



Hillsborough Area Regional Transit Authority
(TAMPA, FLORIDA)

**Disadvantaged Business Enterprise (DBE)
Program**

February 28, 2012

TABLE OF CONTENTS

1. GENERAL REQUIREMENTS

1.1 OBJECTIVES [26.1].....4

1.2 APPLICABILITY [26.3]4

1.3 DEFINITIONS [26.5]4

1.4 NON-DISCRIMINATION REQUIREMENTS [26.7]4

1.5 RECORD KEEPING REQUIREMENTS [26.11(a)]4

1.6 BIDDERS LIST [26.11(c)].....4

1.7 FEDERAL FINANCIAL ASSISTANCE AGREEMENT [26.13]5

1.7.1 ASSURANCE.....5

1.7.2 CONTRACT ASSURANCE.....5

2. ADMINISTRATIVE REQUIREMENTS

2.1 DBE PROGRAM UPDATES [26.21].....5

2.2 POLICY STATEMENT [26.23].....5

2.3 DBE LIAISON OFFICER [DBELO] [26.25]6

2.4 DBE FINANCIAL INSTITUTIONS [26.27]6

2.5 PROMPT PAYMENT MECHANISMS [26.29].....6

2.6 DIRECTORY [26.31].....7

2.7 OVERCONCENTRATION [26.33].....7

2.8 BUSINESS DEVELOPMENT PROGRAMS [26.35].....7

2.9 MONITORING AND ENFORCEMENT MECHANISMS [26.37]7

2.10 FOSTERING SMALL BUSINESS PARTICIPATION [26.39].....8

3. GOALS, GOOD FAITH EFFORTS, AND COUNTING

3.1 SET-ASIDES OR QUOTAS [26.43]8

3.2 OVERALL GOALS [26.45]8

3.3 FAILURE TO MEET OVERALL GOALS [26.47]9

3.4 TRANSIT VEHICLE MANUFACTURERS GOALS [26.49].....9

3.5 BREAKOUT OF ESTIMATED RACE-NEUTRAL & RACE-CONSCIOUS PARTICIPATION [26.51 (A-C)]9

3.6 CONTRACT GOALS [26.51 (D-G)]9

3.7 GOOD FAITH EFFORTS PROCEDURES [26.53].....10

3.7.1 ADMINISTRATIVE RECONSIDERATION [26.53 (D)].....10

3.7.2 GOOD FAITH EFFORTS WHEN A DBE IS REPLACED ON A CONTRACT
 [26.53 (F)]..... 10

3.8 COUNTING DBE PARTICIPATION [26.55].....11

4. CERTIFICATION STANDARDS [26.61-26.73]..... 12

5. CERTIFICATION PROCEDURES [26.81] 12

6. DENIAL OF DBE STATUS AND APPEALS [26.83-26.91].....12

7. PARAGRAPH NUMBERING 12

ATTACHMENT 1 FY 11, 12, 13 DBE PROGRAM STATEMENT 13

ATTACHMENT 2 FY 11, 12, 13 ORGANIZATIONAL CHART 14

ATTACHMENT 3 FY 11, 12, 13 DBE GOAL CALCULATION 15

ATTACHMENT 4 FY 11, 12, 13 BREAKOUT OF ESTIMATED RACE-NEUTRAL
& RACE-CONSCIOUS PARTICIPATION 17

ATTACHMENT 5 ON SITE DBE PARTICIPATION DOCUMENTATION.....18

ATTACHMENT 6 INTENT TO PERFORM-ATTACHMENT 1 TO EXHIBIT G.....19

ATTACHMENT 7 SUBCONTRACTORS INFORMATION-ATTACHMENT 2 TO
EXHIBIT G.....20

1. GENERAL REQUIREMENTS

1.1 Objectives [26.1]

It is the objective of HART to ensure that DBE's, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our objective to:

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

1.2 Applicability [26.3]

The Hillsborough Transit Authority [HART] receives Federal financial assistance from the U.S. Department of Transportation [DOT] and, as a condition of receiving this financial assistance, HART has signed an assurance that it will comply with 49 CFR Part 26. In accordance with these regulations, HART has established a Disadvantaged Business Enterprise [DBE] Program.

1.3 Definitions [26.5]

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

1.4 Non-discrimination Requirements [26.7]

HART 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 the DBE program, HART 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.

1.5 Record Keeping Requirements [26.11(a)]

HART will report DBE participation to FTA using the uniform report of DBE Awards or Commitments and Payments found in Appendix B to the DBE Regulation.

1.6 Bidders List [26.11(c)]

HART will create a 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 list will include the name, address, DBE non-DBE status, age, and annual gross receipts of firms.

HART will create a listing of offerors by requiring offerors to report the required information, for their firm, and all firms who quote to them on subcontracts, by issuing a requirement that will be placed in all federally funded solicitations.

1.7 Federal Financial Assistance Agreement [26.13]

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

1.7.1 Assurance

HART 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. HART shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. HART'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 HART of its failure to carry out its approved program, the Department of Transportation may impose sanction as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 [31 U.S.C. 3801 et seq.].

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

1.7.2 Contract Assurance

In each DOT-assisted contract, language will be included that the contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of the contract, which may result in the termination of the contract or such other remedy as HART deemed appropriate.

2. ADMINISTRATIVE REQUIREMENTS

2.1 DBE Program Updates [26.21]

Since HART receives a grant of \$250,000 or more in FTA planning, capital and/or operating assistance in a federal fiscal year, this program will be carried out until all funds from DOT financial assistance have been expended. Updates representing significant changes in the program will be provided to FTA.

2.2 Policy Statement [26.23]

HART will issue a signed and dated policy statement that expresses its commitment to the DBE program, states its objectives, and outlines responsibilities for its implementation. The statement will be circulated throughout the organization and to the DBE and non-DBE business communities that

perform work on HART DOT-assisted contracts. The policy statement is found in Attachment 1 to this program document.

2.3 DBE Liaison Officer [DBELO] [26.25]

The Chief Executive Officer has designated the Chief Administrative Officer as the DBE Liaison Officer.

In that capacity, the DBELO is responsible for implementing all aspects of the DBE Program and ensuring that HART complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the Chief Executive Officer concerning DBE Program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 2 to this program document.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The duties and responsibilities include the following to be administered:

- Gather and report statistical data and other information as required by DOT.
- Review third party contracts and purchase requisitions for compliance with this program.
- Work with all departments to set overall annual goals.
- Ensure that solicitation notices are available to DBEs in a timely manner.
- Identify 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].
- Analyze HART's progress toward attainment and identify ways to improve progress.
- Participation in pre-solicitation conferences.
- Advise the CEO\governing body on DBE matters and achievement..
- Provide DBEs with information and assistance in preparing offers, obtaining bonding and insurance.
- Plan and participation in DBE training seminars.
- Act as liaison to the Uniform Certification Program in the State of Florida.
- Provide outreach to DBEs and community organizations to advise them of opportunities.
- Monitor payments to DBEs for work committed to them at the time of contract award.

2.4 DBE Financial Institutions [26.27]

It is the policy of HART to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions. Notification of solicitations for financial services will be sent to the institutions identified in the United States Department of Treasury, Financial Management Services Division, Minority Bank Deposit Program [MBDP] listings of financial institutions in the State of Florida. The availability of such institutions can be obtained at the U.S. Department of Treasury website http://www.fms.treas.gov/mbdp/current_list.html.

2.5 Prompt Payment Mechanisms [26.29]

Language will be included in each DOT-assisted contract stating the prime contractor agrees to pay each subcontractor under the prime contract for satisfactory performance of its contract no later

than 10 calendar days from the receipt of each payment the prime contractor receives from HART. The prime contractor must agree further to return retainage payments to each subcontractor within 10 calendar days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced period may occur only for good cause following written approval of HART. This language applies to both DBE and non-DBE subcontracts. Failure to satisfy prompt payment to subcontractors no later than 10 calendar days from the receipt of payment from HART may constitute a breach of contract and may result in termination of the Contractor for default or such remedy as the Authority may deem appropriate.

2.6 Directory [26.31]

HART is required to participate in the Uniform Certification Program [UCP]. The combined statewide directory, identifying all firms eligible to participate as a certified DBE, may be located at the Florida Department of Transportation website <http://www.dot.state.fl.us/equalopportunityoffice/>.

2.7 Overconcentration [26.33]

HART has not identified that overconcentration exists in the types of work that DBEs perform.

2.8 Business Development Programs [26.35]

HART is not required to establish a formal business development program. The following activities are designed to ensure that DBEs and Small Business Enterprises (SBEs) have the equal opportunity to participate in contracts:

- Participate in training seminars and community outreach activities for the purpose of informing potential contractors of available business opportunities.
- Email procurement advertisements to businesses that have been identified as certified DBEs and SBEs, which are likely to participate on the contract.
- Encourage DBE and SBE attendance at solicitation conferences.

2.9 Monitoring and Enforcement Mechanisms [26.37]

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

HART 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.

HART will consider similar action under our own legal authorities, including responsibility determinations in future contracts.

HART will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by requiring the Contractor to provide a DBE Participation Report to HART with each invoice submitted to HART for payment. Failure of the Contractor to provide the DBE Participation Report may result in the invoice not being paid until the Contractor has provided the report.

HART DBE PROGRAM

In addition, and on site visit, DBE Participation Documentation Form will be filled out to verify that the DBE is actually performing the work identified on contract documents (Attachment 5).

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

HART will perform interim audits of contract payments to DBEs to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation. A letter of DBE Participation will be mailed to the firm identified by the Prime Contractor as performing work on the contract. The firm shall be requested to return the letter acknowledging the work and payment amount submitted to HART from the Prime Contractor.

2.10 Fostering Small Business Participation [26.39]

HART has incorporated the following non-discriminatory elements into its DBE Program, in order to facilitate competition on DOT-assisted public works projects by small business concerns (both DBEs and non-DBE small businesses):

- Removal of unnecessary and unjustified bundling of contract requirements that may preclude SBE participation in procurement as prime contractors or subcontractors; and
- Letting prime contracts of a size that small businesses can reasonably compete for and perform.

3. GOALS, GOOD FAITH EFFORTS, AND COUNTING

3.1 Set-asides or Quotas [26.43]

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

3.2 Overall Goals [26.45]

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 3 to this program. The goal will be updated every three years based on the January 28, 2011, Federal Register.

In accordance with Section 26.45[f], HART will submit its overall goal to DOT by August 1, every three years. HART may adjust the three year overall goal during the three year period to which it applies, in order to reflect changed circumstances. HART will submit an adjustment to FTA for review and approval.

HART will, at a minimum, consult with minority and general contractor's groups, community organizations, and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and HART's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, HART will publish a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business

hours at HART's office for 30 days following the date of the notice, and informing the public that HART and DOT will accept comments on the goals for 45 days from the date of the notice. The publishing of the notice of the proposed overall goal will be in a newspaper, or other media, of general circulation focused on minority readers. The notice will also be included on HART's Internet website. Normally, this notice will be issued by June 1. The notice will include addresses to which comments may be sent and addresses [including offices and websites] where the proposal may be reviewed.

The overall goal submission to DOT will include a summary of information and comments received during the public participation process and HART's responses.

HART will begin using the overall goal on October 1, unless HART has received other instructions from DOT. If HART establishes a goal on a project basis, HART will begin using the goal by the time the first solicitation for a DOT-assisted contract for the project is issued.

3.3 Failure to meet Overall Goals [26.47]

If HART does not have an approved DBE Program or overall goal, or if HART fails to implement the program in good faith, HART is in noncompliance with its failure and corrective action(s) must be documented. The analysis does not have to be transmitted to DOT the program. If HART fails to meet its overall goals in a given year, a determination of the reason(s) or unless HART is notified by DOT of the required analysis, the analysis and corrective action(s) will be retained for three years and it will be made available to the FTA upon request for their review.

3.4 Transit Vehicle Manufacturers Goals [26.49]

HART will require each transit vehicle manufacturer (TVM), as a condition of being authorized to submit an offer on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, HART 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.

3.5 Breakout of Estimated Race-Neutral & Race-Conscious Participation [26.51 (a-c)]

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 4 of this program document. This section of the program will be updated when the goal calculation is updated.

3.6 Contract Goals [26.51 (d-g)]

HART will use contract goals to meet any portion of the overall goal HART does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of the overall goal that is not projected to be met through the use of race-neutral means.

HART will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. HART may 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, etc.].

HART will express a contract goal as a percentage of a total amount of a DOT-assisted contract. HART will arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided in 26.39 of this document.

3.7 Good Faith Efforts Procedures [26.53]

The obligation of the offeror is to make good faith efforts. The offeror can demonstrate that it has done so by either meeting the contract goal or documenting good faith efforts it took prior to the submission of its bid. Examples of good faith efforts are found in Appendix A of 49 CRF Part 26.

The DBE Coordinator is responsible for determining whether an offeror, who has not met the contract goal, has documented sufficient good faith efforts to be regarded as responsible.

HART will ensure that all information is complete and accurate and adequately documents the offeror's good faith efforts before HART commits to the performance of the contract by the offeror.

Each solicitation, for which a contract goal has been established, will require the offeror to submit the following information:

- The names and addresses of DBE firms that will participate in the contract;
- A description of the work that each DBE will perform;
- The percentage or dollar amount of the participation of each DBE firm participating;
- Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
- Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment and
- If the contract goal is not met, evidence of good faith efforts.

3.7.1 Administrative Reconsideration [26.53 (d)]

Within 3 days of being informed by HART that the offeror is not responsible because they have not documented sufficient good faith efforts, an offeror may request administrative reconsideration. The offeror should make this request in writing to the following reconsideration official: DBELO, Ms. Brenda Mowen, HART, Chief Administrative Officer, 1201 East 7th Avenue, Tampa, FL 33605, [813] 384-6419, mowenb@gohart.org. The DBELO will not have played any role in the original determination that the offeror did not document sufficient good faith efforts.

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

3.7.2 Good Faith Efforts when a DBE is terminated or substituted on a contract [26.53 (f)]

Before transmitting its request to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice, in writing, to the DBE subcontractor, with a copy to HART, of its in-

HART DBE PROGRAM

tent to request to terminate and/or substitute, and the reason for the request. The prime contractor must give the DBE five days to respond to the prime contractor's notice and advise HART and the contractor of the reason(s), if any, why it objects to the proposed termination and why HART should not approve the prime contractor's action. If required as a matter of public necessity (i.e. safety, etc.), a response period short than five days may be provided. These provisions apply to pre-award deletions or substitutions in negotiated procurements and post award terminations.

HART will require 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. HART will require the prime contractor to notify the HART Contracting Officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, HART will require the prime contractor to obtain prior written approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

If the contractor fails or refuses to comply in the time specified, HART's Contracting Officer will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the Contracting Officer may issue a termination for default proceeding.

3.8 Counting DBE Participation [26.55]

HART will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. Only the value of the work actually performed by the DBE will count toward DBE goals. Such value will be counted as follows:

- The entire amount that is performed by the DBE;
- The entire amount of reasonable fees or commissions charged by a DBE firm for providing a bona fide service or for providing bonds or insurance required for the performance of the DOT-assisted contract;
- The value of work subcontracted by a DBE to another DBE is counted toward DBE goals.
- When a DBE performs as part of a joint venture, the portion of the total dollar value of the contract equal to the distinct defined portion of the work of the contract that the DBE performs will be counted.
- Expenditures to a DBE contractor will be counted toward DBE goals only if the DBE is performing a commercially useful function on that contract as set forth in 49 CFR Part 26.55[c] [1-5]. For determining whether a trucking company is performing a commercially useful function, HART will refer to 49 CFR Part 26.55[d] [1-6].
- For establishing whether expenditures for materials or supplies count toward DBE goals, HART will refer to 49 CFR Part 26.55[e].

HART DBE PROGRAM

- A DBE's participation will not be counted toward DBE goals of the prime contractor or HART's overall goal until the DBE is paid.

4. CERTIFICATION STANDARDS [26.61-26.73]

HART is a non-certifying member of the Unified Certification Program [UCP] in the State of Florida. All firms must apply through the UCP to be certified in the State of Florida.

The local certifying agency in the Tampa Bay area is the Hillsborough County Aviation Authority [HCAA] located at the Tampa International Airport. HART will use the DBE directory administered by the Florida Department of Transportation [FDOT] and listed on the UCP website to verify if a firm is DBE certified by the Florida UCP.

The Florida UCP certifies DBEs in accordance to the Federal Regulations. An Annual Meeting of the Florida UCP is scheduled for all members to attend and discuss any issues or needed changes to the UCP Program.

5. CERTIFICATION PROCEDURES [26.81]

HART is a non-certifying member of the Unified Certification Program [UCP] administered by the Florida Department of Transportation Equal Opportunity Office, 605 Suwannee Street, MS 65, Tallahassee, Florida 32399-0450. The EEO Office can be contacted by telephone: [850] 414-4747, fax: [850] 414-4879, and website at www.dot.state.fl.us/equalopportunityoffice/DBEProgram. The Florida UCP will meet all of the requirements of certification procedures.

6. DENIAL OF DBE STATUS AND APPEALS [26.83-26.91]

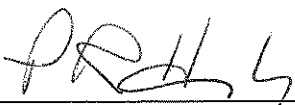
Any firm or complainant may appeal a Florida UCP decision matter to DOT. Such appeals may be sent to:

U.S. Department of Transportation
Office of Civil Rights Certification Appeals Branch
1200 New Jersey Avenue, S. E.
West Building, 7th Floor
Washington, D.C. 20590

7. PARAGRAPH NUMBERING

Paragraphs identified above have the relevant 49 CFR Part 26 reference. For example, paragraph 1.1 Objectives is fashioned after 49 CFR Part 26.1.

Effective: February 28, 2012
Revised: February 28, 2012



Philip Hale, Chief Executive Officer

Dated: 2/28/12

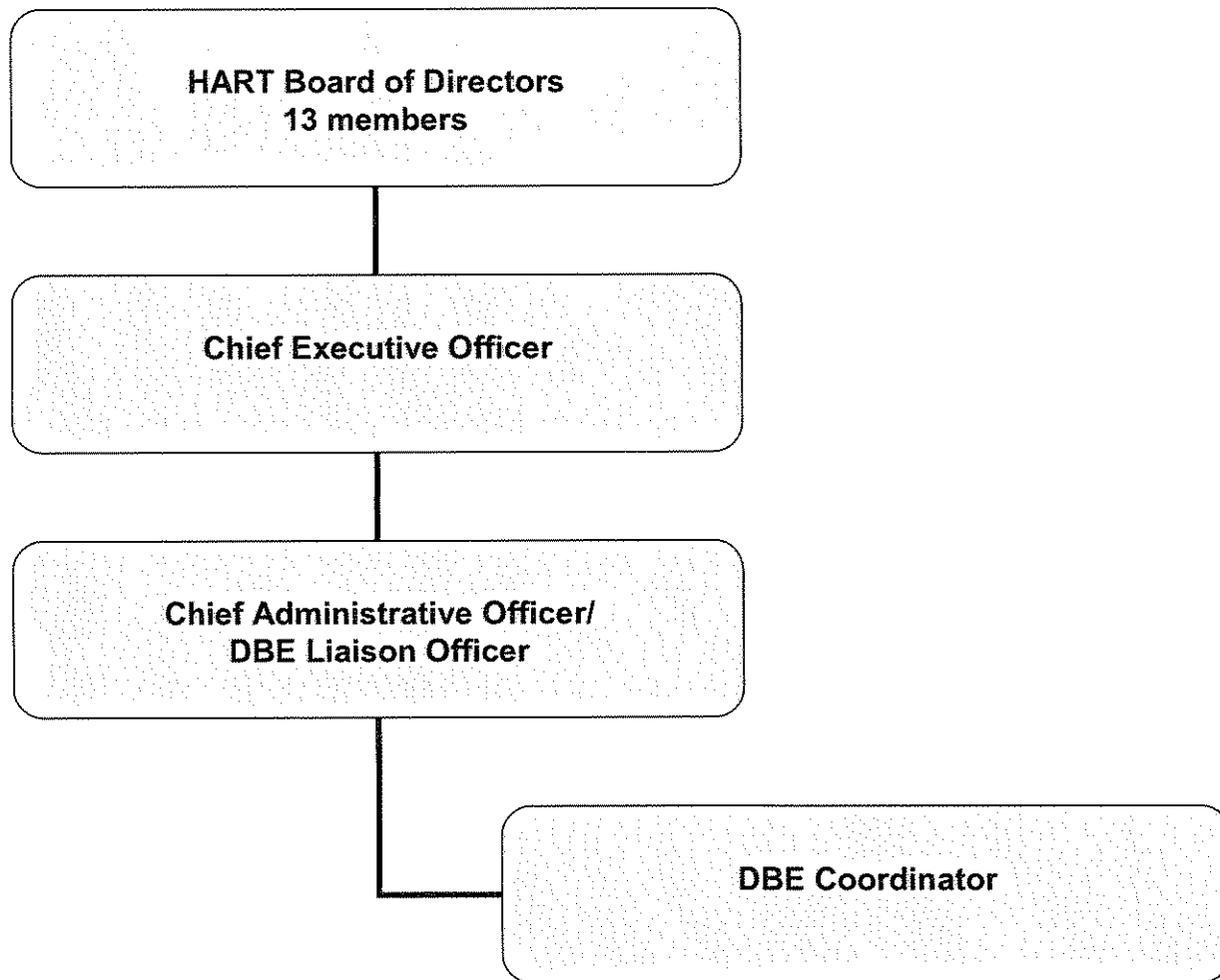
Attachment 1

DBE PROGRAM STATEMENT

1. The Hillsborough Transit Authority [HART] receives federal financial assistance from the U.S. Department of Transportation [DOT] and, as a condition of receiving this financial assistance, HART has signed an assurance that it will comply with 49 CFR Part 26. In accordance with these regulations, HART has established a Disadvantaged Business Enterprise [DBE] Program.
2. It is the policy of HART to ensure that DBE's, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also HART's policy:
 - To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
 - To create a level playing field on which DBE's can compete fairly for DOT-assisted contracts;
 - To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
 - To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBE's;
 - To help remove barriers to the participation of DBE's in DOT-assisted contracts;
 - To assist the development of firms that can compete successfully in the market place outside the DBE Program.
3. Ms. Brenda Mowen, Chief Administrative Officer, has been delegated as the DBE Liaison Officer (DBELO). In that capacity, Ms. Mowen 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 HART in its financial assistance agreements with DOT. Ms. Mowen's office is located at 1201 East 7th Avenue, Tampa, FL 33605, (813) 384-6419, mowenb@gohart.org.
4. HART will disseminate this policy to the Board of Directors of HART and all of the components of our organization. We will distribute this statement to DBE and non-DBE business entities that perform work for us on DOT-assisted contracts. This program statement will be included with the Board packet following the date of the CEO's signature.

Attachment 2

HILLSBOROUGH AREA REGIONAL TRANSIT AUTHORITY
ORGANIZATIONAL CHART
EXECUTIVE OFFICE AND SENIOR STAFF
October 5, 2011



Attachment 3Documentation of DBE FY11, FY12 and FY13 DBE Goal and Methodology

As required by 49 CFR Part 26, HART must submit the FY11, FY12 and FY13 DBE Goal to FTA on or before August 1, 2010. In order to meet the required forty-five (45) day public comment period, the goal must be advertised in the paper. Advertisements were placed in the Florida Sentinel and La Gaceta on Jun 11, 2010.

Section 26.45: Overall Goal Calculation

HART's proposed goal for FY11, FY12 and FY13 is 9.8% of the Federal Financial Assistance HART will award, exclusive of FTA funds to be used for the purchase of transit vehicles. HART anticipates awarding federally funded projects in the amount of \$24,474,079. This means that HART has set a goal of expending \$2,398,460 with DBE's during the three fiscal years.

Methodology used to Calculate Overall Goal

Step 1: 26.45(c) Determine the base figure for the relative availability of DBEs.

The base figure for the relative availability of DBE's was calculated as follows:

The elements of work were identified along with the cost associated to determine the percentage of total work (weighted). The number of DBEs and Non DBEs were identified by the elements of work to determine the relative availability (weighted). The weighted work was multiplied by the weighted relative availability to determine the percentage of anticipated DBE participation (see Attachment A).

The data sources used to derive the ready, willing and able vendors were the Florida UCP DBE Directory and the 2002 US Census for Florida businesses. Although the 2007 US Census for Florida businesses was available in some categories, the Construction category was not yet available. For consistency, the 2002 census was used for the information.

The base figure for the overall goal equaled 9.8%.

Step 2: 26.45(d)

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.

Historical HART DBE data for FY 07, 08 and 09 was shown to have a median of 12.8% DBE participation. HART is currently trending towards the attainment of FY10 goal of 7.5% (based on the June 1, 2010 semi-annual DBE report); therefore, it was determined that the median figure was too high and should not be used.

HART DBE PROGRAM

HART also considered the lack of certified DBEs in several of the anticipated elements of work. HART did not feel that an adjustment to the base figure was warranted.

In order to reflect as accurately as possible the DBE participation that would be expected in the absence of discrimination, the base figure of 9.8% will be used as the FY11, FY12 and FY13 DBE goal.

Attachment 4

HART

HART estimates that, in meeting the overall goal of 9.8%, 1.5% will be obtained from race-neutral participation and 8.3% through race-conscious measures. Based on the current economic downturn, it was determined that more race-conscious measures were necessary to achieve the goal.

HART will include DBE goals on contracts, where appropriate, until the goal is within reach of attainment. The size of contract goal 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.) HART will express a contract goal as a percentage of a total amount of a DOT-assisted contract. HART will discontinue using contract goals if the goal is exceeded.

Attachment 5



On Site DBE Participation Documentation

Today's Date _____

HART Project Name: _____

HART Employee Name (Print): _____

Purchase Order/Task Order #: _____

Prime Contractor Company Name: _____

Prime Contractor Project Manager: _____

Name of DBE Company on the job: _____

Name of DBE Employee Identified (**Print**): _____

Identification (Drivers License, etc) of DBE Employee: _____

What work is the DBE employee doing? _____

Was any DBE equipment identified by name on equipment? _____ Yes _____ No

Has the DBE received any payment from the Prime to date? __ Yes __ No __ Don't know

What date does the DBE anticipate completion of their portion of the work? _____

Observations and/or comments by the HART Employee:

Signature of the DBE employee identified: _____

Signature of HART Employee verifying the DBE: _____

THIS FORM MUST BE TURNED INTO THE DBE COORDINATOR AFTER COMPLETION.

**ATTACHMENT 6
ATTACHMENT 1 TO EXHIBIT G**

HILLSBOROUGH AREA REGIONAL TRANSIT AUTHORITY DBE FORM

SOLICITATION NUMBER: _____

INTENT TO PERFORM AS A DBE SUBCONTRACTOR FOR A CONTRACT AWARD

All DBE subcontracting firms to be used on this solicitation must fill out this form.

DBE firms participating in HART's contracting opportunities must have "current" certification status with Florida's Unified Certification Program (UCP) prior to award of this contract. If HART determines that the firm is not an eligible DBE firm for HART contracts and subcontracts, the prime contractor will be notified of the ineligibility of the listed firm. The submission of this form is considered an issue of responsibility and HART will not award a contract to any Offeror who has not supplied this documentation.

1. Name of **DBE** subcontracting firm _____.
2. Has the **DBE** subcontractor been certified as a DBE by a Florida UCP agency? _____
3. The **DBE** subcontractor is prepared to perform the following described work and/or supply the material listed in connection with the above project (where applicable specify "supply" or "install" or both):

and at the following price \$ _____. (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).

BY: _____
(Signature of **DBE** subcontracting Owner, President or Authorized Agent)

DATE: ____/____/____

PHONE: (____) _____

(Print or Type - Name of Signature of Owner, President or Authorized Agent of **DBE** subcontracting firm)

DECLARATION OF PRIME CONTRACTOR

I HEREBY DECLARE AND AFFIRM that I am the _____
(Title of Declarant)

and a duly authorized representative of _____
(Name of Prime Contractor)

to make this declaration and that I have personally reviewed the material and facts set forth in this Intent to Perform As A DBE subcontractor form. To the best of my knowledge, information and belief, the facts and representations contained in this form are true, the owner or authorized agent of the subcontracting firm signed this form in the place indicated, and no material facts have been omitted.

Except as authorized by the Contracting Officer, the undersigned will enter into a formal agreement with the listed DBE subcontracting firm for work as indicated by this form within ten (10) business days after receipt of the contract executed by the Hillsborough Area Regional Transit Authority. The undersigned will provide the Contracting Officer a copy of that agreement within three (3) business days of execution.

The Prime contractor designated the following person as their DBE Liaison Officer:

(Name-Please Print) (Phone)

Pursuant to 49 CFR Section 26.107, any person [entity] who makes a false or fraudulent statement in connection with participation of a DBE in any DOT-assisted program or otherwise violates applicable Federal statutes and may be referred to the Department of Transportation, and possibly the Department of Justice, for prosecution.

Name of Declarant _____

Signature _____ (Date) _____

ATTACHMENT 7

Hillsborough Area Regional Transit Authority (HART)

Solicitation # _____

Attachment 2 to Exhibit G - Summary of Subcontractor(s)/Subconsultant(s)

Offerors should provide information on all of their prospective subcontractor(s)/subconsultant(s) who submit bids/proposals in support of this solicitation. Use additional sheets as necessary.

Project Name: _____

Name of Prime Contractor: _____

NAMES AND ADDRESSES OF SUBCONTRACTOR(S)/SUBCONSULTANT(S)	TYPE OF WORK TO BE PERFORMED	ETHNICITY & GENDER OF OWNER	PREVIOUS YEAR'S ANNUAL GROSS RECEIPTS	\$ AMOUNT ON CONTRACT
NAME: ADDRESS: PHONE: FAX: E-MAIL: CONTACT PERSON:	TYPE OF WORK: AGE OF FIRM: IS THE FIRM A CERTIFIED DBE IN THE STATE OF FLORIDA BY THE UCP? YES <input type="checkbox"/> NO <input type="checkbox"/>	Ethnicity <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Native American <input type="checkbox"/> Subcont. Asian American <input type="checkbox"/> Asian Pacific American <input type="checkbox"/> Non-Minority Woman <input type="checkbox"/> Other	<input type="checkbox"/> less than \$500K <input type="checkbox"/> \$500K - \$2 mil. <input type="checkbox"/> \$2 mil. - \$5 mil. <input type="checkbox"/> more than \$5 mil.	
NAME: ADDRESS: PHONE: FAX: E-MAIL: CONTACT PERSON:	TYPE OF WORK: AGE OF FIRM: IS THE FIRM A CERTIFIED DBE IN THE STATE OF FLORIDA BY THE UCP? YES <input type="checkbox"/> NO <input type="checkbox"/>	Ethnicity <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Native American <input type="checkbox"/> Subcont. Asian American <input type="checkbox"/> Asian Pacific American <input type="checkbox"/> Non-Minority Woman <input type="checkbox"/> Other	<input type="checkbox"/> less than \$500K <input type="checkbox"/> \$500K - \$2 mil. <input type="checkbox"/> \$2 mil. - \$5 mil. <input type="checkbox"/> more than \$5 mil.	
NAME: ADDRESS: PHONE: FAX: E-MAIL: CONTACT PERSON:	TYPE OF WORK: AGE OF FIRM: IS THE FIRM A CERTIFIED DBE IN THE STATE OF FLORIDA BY THE UCP? YES <input type="checkbox"/> NO <input type="checkbox"/>	Ethnicity <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Native American <input type="checkbox"/> Subcont. Asian American <input type="checkbox"/> Asian Pacific American <input type="checkbox"/> Non-Minority Woman <input type="checkbox"/> Other	<input type="checkbox"/> less than \$500K <input type="checkbox"/> \$500K - \$2 mil. <input type="checkbox"/> \$2 mil. - \$5 mil. <input type="checkbox"/> more than \$5 mil.	

Print Name/Title of Person completing this form: _____

Signature _____

Date _____