



FREDERICKSBURG REGIONAL TRANSIT

Disadvantaged Business Enterprise Program

2016-2018

Developed in accordance with U.S. DOT Regulation 49 CFR Part 26
Updated August 2017

**DISADVANTAGED BUSINESS ENTERPRISE PROGRAM
(49 CFR PART 26)
FOR FREDERICKSBURG REGIONAL TRANSIT**

POLICY STATEMENT

Sections 26.1, 26.13(a) 26.23 - Objectives/Policy Statement/Assurance

FREDericksburg Regional Transit (FRED), a department of the City of Fredericksburg has established a Disadvantaged Business Enterprise (DBE) program plan in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. FRED has received Federal financial assistance from the DOT, and as a condition of receiving this assistance, FRED 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. FRED understands its legal obligations to implement this DBE Program plan. Failure to carry out the program shall be treated as a violation of the Federal Financial Assistance Assurance with DOT and FRED may be subject to sanctions and enforcement actions under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

It is the policy of FRED to ensure that DBEs as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in DOT–assisted contracts. It is also our policy 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. Implement the DBE Program plan in accordance with applicable law;
4. Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to be counted as DBEs on FRED contracts;
5. Provide DBEs and small business concerns with referrals to business development services so they can compete successfully in the market place outside the DBE Program; and.
6. Monitor and enforce the requirements of the DBE Program on DOT-assisted contracts.

Sharon L. Sullivan, Administrative Assistant to the Director of Public Transit, serves as the DBE Liaison Officer. In that capacity, she is responsible for implementing the DBE Program plan. Implementation of the DBE program is given the same priority as compliance with all other legal obligations incurred by FRED in its financial assistance agreements with the DOT.

FRED will disseminate this policy statement to the City Council of the City of Fredericksburg, the Public Transit Advisory Board and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts. To reach these parties, FRED has posted its policy and a link to the entire program on its website (rideFRED.com), on the City's website.

By signature of the DBE Policy Statement, FRED gives it assurance to DOT to comply with 49 CFR Part 26.

Timothy J. Baroody, City Manager

Date

SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

The objectives are found in the policy statement on the first page of this program plan.

Section 26.3 Applicability

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, III, and V of the TEA-21, Pub. L. 105-178. Titles I, III, and V of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109-59, 119 Stat. 1144; and Divisions A and B of the Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, 126 Stat. 405.

Section 26.5 Definitions

FRED will adopt the definitions contained in Section 26.5 for this program plan.

Section 26.7 Non-discrimination Requirements

FRED 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, FRED 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.

Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11(b)

FRED will report DBE participation on a semi-annual basis, using DOT Form 4630 Uniform Report of DBE Commitment/Awards and Payments. Due dates for these reports are June 1 (for the period October 1 – March 31) and December 1 (for the period April 1 – September 30). The DBELO will ensure that reports are submitted on time. FRED will begin collecting and analyzing the DBE awards or commitments and payments at least 60 days prior to the actual due dates of the reports. These reports will reflect payments actually made to certified DBEs on DOT-assisted contracts. The reports will not include information on contracts FRED may execute using only local and/or Commonwealth of Virginia funds.

Bidders List: 26.11(c)

FRED 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 consider the results in the use of the bidder's list approach to calculating the overall triennial goals. The bidder list will include the name, address, DBE/non-DBE status, age, and annual gross receipts of firms.

We will collect this information by conducting a survey to firms who have pursued FRED procurements and have indicated an interest in FRED procurements.

Section 26.13 Federal Financial Assistance Agreement

Assurance: Section 26.13(a)

The signed DBE assurance of compliance with 26.13(a) is found in the policy statement on the first page of this program plan.

Contract Assurance: Sections 26.13(b) and 26.53(h)

We will 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 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, which may include but not be limited to:

- Withholding monthly progress payments;
- Assessing sanctions;
- Liquidated damages; and/or
- Disqualifying the contractor from future bidding as non-responsive.

Exemptions or Waivers: Section 26.15

FRED understands we can apply for an exemption or waiver from any provisions in Sub Parts B and C of 49 CFR Part 26 including, but not limited to, any provisions regarding administrative requirements, overall goals, contract goals or good faith efforts. In the event FRED requests an exemption or waiver, FRED will follow the procedures in section 26.15 and the request will document the special or exceptional circumstances for the exemption or waiver being requested.

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

FRED has received and expects to continue to receive grants of \$250,000 or more in FTA planning capital, and or operating assistance in current and upcoming federal fiscal years. We will continue to carry out this program plan until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program plan.

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

The DBE Liaison Officer is:

Sharon L. Sullivan, DBELO
FREdericksburg Regional Transit
1400 Jefferson Davis Highway
Fredericksburg, VA 22401
Telephone: 540.372.1222 x705
email: slsullivan@fredericksburgva.gov.

The DBELO is responsible for implementing and monitoring the DBE program and ensuring that FRED complies with the provision of 49 CFR Part 26. The DBELO has direct, independent access to the City Manager of the City of Fredericksburg concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 1 to this program plan.

The DBELO duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT and submitted on time.
2. Works with FRED management to set overall triennial goals and the individual race-conscious goal as applicable.
3. Ensures that construction bid notices and requests for proposals are available on FRED website in a timely manner.
4. Analyzes FRED's progress toward DBE goal attainment and prepares shortfall analysis, if needed.
5. Informs the City Manager on DBE matters and achievements.
6. Monitors contracts with a DBE goal for compliance with the DBE Program requirements through the prompt payment reports and other documents.
7. Provides DBEs and Small Business with information, through the FRED website on where they may obtain assistance in preparing bids, obtaining bonding and insurance.
8. Provides outreach to DBEs and business organizations to inform them of opportunities.

The DBELO coordinates DBE program implementation with other appropriate members of FRED management. FRED management will assist the DBELO in researching available DBE companies in the area, outreach to those companies, gathering and entering data, completing required forms, and preparing and monitoring procurement contracts.

Section 26.27 DBE Financial Institutions

FRED has searched the VDOT DBE directory for qualified companies offering financial and related services. There is no DBE-certified financial services institution operating in the City Fredericksburg. FRED will search the VDOT DBE directory on an annual basis to determine if there is a DBE-certified financial services institution operating in the Fredericksburg region. Should there be such an institution, FRED will make reasonable efforts to use the institution, and to encourage prime contractors on DOT-assisted contract to make use of the institution.

Section 26.29 Prompt Payment Mechanisms

FRED will include the following clauses 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 14 days from the receipt

of each payment the prime contract receives from FRED. The prime contractor agrees further to return retainage payments to each subcontractor within 14 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 by FRED.

FRED has established the following mechanisms to monitor and enforce prompt payment and return of retainage:

1. The bidder shall provide the DBELO with a copy of DBE subcontracts or purchase orders upon request. The subcontracts between the contractor and its subcontractors must contain the above reference prompt payment clause as set forth herein.
2. During the term of the contract and when there is DBE participation, the prime contractor shall submit a monthly DBE Running Tally report to the DBELO (Attachment 2).
3. The prime contractor must maintain records and documents of payments to DBEs for three (3) years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of FRED or DOT.
4. Upon completion of the contract where there is DBE utilization and prior to final payment, the prime contractor shall submit the DBE Statement of Contract Close-out to the DBELO, (Attachment 3).

FRED has available several remedies to enforce the DBE utilization and prompt payment and return of retainage requirements which includes but not limited to, the following:

1. Withholding monthly progress payments;
2. Assessing sanctions;
3. Liquidated damages;
4. Disqualifying the contractor from future bidding as non-responsible; and/or
5. Delay final contract payment until compliance with this section, if needed.

Section 26.31 Directory

FRED uses a directory developed and maintained by the Virginia Department of Transportation (VDOT) to identify firms eligible to participate as DBEs. The directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. The Directory is available on line on the VDOT website at <https://directory.sbsd.virginia.gov/directory/#/>

Section 26.33 Overconcentration

During preparation of the overall triennial DBE goal, FRED will assess whether there is an overconcentration of DBEs in certain types of work as to unduly burden the opportunity of non-DBE firms to participate in this type of work. If there is a possible overconcentration, FRED will consider varying the use of the type of work to establish the individual DBE contract goals and the triennial DBE goal.

Section 26.35 Business Development Programs

FRED is a small transit agency and does not have the financial or staff resources to establish a formal business development program. FRED will refer DBEs to VDOT Business Development Program (BDP) and or the local University of Mary Washington Small Business Development Center to assist firms in gaining the ability to compete successfully in the marketplace outside the DBE program. The VDOT BDP website is www.sbsd.virginia.gov/. The federal SBDC website is www.sba.gov/tools/local-assistance/sbdc. We will maintain a link to these services on the FRED website.

Sections 26.37 and 26.53(j) Monitoring and Enforcement Mechanisms

FRED will employ the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. We 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 (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 section 26.109.
2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts.

FRED has a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. FRED will:

3. Complete an on-site Commercially Useful Function (CUF) (Attachment 4) review on a construction project to inspect if the DBE work is being performed by the DBE as specified in the contract;
4. Keep a running tally of payments made to DBEs (Section 26.29) for work performed. The DBELO will track payments made by the contractor to DBEs.
5. Review the construction contractor's DBE Contract Compliance Closeout report before issuing final payment to the contractor.
6. As needed, require the contractor to provide the DBELO with a copy of the DBE subcontracts and/or purchase orders.
7. Submit semi-annual uniform report of DBE Awards or Commitments and Payments (Section 26.11) to report DBE participation on FRED DOT-assisted procurements.

Section 26.39 - Fostering Small Business Participation

FRED is committed to fostering small business (DBEs and non-DBEs) participation in FRED's DOT assisted procurements. FRED is taking proactive steps to encourage small business participation through:

1. Including in the FRED contract clauses, the request to bidder's on large contracts to identify subcontract opportunities appropriate for small business participation.
2. Encouraging small businesses to pursue procurement opportunities by registering their interest through FRED website.
3. Referring small businesses for business development assistance through the City of Fredericksburg Business Development Toolkit program and other government agencies (i.e., Small Business Administration, Small Business Development Center, Minority Business Development Agency, USDOT, Office of Small Disadvantaged Business Utilization) for financial management, personnel management, and other technical assistance related to the specific needs of small businesses including

DBEs. Refer to Attachment 8 for web address of agencies providing small business development assistance.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

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

Section 26.45 Overall Goals

FRED anticipates using \$250,000 or more in FTA planning, capital, and or operating assistance for procurements.

In accordance with Section 26.45(f) FRED will submit its overall triennial goal to the FTA on August 1. Before establishing the overall triennial goal, FRED will identify the availability of ready, willing, and able DBEs in our local market area. The local market areas may include the counties of Fairfax, Prince William, Stafford, Spotsylvania, King George, Hanover, Caroline, Henrico, City of Richmond and City of Fredericksburg. FRED will consult with the Fredericksburg Regional Alliance, community chambers of commerce, the Public Transit Advisory Board, National Association of Women Business Owners, Minority and Women Business Associations, and other interested groups to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses and FRED efforts to establish a level playing field for the participation of DBEs. Based on FRED's Bidder's list, which includes DBEs and SWaMs, FRED will send a notice to these firms requesting input. FRED will conduct interchanges throughout the triennial period to discuss and solicit comments on the proposed DBE participation goal and to inform small, women-and minority-owned businesses about upcoming opportunities to do business with FRED.

Following the three years of 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 the Lawrence A. Davies Transit Center (referred to as FRED Central) for 30 days following the date of the notice and on-line as well at www.rideFRED.com. FRED will accept comments on the goals for 30 days from the date of the notice. Normally, we will publish the notice by June 1 of the year the triennial DBE goal is due.

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

We will begin using our overall triennial DBE goal on October 1 of the year the goal is due to FTA, 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. The overall triennial DBE goal will be posted on the website until the goal is updated.

Section 26.49 Transit Vehicle Manufacturers Goals

FRED 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.

Section 26.51(a-c) Race-Neutral Measures

FRED's DBE Program is designed to be race-neutral and its overall DBE participation goal will similarly have a DBE race-neutral goal. If an annual review of FRED's record of DBE participation in its contracts indicates a need to consider race-conscious goals, FRED will follow the guidance in 26.51(d-g) to establish race-conscious measures.

FRED will implement Race-Neutral measures to meet the maximum portion of the Overall Triennial DBE Goal in accordance with 49 CFR Part 26.51, including but not limited to:

- Post timely solicitations for bids in ways that facilitate DBE participation.
- Where possible break-down large contracts to encourage DBE's to bid as prime contractor.
- Encourage prime contractors to identify subcontract work that DBE's may bid on.
- Refer DBEs to the local Small Business Development Center, the VDOT Transportation Business Development Assistance, OSDBU, MBDA for technical assistance and other business development services that will enable the DBE to bid FRED procurements. Refer to Attachment 8 for web address of agencies providing business development assistance.
- Provide information on contracting procedures and specific contract opportunities on FRED website.
- Disseminate bid opportunity information to Minority and Women Business Organizations

Section 26.51(d-g) Race-Conscious Participation through Contract Goals

FRED will use contract goals to meet any portion of the overall goal FRED 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 will establish 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.) The methodology, to setting an individual race-conscious DBE goal on a contract, will generally follow the steps to establish the overall triennial DBE goal.

We will express our contract goals as a percentage of the Federal share of a DOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures

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

The obligation of the bidder is to make good faith efforts with respect to a contract with a DBE contract goal. The bidder 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 49 CFR Part 26.

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

We will ensure that all information is complete and accurate and adequately documents the bidder/offer met the DBE goal or demonstrated a good faith effort to meet the goal before we commit to the performance of the contract by the bidder.

For discussion on Section 26.53, a bidder has the same meaning as a proposer or offeror. Bid has the same meaning as purchase order or cost proposal. A contractor has the same meaning as a construction contractor, prime consultant or material supplier, unless specified differently.

Award of Contract when the DBE Contract Goal is Met: Section 26.53(a)(1)

In those instances where a contract-specific DBE goal is included in a procurement/solicitation, FRED will award the contract to a bidder who documents that it has obtained sufficient DBE participation to meet the goal. The bidder will submit the DBE Commitment form with a copy of the DBE quote within 5 days of bid opening to the DBELO. See Attachments 5 for DBE Quote Confirmation form.

Award of Contract when the DBE Contract Goal was Not Met and a Demonstration of Good Faith Effort was made: Section 26.53(a)(2)

In those instances where a contract-specific DBE goal is not met, FRED will evaluate the bidder's good faith effort documentation to determine if adequate good faith efforts were made to meet the DBE goal. The bidder will submit the DBE Commitment form with a copy of the DBE quote; and good faith effort documentation with related supporting documents within 5 days of bid opening to the DBELO. See Attachments 5 and 6, respectively, for the DBE Quote Confirmation form and Good Faith Efforts form.

Information to be Submitted: Section 26.53(b)(2)

Each solicitation for which a contract goal has been established will require the bidder's to submit the DBE Quote Confirmation form (Attachment 5) for each DBE on the contract with 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 confirmation from the DBE that it is participating in the contract as provided in the prime contractor's bid; and,
5. Include a copy of the DBE quote.

Demonstration and Evaluation of Good Faith Efforts: Sections 26.53(a)(2) and (c)

The DBELO is responsible for determining whether a bidder who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive to the DBE requirements. FRED treats bidders' compliance with good faith efforts' requirements as a matter of responsiveness.

The bidder's will complete and submit the DBE Good Faith Effort form and associated documentation; DBE Commitment form and DBE quotes within 5 days of bid opening to the DBELO. See Attachments 5 and 6 for reference forms. The process used to determine whether good faith efforts have been made by a bidder will include consideration of the following:

- A. Documentation that the bidder attended a pre-bid meeting, if any, to network with DBEs on subcontracting opportunities under a given solicitation.
- B. Documentation that for at least 5 business days before bids are due, advertisements were placed in publications that DBEs use to find sub-bid opportunities. The advertisement should include but not be limited to the description of the project; subcontracting opportunities; date the sub-bid is due, who to contact at the bidder's office on questions regarding the project plans and

specifications, bidder's subcontract conditions and other pertinent project information that will impact the sub-bid price and sub-bid conditions.

- C. Documentation that written solicitations were sent to sufficient number of DBEs, who could reasonably perform the subcontracting opportunities. The written solicitation will provide similar information as included in the notice of publication and where the DBE may obtain business service assistance in order to prepare the sub-bid.
- D. Documentation on the follow-up efforts made with DBEs who did not respond to the initial written solicitation for sub-bids. Documentation to support the initial written and follow-up solicitation will include:
 - 1. The names, addresses, and telephone numbers of DBEs that were contacted and the date(s) of contact.
 - 2. A copy of the written information provided to DBEs regarding the project plans and specifications and general contract requirements for the work to be performed.
 - 3. The result of the solicitation, to include the DBE's comments.
- E. Documentation of efforts made to assist the DBEs who requested assistance in obtaining bonding or insurance or other bidding assistance such as equipment, supplies, materials or related assistance or services.
- F. Documentation of efforts to utilize the services of minority/women/small business organizations, community and contractor groups to locate qualified DBEs.
- G. Documentation that the bidder has broken out contract work items into economically feasible units in fields where there are available DBE firms to perform the work.
- H. Documentation for each DBE bid that was rejected, the reason the DBE bid was rejected.

The DBELO will analyze the information for truthfulness, completeness and that it adequately documents the bidder's good faith efforts.

If the DBE goal was met and/or a demonstration of good faith effort was made, the bid package will be forwarded to FRED Project Manager for further bid processing.

If the DBE goal was not met and the bidder did not demonstrate adequate good faith efforts, the DBELO will prepare a report of findings and submit it to FRED Project Manager for further processing. The bidder may request an Administrative Reconsideration meeting.

Administrative Reconsideration 26.53(d)

Within 15 days of being informed by FRED that it is not responsive because it has not documented sufficient good faith efforts, a bidder may request administrative reconsideration. The bidder should make this request in writing to the following reconsideration official:

Assistant City Manager
City of Fredericksburg
715 Princess Anne Street
Fredericksburg, VA 22401
540.372.1010,

The Reconsideration Official will not have played any role in the original determination that the bidder did not document sufficient good faith efforts.

As part of this reconsideration, the bidder will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. Or, the bidder will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. We will send the bidder a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the DOT.

SAMPLE BID LANGUAGE

When FRED specifies a contract goal versus a general goal, we will insert into affected contracts language similar to that set out below:

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 FRED 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 X percent has been established for this contract.

FRED will award the contract to a bidder who documents that it has met the DBE goal or demonstrated a good faith effort to meet the goal. The bidder will submit the DBE Commitment form with a copy of the DBE quote within 5 days of bid opening to the DBELO. The DBE Commitment form requires the bidder 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);

The bidder/offeror shall make good faith efforts, as defined in FRED DBE Program plan Section 26.53.

Good Faith Efforts when a DBE is Terminated/Replaced on a Contract with Contract Goal: Section 26.53(f) and (g)

FRED requires that prime contractors not terminate a DBE subcontractor listed on a contract with a DBE contract goal without FRED'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.

For purposes of this paragraph, good cause includes the following circumstances:

- (i) The listed DBE subcontractor fails or refuses to execute a written contract;
- (ii) The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided, however, that good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor;
- (iii) The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable, nondiscriminatory bond requirements.
- (iv) The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;
- (v) The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant 2 CFR Parts 180, 215 and 1,200 or applicable state law;
- (vi) You have determined that the listed DBE subcontractor is not a responsible contractor;
- (vii) The listed DBE subcontractor voluntarily withdraws from the project and provides to you written notice of its withdrawal;
- (viii) The listed DBE is ineligible to receive DBE credit for the type of work required;
- (ix) A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract;
- (x) Other documented good cause that you determine compels the termination of the DBE subcontractor. Provided, that good cause does not exist if the prime contractor seeks to terminate a DBE it relied upon to obtain the contract so that the prime contractor can self-perform the work for which the DBE contractor was engaged or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award.

Before transmitting to FRED its request to terminate, the prime contractor must give notice in writing to the DBE of its intent to do so. A copy of this notice must be provided to FRED prior to consideration of the request to terminate. The DBE will then have five (5) days to respond and advise FRED on why it objects to the proposed termination.

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

In this situation, 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.

The contractor is advised to complete and submit the DBE Substitution/Termination Request form (Attachment 7) to the DBELO.

If the contractor fails or refuses to comply in the time specified, FRED will issue an order stopping all or part of payment until satisfactory action has been taken.

Section 26.55 Counting DBE Participation

We will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55 (a) through (h).

FRED will count DBE participation toward overall and individual contract goal as provided in 49 CFR 26.55.

(a) When a DBE participates in a contract, you count only the value of the work actually performed by the DBE toward DBE goals.

(1) Count the entire amount of that portion of a construction contract (or other contract not covered by paragraph (a)(2) of this section) that is performed by the DBE's own forces. Include the cost of supplies and materials obtained by the DBE for the work of the contract, including supplies purchased or equipment leased by the DBE (except supplies and equipment the DBE subcontractor purchases or leases from the prime contractor or its affiliate).

(2) Count the entire amount of fees or commissions charged by a DBE firm for providing a bona fide service, such as professional, technical, consultant, or managerial services, or for providing bonds or insurance specifically required for the performance of a DOT-assisted contract, toward DBE goals, provided you determine the fee to be reasonable and not excessive as compared with fees customarily allowed for similar services.

(3) When a DBE subcontracts part of the work of its contract to another firm, the value of the subcontracted work may be counted toward DBE goals only if the DBE's subcontractor is itself a DBE. Work that a DBE subcontracts to a non-DBE firm does not count toward DBE goals.

(b) When a DBE performs as a participant in a joint venture, count a portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the contract that the DBE performs with its own forces toward DBE goals.

(c) Count expenditures to a DBE contractor toward DBE goals only if the DBE is performing a commercially useful function on that contract.

(1) A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether a DBE is performing a commercially useful function, you must evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under

the contract is commensurate with the work it is actually performing and the DBE credit claimed for its performance of the work, and other relevant factors.

(2) A DBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, you must examine similar transactions, particularly those in which DBEs do not participate.

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

When a DBE is presumed not to be performing a commercially useful function as provided in paragraph (c)(3) of this section, the DBE may present evidence to rebut this presumption. You may determine that the firm is performing a commercially useful function given the type of work involved and normal industry practices.

Count expenditures with DBEs for materials or supplies toward DBE goals as provided in the following:

(1)(i) If the materials or supplies are obtained from a DBE manufacturer, count 100 percent of the cost of the materials or supplies toward DBE goals.

(ii) For purposes of this paragraph (e)(1), a manufacturer is a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.

(2)(i) If the materials or supplies are purchased from a DBE regular dealer, count 60 percent of the cost of the materials or supplies toward DBE goals.

For purposes of this section, a regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business.

To be a regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question.

A person may be a regular dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business as provided in this paragraph (e)(2)(ii) if the person both owns and operates distribution equipment for the products. Any supplementing of regular dealers' own distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis.

Packagers, brokers, manufacturers' representatives, or other persons who

arrange or expedite transactions are not regular dealers within the meaning of this paragraph (e)(2).

(3) With respect to materials or supplies purchased from a DBE which is neither a manufacturer nor a regular dealer, count the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on a job site, toward DBE goals, provided you determine the fees to be reasonable and not excessive as compared with fees customarily allowed for similar services. Do not count any portion of the cost of the materials and supplies themselves toward DBE goals, however.

SUBPART D – CERTIFICATION STANDARDS

Sections 26.61 – 26.73 Certification Process

FRED will rely on the list of DBE-certified companies maintained by the Virginia Department of Transportation to determine those firms eligible to participate as DBEs. Firms desiring to establish DBE certification can do so by completing forms that can be found on the VDOT DBE website at: www.sbsd.virginia.gov/certification-division/

SUBPART E – CERTIFICATION PROCEDURES

Sections 26.81-26.91 Unified Certification Program and Certification Procedures

FRED is a non-certifying member of a Unified Certification Program (UCP) administered by the Virginia Department of Transportation. The VDOT UCP has an approved UCP and USDOT has certified their certification standards and procedures to make certification determinations as required in sections 26.61 through 26.91.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

We will safeguard from disclosure to third parties' information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. The City of Fredericksburg follows the Commonwealth of Virginia's Freedom of Information Act, section 2.2-3700 et. seq. of the Virginia Code. Virginia's FOIA may be found on-line at www.vita.virginia.gov/about/default.aspx?id=311.

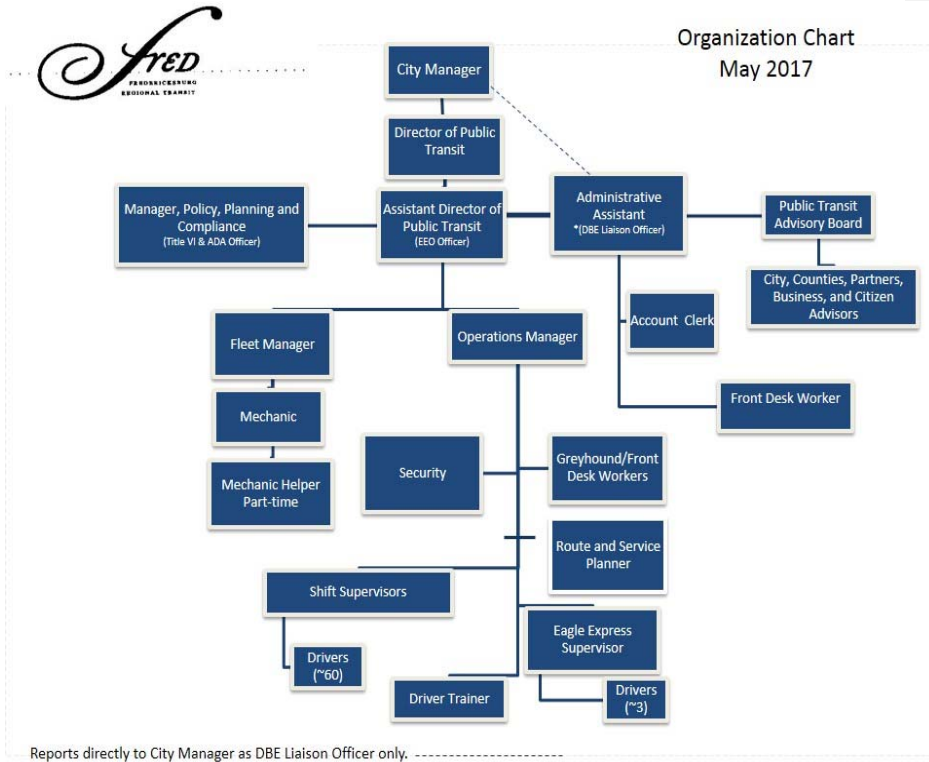
FRED will cooperate fully and promptly with DOT and other government agencies in an investigation related to compliance and enforcement of 49 CFR Part 26.

FRED will not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by 49 CFR Part 26 or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under 49 CFR Part 26.

ATTACHMENTS

- | | |
|--------------|---|
| Attachment 1 | Organizational Chart |
| Attachment 2 | DBE Running Tally Report |
| Attachment 3 | Contract Close-Out Statement of Compliances |
| Attachment 4 | Commercially Useful Function Form |
| Attachment 5 | DBE Quote Confirmation Form |
| Attachment 6 | Good Faith Effort Form |
| Attachment 7 | DBE Substitution/Termination Request Form |
| Attachment 8 | General Information and Sources of Help |

Attachment 1
FRED Organization Chart



Organization Chart
May 2017

Attachment 3

DBE CONTRACT CLOSE-OUT STATEMENT OF COMPLIANCE

Project/Contract No: _____

Project/Contract Name: _____

I, _____, undersigned, am _____,
with the authority to act for and on behalf of _____,

certify under penalty of perjury that this federal-aided project has been monitored in
conformance with Part 26 of Title 49 of the Code of Federal Regulations.

Date: _____ Signature: _____

Comments/Exceptions (Explanation):

Enclosures: DBE Final Payment and Prompt Payment Verification

Mail or email to:

Sharon Sullivan, DBELO
FREDericksburg Regional Transit
1400 Jefferson Davis Highway
Fredericksburg, VA 22401
sullivan@fredericksburgva.gov

Attachment 4

FREDERICKSBURG REGIONAL TRANSIT COMMERCIALLY USEFUL FUNCTION (CUF) FORM: PROJECT SITE REVIEW

Per 49 CFR 26.55, "A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved... A DBE does not perform a CUF if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation..." This form is for the purposes of reviewing DBEs for compliance with the CUF requirements for credit.

The review should be conducted when the DBE first begins work. Monitor compliance through the course of the project.

| | | | | | | | |
|--|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Project No(s): Jurisdiction: Prime Contractor: DBE Superintendent/Foreman: DBE Start Date: | FRED/Project Reviewer: Reviewer Title: Review Date: DBE Anticipated Completion Date: | | | | | | |
| DBE Name: | | | | | | | |
| Provide a brief description of the DBE's scope of work: | | | | | | | |
| Supervision Does the DBE have a superintendent/foreman on project? Does the superintendent/foreman work exclusively for the DBE? If not, who does he/she work for? Who does the superintendent/foreman report to? | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Yes</td> <td style="width: 50%;">No</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> | Yes | No | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Yes | No | | | | | | |
| <input type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| <input type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| Employees Does the DBE have employees on the job? Do they appear on DBE payrolls? If not, why? Do they appear on prime contractor's payroll? Who assigns work to them? | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><input type="checkbox"/></td> <td style="width: 50%;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| <input type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| <input type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| Performance Has any other contractor performed any of the DBE's work? If yes, who and what work items? | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><input type="checkbox"/></td> <td style="width: 50%;"><input type="checkbox"/></td> </tr> </table> | <input type="checkbox"/> | <input type="checkbox"/> | | | | |
| <input type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| Equipment Whose name appears on the equipment? Does DBE own or lease equipment? Does DBE use prime contractor's equipment? | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><input type="checkbox"/></td> <td style="width: 50%;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | |
| <input type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| <input type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| Commercially Useful Function Does it appear the DBE is performing a CUF? If DBE is not performing a CUF, contact Contract Compliance Office | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><input type="checkbox"/></td> <td style="width: 50%;"><input type="checkbox"/></td> </tr> </table> | <input type="checkbox"/> | <input type="checkbox"/> | | | | |
| <input type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| COMMENTS: | | | | | | | |

Reviewer Signature: _____ Date: _____

Attachment 5

| DBE QUOTE CONFIRMATION DBE to Complete this Section and submit to Bidder/Proposer | | |
|---|--|---------------|
| Contract Solicitation Number: _____ Bidder/Proposer's Name: _____ DBE Name, Address Telephone Number: _____ | | |
| Sub Bid/Proposal Amount: \$ _____ Sub Bid/Proposal Submittal Date: _____ DBE Certified by: _____ DBE Certification Number: _____ | | |
| DBE Quote Confirmation Information | | |
| Description of Services to be Performed by DBE | Quantity | Dollar Amount |
| | | |
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| Important Information IMPORTANT: Identify all scope of work to be performed by the DBE. Supplier quotes received 60% credit towards the DBE goal, regardless of tier. The DBE scope of work must be consistent with the work code/scope issued by the DBE certification agency. A copy of the DBE quote and or proposal is required as an attachment with this form. Submit this completed form and copy of the DBE quote to the bidder/proposer within 5 days of the bid/proposal submittal date. If you have any questions on the completion of this form, call Sharon Sullivan, DBELO, FREDericksburg Regional Transit at: 540.372.1222 x705. The Bidder/Proposer is responsible to ensure the accuracy and completeness of the information contained in this form. | DBE Total Dollar Amount Quoted \$ _____ | |
| | _____ DBE Preparer's Signature | |
| | _____ Preparer's Name (Print) | |
| | _____ Preparer's Title | |
| | Date: _____ | |
| FRED Transit DBE Quote Confirmation Form | | |

Attachment 6

| DISADVANTAGED BUSINESS ENTERPRISE GOOD FAITH EFFORT (GFE) FORM | |
|--|--|
| Bidder/Proposer to complete this form and submit to the DBELO within 5 days of the bid/proposal submittal date. | |
| 1. Contract Solicitation Number: _____ | 1a. DBE Contract Goal: _____% |
| 2. Contract Description: _____ | |
| 3. Bidder Name and Address: _____ | |
| 4. Bid/Proposal Amount: _____ | 4a. Bid/Proposal Submittal Date: _____ |
| 5. Bidder's DBE Goal Commitment on Contract: _____% | |

GFE Factor Item 1. List items of work the Bidder/Proposer made available to DBE firms. For each item listed, show the dollar value and percentage of the total contract. The Bidder must demonstrate that sufficient work to meet the goal was made available to DBE firms. You may attach a spreadsheet of the information being requested in this factor.

| Items of Work Made Available to DBEs | Item of work broken down into economically feasible units – Yes/No | Dollar Value of work | % of Total Bid |
|--------------------------------------|--|----------------------|----------------|
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|-------|----|---|
| Total | \$ | % |
|-------|----|---|

GFE Factor Item 4. Describe the Bidder's efforts to solicit DBE quotes through advertisements. Provide copies of advertisement(s)

| Name of Publication | Dates of Publication |
|---------------------|----------------------|
| | |
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| | |
| | |

GFE Factor Item 5: Describe the Bidder's efforts made to assist interested DBEs in obtaining bonding, lines of credit, or insurance. Identify the DBEs who requested assistance and the type of assistance offered, and the dates. Provide copies of supporting documents on assistance provided. You may attach a spreadsheet of the information being requested in this factor.

| DBE Name | Assistance Requested | Dates Assistance Provided |
|----------|----------------------|---------------------------|
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GFE Factor Item 6: "Describe the Bidder's efforts made to assist interested DBEs in obtaining necessary equipment, supplies, materials or related assistance or services, excluding supplies and equipment the DBE purchases or leases from the prime contractor or its affiliate. Identify the DBE assisted, the type of assistance offered, and the dates. Provide copies of supporting documents. You may attach a spreadsheet of the information being requested in this factor.

| DBE Name | Assistance Requested | Dates Assistance Provided |
|----------|----------------------|---------------------------|
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GFE Factor Item 7: List the names of agencies and the dates on which they were contacted to obtain assistance in contacting, recruiting, and using DBE firms. If the agencies were contacted in writing provide copies of supporting documents.

| Name of Agency | Date of Contact |
|----------------|-----------------|
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GFE Factor Item 8: Include additional information the Bidder/Proposer wants the TCTB to consider that supports a demonstration of good faith effort.

| | |
|--|-----------------------------------|
| <p style="text-align: center;">Important Information</p> <p>IMPORTANT:</p> <p>Hand deliver or mail this completed form , with copies of the Bidder/Proposer’s good faith effort supporting documentation and copies of the DBE quotes within 5 days of the bid/proposal submittal date to:</p> <p style="padding-left: 40px;">Sharon Sullivan, DBELO Fredericksburg Regional Transit 1400 Jefferson Davis Hwy Fredericksburg, VA 22402</p> <p>DO NOT FAX this form or attachments.</p> <p>If you have any questions on the completion of this form, call 540.372.1222 x.705</p> <p>The Bidder/Proposer is responsible to ensure the truthfulness, accuracy and completeness of the information contained in this form.</p> | Preparer’s Signature: |
| | Print Name of Preparer and Title: |
| | Date form completed: |
| | Telephone Number: |

Attachment 7

DBE SUBSTITUTION/TERMINATION REQUEST FORM

| | |
|---------------|-------------------|
| REQUEST DATE: | PRIME CONTRACTOR: |
| PROJECT: | CONTRACT NUMBER: |

| NAME OF DBE SUBCONTRACTOR TO BE SUBSTITUTED/TERMINATED: | | | |
|--|------------------|--------------------------|-------------------------|
| ORIGINAL DBE SUBCONTRACT VALUE: | | SUBCONTRACT DESCRIPTION: | |
| NAME OF DBE SUBCONTRACTOR REPRESENTATIVE: | | PHONE NUMBER: | |
| ITEM NUMBER | WORK DESCRIPTION | DOLLAR AMOUNT COMPLETED | DOLLAR AMOUNT REMAINING |
| | | \$ | \$ |
| | | \$ | \$ |
| | | \$ | \$ |
| | | \$ | \$ |
| | | \$ | \$ |

| PROPOSED SUBCONTRACTOR TO REPLACE DBE: | | | |
|---|------------------|---|--|
| NEW SUBCONTRACT VALUE: | | INDICATE STATUS OF NEW SUBCONTRACTOR: <input type="checkbox"/> DBE <input type="checkbox"/> SBE <input type="checkbox"/> NON DBE/SBE | |
| NEW SUBCONTRACTOR REPRESENTATIVE: | | PHONE NUMBER: | |
| ITEM NUMBER | WORK DESCRIPTION | DOLLAR AMOUNT COMMITTED | |
| | | \$ | |
| | | \$ | |
| | | \$ | |
| | | \$ | |
| | | \$ | |

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| INDICATE REASON FOR SUBSTITUTION/TERMINATION (REFER TO PAGE 2 FOR SUBSTITUTION/TERMINATION BASIS): |
|--|

INDICATE ALL SUPPORTING DOCUMENTATION PROVIDED:

| | |
|--|---|
| | PROOF DBE CERTIFICATION FOR NEW PROPOSED FIRM |
| | WRITTEN CONFIRMATION OF WORK AND AMOUNT (QUOTE) OR PROPOSED SUBCONTRACT AGREEMENT SIGNED BY PROPOSED FIRM |
| | CONSENT OR ACKNOWLEDGMENT OF RELEASE FROM SUBSTITUTED FIRM |
| | DBE GOOD FAITH EFFORTS DOCUMENTATION |
| | OTHER: |

| | |
|--|---------------|
| PRIME CONTRACTOR REPRESENTATIVE/TITLE: | PHONE NUMBER: |
|--|---------------|

INTERNAL AUTHORITY USE ONLY

REMARKS:

AUTHORITY APPROVAL(S):

| | |
|---|-------|
| INITIAL REVIEW AND APPROVAL BY: | DATE: |
| APPROVAL BY DIRECTOR OF CONTRACTS AND COMPLIANCE: | DATE: |

REASONS FOR SUBSTITUTION/TERMINATION OF A DBE

The Contractor must first obtain the written consent of the Authority before any Contractor can act on the substitution of the DBE and must provide copies of the new or amended subcontracts. The Authority requires that a Contractor, or its subcontractor(s), 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 same extent needed to meet the overall or individual contract specific DBE goal, as established. Before requesting the Authority's consent for the proposed substitution or termination, the Contractor must give written notice of the proposal, including the reason for the request, to the DBE with a copy to the Authority. The DBE must be given five (5) days to respond. The notice period may be reduced if required by public necessity (e.g., safety).

1. The listed DBE subcontractor failed or refused to execute the written subcontract.
2. The listed DBE subcontractor failed or refused to perform the work of its subcontract consistent with normal industry standards; good cause does not exist where failure or refusal to perform the work of the subcontract results from bad faith or discriminatory action of the Contractor.
3. The listed DBE subcontractor failed or refused to meet reasonable, nondiscriminatory bond requirements.
4. The listed DBE subcontractor is bankrupt, insolvent, or exhibits credit unworthiness.
5. The listed DBE subcontractor is ineligible to work because of suspension and debarment proceedings.
6. The listed DBE subcontractor is not a responsible subcontractor.
7. The listed DBE subcontractor voluntarily withdraws from the project and provides written notice of its withdrawal.
8. The listed DBE subcontractor is ineligible to receive DBE credit for the type of work required.
9. The owner of the listed DBE subcontractor dies or becomes disabled and is unable to complete its work.
Other documented good cause that compels the substitution or termination of the listed DBE subcontractor. Enter reason(s) under rem

Attachment 8

Sources of Information and Assistance

Regulations: 49 CFR Part 26

Federal regulations setting out the Department of Transportation's DBE requirements in their entirety can be viewed on-line at:

<https://www.ecfr.gov/cgi-bin/text-idx?SID=53cd5c89e0e9bdafc93bae3ae3efb10c&mc=true&node=pt49.1.26&rgn=div5>

General information about the Federal Transit Administration's DBE program can be viewed on-line at:

<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/disadvantaged-business-enterprise>

VDOT DBE Information and Certification

Firm's desiring to learn about the DBE program and acquire DBE certification in the Commonwealth of Virginia can apply on-line through the Virginia Department of Transportation DBE website:

http://www.virginiadot.org/business/civil_rights_disadvantaged_business_enterprise_dbe_program.asp

U.S. Small Business Development Centers

The U.S. Small Business Administration's publishes a resource guide for Virginia for small businesses that can be found on-line at:

https://www.sba.gov/sites/default/files/files/resourceguide_3155.pdf

Information and assistance that is available from the SBA Richmond District Office, which covers the Fredericksburg area, can be found at:

<https://www.sba.gov/offices/district/va/richmond>

University of Mary Washington Small Business Development Center

The University of Mary Washington Small Business Development Center is a resource center that provides assistance to the small business community via management training, industrial and demographic research and confidential one-on-one consulting. It can be viewed on-line at:

<http://economicdevelopment.umw.edu/sbdc/>

Commented [OF1]: How about titling this "General Information" and you can cite the different web addresses discussed in the plan, to include a quick description of the services provided by SBDC, OSDBU, SBA, VDOT, MBDA.

City of Fredericksburg Business Development Toolkit

The Business Development Toolkit gives business owners an overview of available resources and contact information for developing a business plan, permitting requirements, financing and marketing. It can be viewed on-line at:

<http://www.fredericksburgva.com/DoingBusiness/BusinessResources/BusinessDevelopmentToolkit/>