

Disadvantaged Business Enterprise (DBE) Program

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DBE Program Summary

An equal opportunity program designed to ensure that small businesses owned by minorities, women, and other disadvantaged individuals have a fair opportunity to compete for federal dollars spent in transit.

U.S. DOT PROGRAM

- Qualifies certified DBEs for transit and highway projects
- SORTA requires certification by State of Ohio
- Certification must be complete prior to submittal of bids

DBE CONTRACT GOALS

- Established for each procurement
- Based on:
 - Availability of opportunities
 - Availability of qualified DBEs
 - Goal, not a quota
 - Prime must attain or exceed goal, or
 - Demonstrate good faith efforts prior to bid

DOCUMENTATION REQUIREMENTS

With Bid:

- Representation by Prime as to percentage of DBE participation included, whether or not goal is attained
- Responsiveness issue – not submitted, bid will be rejected

DOCUMENTATION REQUIREMENTS

- After bid is received – if goal is attained:
 - DBE Plan – List of DBEs and dollar amounts
 - Affidavits from DBE subs certifying status
 - Letters of intent from DBE subs

DOCUMENTATION REQUIREMENTS

- After bid is received – if goal is not attained:
 - All of the above, plus
 - Good Faith Effort Documentation
 - DBE unavailability certification signed by DBE

AFTER AWARD

- Executed subcontracts or purchase orders for each DBE
- Must reflect price & scope of Letters of Intent
- Spot checks to verify actual participation
- Any change in DBE participation must be:
 - Justified
 - Documented
 - Approved by DBE compliance officer

Prompt Payment Processes

49 CFR Part 26.29

- Mandatory part of the DBE program
- Requires prime contractors to pay subcontractors within a specific number of days after prime receives payment for satisfactorily completed work
- Requirement flowed down to all lower tiers

PROMPT PAYMENT DOCUMENTATION

- On time submittal of current, accurate and complete invoices
- Primes must document amounts paid to subs
- DBEs must submit documentation of amounts received
- Delay or postponement of payment may take place only for good cause, and only with prior written approval by the DBE Compliance Officer

Questions ?

DBE Guidelines Web Links

- Ohio Department of Transportation
 - www.ohioucp.org
- US Department of Transportation, Office of Small and Disadvantaged Business Utilization
 - www.osdbu.dot.gov
- Federal Transit Administration
 - www.fta.dot.gov
- US Department of Labor, Davis-Bacon Information
 - www.dol.gov/esa/programs/dbra/index.htm
- Davis-Bacon Wage Determinations
 - www.gpo.gov/davisbacon