast Signs
6745 Mall Dr.
Texarkana, TX 75503

Firmin's Office City
2209-19 Stateline Ave
Texarkana, TX 75501

Proforma
P. O. Box 640814
Cincinnati, OH 45264

General Supply
True Value Hardware
1019 Spruce St.
Texarkana TX 75501

Magneto Ignition
412 W. Third St.
Texarkana, TX 75501

Reba's Custom Embroidery
803 E. 9th St.
Texarkana, AR 71854

K&N Action Truck & Trailer
2507 E. Broad St
Texarkana, AR 71854

National Bus Sales
P. O. Box 6549
Marietta, GA 30065

Pinewood Mobility
1416 Nix St.
Dangerfield, TX 75683

Discount Wheel & Tire
3223-A Summerhill Rd.
Texarkana, TX 75503

GCR Tire Center
6010 N. Stateline Ave
Texarkana, AR 71854

Gateway Tire & Service
3520 Summerhill Rd
Texarkana, TX 75503

King's Paint & Body Shop
1025 Highway 8 North
New Boston, TX 75570

Industrial Mill & Maintenance
Supply
4401 Waco St.
Texarkana, TX 75501

Liberty Bearing & AG Supply
129 N. Jefferson
Mt. Pleasant, TX 75455

Franklin's Carpet Cleaning
P. O. Box 315
Hooks, TX 75561

Wesco Recreational & Bus
Service
2515 S. Lake Dr.
Texarkana, TX 75501

West Towing Service
3610 W. 7th St.
Texarkana, TX 75501-6322

Ark La Tex Health Clinic
1414 Arkansas Blvd.
Texarkana, AR 71854

American Lift Aids
2407 WSW Loop 323
Tyler, TX 75701

Cully Supply
17180 Adelman St SE
Prior Lake, MN 55372

Hudson Printing
6115 S. Mobberly Ave
Longview, TX 75602

Carpco Steel
203 Prince St.
Texarkana, AR 71854

Purvis Industries
P. O. Box 540757
Dallas, TX 75354

Jones Termite & Pest Control
P. O. Box 790
Nash, TX 75569

Cody's Auto Heat & Air
1937 N. Constitution Ave
Ashdown, AR 71822

Quality Petroleum
4101 E. 19th St.
Texarkana, AR 71854

Rush Truck Center
605 N. Kings Hwy.
Nash, TX 75569

Safety Kleen
5360 Legacy Dr.
Bldg. 2, Suite 100
Plano, TX 75024

Elliott Electric Supply
800 Old Boston Rd.
Texarkana, TX 75501

Texarkana Bearing
300 S. Lake Dr.
Texarkana, TX 75501

Coleman Motors
510 Addison St
New Boston, TX 75570

Beach Equipment
110 Plaza West
Texarkana, TX 75501

Texarkana Truck Center
1902 St. Michael Dr.
Texarkana, TX 75503

Tri State Fasteners & Supply
520 W, 6th St.
Texarkana, TX 75501

O'Reilly Auto Parts
1802 New Boston Rd.
Texarkana, TX 75501

Advance Auto Parts
2801 New Boston Rd.
Texarkana, TX 75501

Holt & Sons Automatic
Transmission Service
816 w. 16th St.
Mt. Pleasant, TX 75455

Dot's Ace Hardware
814 N. Robison Rd.
Texarkana, TX 75501

Texarkana Parts & Logistics
2701 W. 7th St
Texarkana, TX 75501

Lawson Products
4355 Beltwood Pkwy North
Dallas, TX 75244

Custom Clutch & Drive Shaft
917 Bowie St
Texarkana, TX 75501

Music Mountain
301 E Herndon
Shreveport, LA 71101

Pratt's Truck Service
5620 W. 7th St.
Texarkana, TX 75501

Jackson Oil
310 W. 15th St.
Mt. Pleasant, TX 75455

Safety Control of Texas
P. O. Box 271
Mt. Pleasant, TX 75456

Dick's Texas Big
904 W. 7th St.
Texarkana, TX 75501

Domain Direct Hosting
110 E. Broward Blvd. Ste 1650
Ft. Lauderdale, FL 33301

Whatley Sign Co.
1109 E. 51st St.
Texarkana, AR 71854

Attachment 4
Monitoring and Enforcement Mechanisms

Texarkana Urban Transit District has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

1. Breach of contract action, pursuant to the terms of the contract;
2. Breach of contract action, pursuant to Texas Local Government Code Section 271.

In addition, the federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE problem, 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.

TUTD will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.

DBE GOALS 2018 - 2020

Name of Recipient: Texarkana Urban Transit District

Goal Period: FY-2018 – October 1, 2014 through September 30, 2020

DOT- projected contract amount: \$ 367,900.00

DBE Goal: 32.26%

Total dollar amount to be expended on DBE's: \$ 118,684.54

Pursuant to Section 49 Code of Federal Regulations Part 26, the Texarkana Urban Transit District (TUTD) has proposed an overall goal of 32.26% for the participation of Disadvantaged Business Enterprises (DBEs) in its contracts funded by the U.S. Department of Transportation (DOT) through the Federal Transit Administration (FTA), effective October 1, 2017 through September 30, 2019. There are 12 anticipated DOT-assisted contracts for FY 18.

1. Advertising
2. Janitorial Supplies
3. Contract Personnel
4. Printing
5. Drug and Alcohol Testing
6. Office Supplies
7. Vehicle Maintenance and Repair
8. Tires/Tire Maintenance
9. Radios and Communications
10. Uniforms
11. Hardware/Software
12. Bus Purchases

Source: TUTD FY 2018-20 Three-Year Planning Budget

MARKET AREA

The market area for the DBE analysis is in the Texarkana Urban Transit District that includes the City of Texarkana, TX, Bowie County TX, Texarkana, AR, Miller County, AR and its surrounding counties. This TUCP region is part of the area identified as the Atlanta District by the Texas Unified Certification Program (TUCP) and statewide by the Arkansas Unified DBE Certification Program (AUCP). Firms certified through the TUCP identify each district where they conduct business and Firms certified through the AUCP is statewide. Several firms, in Texas, do business in multiple districts throughout the State of Texas.

Determination of Market Area:

The Texarkana urbanized area was used as the market area because:

1. A substantial majority of the bidders (contractors and subcontractors) come from this area, and b. A substantial majority of the contracting dollars will be spent in this area.

Methodology used to Calculate Overall Goal

Step 1:

In order to determine an overall goal, the following data sources were utilized to determine a base figure for the relative availability of DBEs:

1. Bowie County, Texas and Miller County, AR, County Business Patterns
<https://www.census.gov/data/developers/data-sets/nonemployer-statstics-and-county-business-patterns.html>
2. State of Texas – Texas Unified Certification Program (TUCP) DBE Directory
<http://www.txdot.gov/apps-cg/tucp/tucp-alpha.htm>
3. State of Arkansas – Arkansas Unified (DBE) Certification Program (AUCP) DBE Directory
<http://www.arkansashighways.com/ProgCon/letting/dbedirectory.pdf>

After identifying the anticipated types of contracts that will be awarded in FY 2018, County Business Pattern (CBP) Data for all firms in Bowie and Miller Counties was identified for the applicable contracting areas. Bowie and Miller Counties was used as the local market area, since the majority of contractors and subcontractors that bid on TUTD proposals are located in this area.

Additionally, the data provided by the TUCP and AUCP included firms working in the Texarkana Urban Transit District. The TUCP consolidates all DBE firms certified by six different agencies into one centralized DBE Directory for DOT funded contracts for Airport, Highways, and Public Transit and the AUCP is statewide.

The initial calculation of DBE availability was accomplished using data from the 2017 Bowie County CBP, Miller County CBP, the 2017 TUCP, and the 2017 AUCP. The North American Industry Standard Classification (NAICS) code used in the calculation for the DOT-assisted contracts for FY 2014 include: 541850 – Advertising , 453998 – Janitorial Supplies, 561311 - Contract Personnel, 5614 – Tires/Tire Maintenance, 423130 – Medical Laboratories (Drug Testing), 453210 – Office Supplies, 81111- Vehicle Maintenance and Repair, 32311- Printing, 517210- Wireless Telecommunications and Carriers, 315191- Uniforms, 443120- Computer and Software Stores, and 336211 – Bus Manufacturing.

The total number of DBE firms (20) divided by the total number of firms (62) produced a base figure of less than 32.26%. See Table 1 below.

TABLE 1
DBE Availability Based on the 2015 County Business patterns and
(Texas & Arkansas) Unified Certification Program Data

NAICS	Type of Work	TOT DBEs In TEXAS	TOT DBEs IN ARKANSAS	Total all Firms TX	Total all Firms AR	% DBEs
541850	Advertising	1	0	7	1	12.50%
453998	Janitorial Supplies	0	0	12	4	0.00%
561311	Contract Personnel	3	0	6	3	33.00%
423130	Tires/Tire Maint	0	0	1	0	0.00%
621511	Drug & Alcohol Testing	0	0	1	0	0.00%
453210	Office Supplies	2	0	3	2	40.00%
81111	Vehicle Maintenance And Repair	5	0	8	0	62.50%
32311	Printing	5	0	6	0	83.33%
517210	Radios and Communication	1	1	3	2	40.00%
315191	Uniforms	0	0	0	0	0.00%
443120	Hardware/Software	2	0	2	1	67.00%
336211	Bus Purchases	0	0	0	0	0.00%
	TOTAL	19	1	49	13	32.26%

Step 2

Each year TUTD will publish our goals in the local newspaper. After publication any vendors that call to ask questions regarding the DBE program. TUTD's DBELO will sit down with each vendor and give them information about the DBE program and an application for them to fill out and return to TXDOT.

TUTD has also encouraged many of our current vendors to become DBE's. Our DBELO will go through the application process with a number of vendors and will explain to them how they could benefit from the program. Most of the responses we have received so far are that they do not want to have to go through all of the paperwork to become a DBE.

TUTD has hosted DBE outreach seminars for vendors to highlight the benefits of becoming a DBE. We invited, contractors, vendors, and community organizations to come to these informative seminars promoting the DBE program and its benefits. TUTD gathered information from the attendees on what we can do to increase small business and DBE participation. Attendees were not encouraged due to the paperwork involved.

After calculating a base figure of the relative availability of DBEs, evidence was examined to determine what adjustment was needed to the base figure in order to arrive at the overall goal.

After collecting the data and reviewing it, although we could adjust our goal downward TUTD has decided to leave our overall goal at 32.26% to try and help attract more DBE participation.

Public Participation

We published our goal information in this Publication:

The Texarkana Gazette

It is also accessible on our website:

www.t-linebus.org

Goal information has also been sent to these organizations:

Texarkana Chamber of Commerce – 819 N. Stateline Texarkana, TX 75501

Texarkana African American Chamber of Commerce – 2502 S. Lake Drive
Texarkana, TX 75501

Texarkana Small Business Development Center – 2435 Moser Texarkana, TX
75501

Attachment 6
Breakout of Estimated Race Neutral & Race Conscious Participation

TUTD meets the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. TUTD uses the following race-neutral means to increase DBE participation:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitates DBE and other small business participation.
2. Carrying out information and communications programs on contracting procedures and specific contract opportunities.
3. Ensuring distribution of DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors.
4. Each year TUTD will publish our goals in the local newspaper. After publication there may be a couple of vendors that will call and ask questions regarding the DBE program. TUTD's DBELO will sit down with each vendor and give them information about the DBE program and an application for them to fill out and return to TXDOT.
5. TUTD has also encouraged many of our current vendors to become DBE's. Our DBELO has explained the application process with a few of vendors and has explained to them how they could benefit from the program. Most of the response has been that they do not want to go through all of the paperwork required to become a DBE.

We estimate that, in meeting our overall goal of 32.26%, we will obtain 32.26% from race-neutral participation and 0% through race-conscious measures.

In order to ensure that our DBE program will be narrowly tailored to overcome the effects of discrimination, we will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)) and we will track and report race-neutral and race-conscious participation separately. For reporting purposes, race neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award. We will maintain data separately on DBE achievements in those contracts with and without contract goals, respectively.

Attachment 7
Form 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 a submits documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: _____

State Registration No. _____

By _____
(Signature) Title

FORM 2: LETTER OF INTENT

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE firm:

.....
.....
.....
.....

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

Affirmation

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

By _____
(Signature) (Title)

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

Attachment 8
TUCP Letter

TEXAS UNIFIED CERTIFICATION PROGRAM
LETTER OF AGREEMENT

Federal Regulation, 49 CFR, Part 26, Subpart E, Section 26.81 states that each state must implement a "one stop" certification process for Disadvantaged Business Enterprises (DBEs). Each entity receiving Department of Transportation (DOT) funds is required to enter into and sign an agreement establishing and supporting a Unified Certification Program (UCP) within the state. In response to this mandate, six agencies have agreed to perform the certification of DBEs within the state of Texas under the Texas Unified Certification Program (TUCP). The six agencies are: Texas Department of Transportation, North Central Texas Regional Certification Agency, South Central Texas Regional Certification Agency, the City of Houston, City of Austin, and the Corpus Christi Regional Transportation Authority.

The regulation requires the TUCP to construct and maintain a database directory in which the Texas Department of Transportation (TXDOT) has agreed to maintain. Specific responsibilities of the certifying entities and the territories for which they are responsible are specified in the attached Memorandum of Agreement.

By signing this letter, Texarkana Urban Transit District, certifies that it is willing to participate in the certification decisions of the six certifying agencies of the TUCP, which will conduct certification evaluations for DBEs within the state of Texas, according to the guidelines promulgated in 49 CFR. Part 26.

Texarkana Urban Transit District also acknowledges that the TUCP Memorandum of Agreement is, as currently structured, only a DBE Certification Program. Any changes to the structure of the TUCP will be placed before each recipient and its respective authority for consideration at least thirty days (30) prior to any changes being enacted. It may be amended if 49 CFR, Part 26 is amended by Congress.

Signed this _____ day of _____, 20__

By _____, Executive Director

Print Name _____

Attachment 9
49 CFR Part 26 Regulations

<https://www.fhwa.dot.gov/hep/guidance/superseded/49cfr26.cfm>

**TEXARKANA URBAN TRANSIT DISTRICT
DETERMINATION OF GOOD FAITH EFFORT CHECKLIST
*for Small and Large Purchases***

TYPE OF PROCUREMENT FOR DBE/HUB SOLICITATION

Small Purchase (more than \$2,500.00 but not more than \$100,000.00) ()
Large Purchase \$100,000.00 ()

DESCRIPTION OF ITEMS/SERVICES TO BE PURCHASED

CATEGORY	DESCRIPTION

SOLICITATION METHOD USED

Telephone bid (minimum 3 vendors) ()
Competitive written Bids (example IFB) ()
Competitive Sealed Bids (example SIFB) ()
Competitive Proposal/Negotiation (example RFP) ()
Sole Source ()

If Sole Source used, please justify _____

