



*City of Round Rock*

*Disadvantaged Business Enterprise Program*

*Grantee ID: 6631*

*Revised: February 27, 2018*

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**1. Definitions (Part 26.5)**

The terms used in this DBE Program have the meanings defined in 49 C.F.R. Part 26.5.

## 2. Objectives and Policy Statement (Parts 26.1 and 26.23)

The City of Round Rock has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 C.F.R. Part 26. The City of Round Rock has received Federal financial assistance from DOT and as a condition of receiving this assistance the City of Round Rock has signed an assurance that it will comply with 49 C.F.R. Part 26.

It is the policy of the City to ensure that DBEs, as defined in 49 C.F.R. Part 26, have an equal opportunity to receive and participate in DOT assisted contracts. It is also our policy:

- To ensure non-discrimination in the award and administration of DOT assisted contracts;
- To create a level playing field on which DBEs can compete fairly for DOT assisted contracts;
- To ensure the DBE Program is narrowly tailored in accordance with applicable law;
- To ensure only firms that fully meet 49 C.F.R. Part 26 eligibility standards are permitted to participate as DBEs;
- To help remove barriers to the participation of DBEs in DOT assisted contracts, as allowed by federal, state and local regulations; and
- To assist the development of firms that can compete successfully in the market place outside the DBE Program.

Caren Lee, Transit Coordinator/DBE Liaison Officer, has been designated as the DBE Liaison Officer. In that capacity, Ms. Lee is responsible for implementing all aspects of the DBE Program. Implementation of the DBE Program is accorded the same priority as compliance with all other legal obligations incurred by the City of Round Rock in its financial assistance agreements with DOT.

The City of Round Rock has disseminated this policy statement to the City Council and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities which perform work for us on DOT assisted contracts. The information in this statement is included in all solicitation packages and has been communicated to local business groups and other community organizations.

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Laurie Hadley, City Manager

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Date

### **3. Title 49 C.F.R. Part 26**

The City has developed this DBE Program in accordance with Title 49 C.F.R. Part 26 and is hereby incorporated by reference. An electronic version of the regulation can be found at [http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr26\\_main\\_02.tpl](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl) or you can request a hard copy from the DBE Liaison Officer.

### **4. DBE Program Updates (Part 26.21)**

The City will continue to carry out this Program until all funds from DOT financial assistance have been expended. We will provide DOT updates representing significant changes in the Program.

### **5. Non-Discrimination Requirements (Part 26.7)**

The City 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 C.F.R. Part 26 on the basis of race, color, sex or national origin.

In administering its DBE Program, the City will not, directly or through contractual or other arrangements, use criteria or methods of administration which 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.

### **6. Federal Financial Assistance Agreement (Part 26.13)**

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

The City shall not discriminate on the basis of race, color, sex or national origin in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 C.F.R. Part 26. The recipient shall take all necessary and reasonable steps under 49 C.F.R. Part 26 to ensure non-discrimination in the award and administration of DOT assisted contracts. The recipient's DBE Program, as required by 49 C.F.R. 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 the City of its failure to carry out its approved program, the Department may impose sanction as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S. 1001 and/or the Program Fraud Civil remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

## 7. DBE Liaison Officer (Part 26.25)

The City has designated the following individual as the DBE Liaison Officer (DBELO):

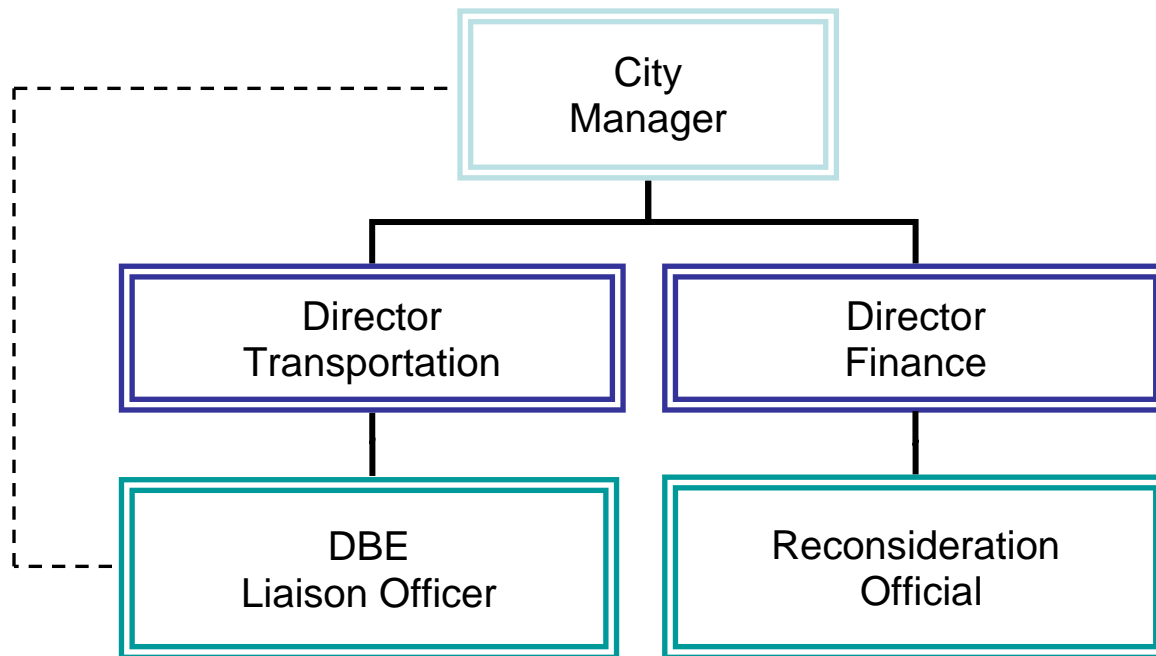
Caren Lee  
2008 Enterprise Drive  
Round Rock, Texas 78664  
(512) 671-2869  
[clee@roundrocktexas.gov](mailto:clee@roundrocktexas.gov)

In that capacity, the DBELO is responsible for implementing all aspects of the DBE Program and ensuring the City complies with all provisions of 49 C.F.R. Part 26. The DBELO has direct, independent access to the City Manager concerning DBE Program matters. An organization chart displaying the DBELO's position is shown below.

The DBELO is responsible for developing, implementing and monitoring the DBE Program, in coordination with other appropriate officials. The DBELO has no staff to assist in the administration of the Program. The duties and responsibilities of the DBELO include the following:

- Gathers and reports statistical data and other information as required by DOT;
- Reviews third party contracts and purchase requisitions for compliance with this Program;
- Works with all departments to set overall annual goals;
- Ensure bid notices and requests for proposals are available to DBEs in a timely manner;
- Identifies contracts and procurements so DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment) and identifies ways to improve progress;
- Analyzes the City's progress toward attainment and identifies ways to improve progress;
- Participates in pre-bid and pre-construction meetings;
- Advises the City Manager/City Council on DBE matters and achievement;
- Responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts;
- Participates in DBE training seminars;
- Provides outreach to DBEs and community organizations to advise them of opportunities; and

- Maintains the bidders list of all DBE and non-DBE firms who bid or quote on DOT assisted contracts and matching fund contracts.



## 8. Directory (Part 26.31)

The City identifies all firms eligible to participate as DBEs from the Texas Unified Certification Program website directory. The directory lists the firm's name, address, phone number, date of most recent certification and the type of work the firm has been certified to perform as a DBE. The directory is available from the Texas Department of Transportation at <http://www.dot.state.tx.us/business/tucp/default.htm>. A hard copy of the directory can be requested from the DBE Liaison Officer.

## 9. DBE Financial Institutions (Part 26.27)

It is the policy of the City 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 DBE assisted contracts to make use of these institutions. The City has researched the availability of DBE owned financial institutions in the Texas Unified Certification Program directory and the Federal Reserve's website. There are no DBE bank institutions in our area. The Federal Reserve's website listed the following minority owned banks, as of March 12, 2012.

- International Bank of CMRC, Round Rock, Texas
- International Bank of CMRC, Austin, Texas

- Southwestern NB, Austin Branch, Austin, Texas
- United Central Bank, Austin Branch, Austin, Texas

## 10. Unified Certification Program (Part 26.81)

The City is a member of the Texas Unified Certification Program (TUCP), which is administered by the Texas Department of Transportation. TUCP will meet all of the requirements of this section. The City will use and count for DBE credit only those DBE firms certified by the TUCP. There are six (6) certifying agencies for the TUCP and all certifications are done according to the county your firm headquarters is located.

Counties of Bastrop, Caldwell, Hays, Travis and Williamson

City of Austin, Department of Small and Minority Business Resources  
 4201 Ed Bluestein Blvd.  
 Austin, Texas 78721  
 (512) 974-7600  
<http://austintexas.gov/department/small-and-minority-business>

Counties of Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery and Waller

Mayor's Office of Business Opportunity  
 611 Walker, 7<sup>th</sup> Floor  
 Houston, Texas 77002  
 (832) 393-0600  
<http://www.houstontx.gov/obo/index.html>

Counties of Aransas, Bee, Goliad, Jim Wells, Karnes, Kleberg, Live Oak, Nueces, Refugio and San Patricio

Corpus Christi Regional Transportation Authority  
 5658 Bear Lane  
 Corpus Christi, Texas 78405  
 (361) 289-2712  
<http://ccrta.org/about/dbe/>

Counties of Collin, Dallas, Denton, Ellis, Erath, Hood, Jack, Johnson, Kaufman, Navarro, Palo Pinto, Parker, Rockwall, Somervell, Tarrant and Wise

North Central Texas Regional Certification Agency  
 624 Six Flags Drive, #100  
 Arlington, Texas 76011  
 (817) 640-0606  
<http://www.nctrca.org/>

Counties of Atascosa, Bandera, Bexar, Comal, Frio, Guadalupe, Kendall, Kerr, McMullen, Medina, Uvalde and Wilson

South Central Texas Regional Certification Agency



3201 Cherry Ridge Street, Building C-319  
San Antonio, Texas 78230  
(210) 227-4722  
<http://www.sctrca.org/>

All other counties in Texas

Texas Department of Transportation  
Office of Civil Rights  
125 E. 11<sup>th</sup> Street  
Austin, Texas 78701  
(512) 486-5500  
[http://www.txdot.gov/business/business\\_outreach/dbe.htm](http://www.txdot.gov/business/business_outreach/dbe.htm)

### **11. Overconcentration (Part 26.33)**

The City has not identified any areas of overconcentration of DBEs.

### **12. Business Development Program (Part 26.35)**

The City has not established a business development program. We will re-evaluate the need for such a program every three years.

### **13. Required Contract Clauses (Parts 26.13 and 26.29)**

The City will include the following clause in every DOT assisted contract and subcontract. The clauses apply to DBE and non-DBE subcontractors.

#### *Non-Discrimination Contract Assurance Clause*

The contractor or subcontractor shall not discriminate on the basis of race, color, sex or national origin, sex (including gender identity), disability, age, employment or business opportunity in the performance of this contract. The contractor shall carry out applicable requirements of 49 C.F.R. 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 City deems appropriate.

#### *Prompt Payment Contract Clause*

In accordance with Texas Government Code, Title 10 Chapter 2251 the following applies to the City, contractors and subcontractors.

- The City shall pay any payment due to the contractor within 30 days of the date the City receives the goods, the date the performance of the services is completed or the date the City receives a correct invoice, whichever is later. Retainage payments must be made within 30 days after the work is satisfactorily completed.

- If the payment to the contractor, from the City, becomes overdue, the contractor may accrue and charge interest starting on the 31<sup>st</sup> day at the effective rate on September 1 of the fiscal year in which payment becomes overdue.
- The contractor agrees to pay any subcontractors within 10 days of receipt of payment from the City, including retainage payments. The contractor agrees to include this statement in any subcontracts.
- The subcontractor agrees to pay any supplier within 10 days of receipt of payment from the City, including retainage payments. The contractor agrees to include this statement in any subcontracts.

If the prime contractor does not pay a subcontractor promptly, as defined above, the City shall withhold payment of retainage to the prime contractor until such time the prime contractor pays the subcontractor in full. If the prime contractor makes partial payments to the subcontractor then the City will make partial retainage payments to the prime contractor.

In accordance with Texas Government Code, Title 10 Chapter 2251.002 the City, contractor or subcontractors are not required to follow the prompt payment rules in the event:

- There is a bona fide dispute between the political subdivision and a vendor, contractor, subcontractor, or supplier about the goods delivered or the service performed that causes the payment to be late;
- There is a bona fide dispute between a vendor and a subcontractor or between a subcontractor and its supplier about the goods delivered or the service performed that causes the payment to be late;
- The terms of a federal contract, grant, regulation, or statute prevent the governmental entity from making a timely payment with federal funds; or
- The invoice is not mailed to the person to whom it is addressed in strict accordance with any instruction on the purchase order relating to the payment.

### *Dispute Resolution*

If a dispute or claim arises under an agreement, the parties agree to first try to resolve the dispute or claim by appropriate internal means, including referral to each party's senior management. If the parties cannot reach a mutually satisfactory resolution then resolution may be sought with the help of a mutually selected mediator. If the parties cannot agree on a mediator then the parties will select their own mediator and those mediators will agree upon a third mediator. Any costs and fees associated with mediation shall be shared equally by the parties.

All parties hereby expressly agree no claim or dispute between parties shall be decided by any arbitration proceeding, including without limitation any proceeding under the Federal Arbitration Act or any applicable state arbitration statute.

The contractor agrees to include this clause in any subcontracts.

#### **14. Overall Goals, Breakout of Estimated Race-Neutral and Race-Conscious Participation and Contract Goals (Parts 25.45 and 26.51)**

Once the City has establish a proposed goal, we will publish a notice informing the public the proposed goal is available for inspection at the City Library for 30 days and comments will be accepted for 45 days. The notice will include information on how to submit comments and will be published in local newspapers, minority focused papers and on the web. The DBE Goal document contains the details of the methodology and calculations used to establish the overall goal, as well as the breakout of estimated race-neutral and race-conscious participation.

The City will submit its overall goal to the Federal Transit Administration (FTA) on the FTA specified due date. The submission will include a summary of information and comments received during the public comment period and the City's responses.

The City will consult, on an ongoing basis, with applicable organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses and the City's efforts to establish a level playing field for DBEs.

The City will use contract goals to meet any portion of the overall goal the City does not project being able to meet using race-neutral means. Contract goals are established so they will cumulatively result in meeting the portion of the overall goal which is not obtained by race-neutral means. The City will establish contract goals on DOT assisted contracts which have subcontracting possibilities and will reflect the circumstances of the each contract. The contract goal will be expressed as a percentage.

#### **15. Transit Vehicle Manufacturers Goals (Part 26.49)**

The City will require each transit vehicle manufacturer to certify, as a condition of being authorized to bid or propose on FTA assisted transit vehicle procurements, it has complied with the requirements of 49 C.F.R. Part 26.49.

Alternately, the City 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 manufacturer complying with 49 C.F.R. Part 26.49.

#### **16. Good Faith Efforts (Part 26.53)**

##### *Information to be Submitted*

The City treats bidders'/offerors' compliance with good faith efforts requirements as a matter of responsiveness. If the bidder/offeror does not submit the following information by the date and time the bid or proposal is due, the City has grounds to deem the

bidder/offeror non-responsive to the DBE requirements of the particular solicitation. The decision to deem the bidder/offeror non-responsive is not administratively appealable. Bidders/offerors should follow the protest procedures in the solicitation.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit, by the date and time the bid or proposal is due, the following forms:

- Contractor/Respondent Certification (See **Attachment 1**), reflecting:
  - Names and addresses of DBE firms which will participate in the contract;
  - Description of work each DBE will perform;
  - The dollar amount of the participation of each DBE firm participating; and
  - Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal
- DBE Subcontractor Certification (See **Attachment 1**), reflecting:
  - Written and signed confirmation from the DBE firm it is participating in the contract as provided in the prime contractor's commitment.

If the contract goal is not met, evidence of good faith efforts must be submitted by the bidder/offeror by the date and time the bid or proposal is due.

#### *Demonstration of Good Faith Efforts*

The obligation of the bidder/offeror is to make good faith efforts to include DBEs. The bidder/offeror can demonstrate it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts can be found in Attachment A to 49 C.F.R. Part 26, included in Section 3.

The DBE Liaison Officer (DBELO) is responsible for determining whether a bidder/offeror, who has not met the contract goal, has document sufficient good faith efforts to be regarded as responsive. The DBELO will ensure all information is complete, accurate and adequately documents the bidder's/offeror's good faith efforts before the City commits to the performance of the contract by the bidder/offeror.

#### *Administrative Reconsideration*

Within five (5) days of being notified by the City that a bidder/offeror is not responsive due to not documenting sufficient good faith efforts, a bidder/offeror may request administrative reconsideration through the City's reconsideration official, Jerry Galloway, 221 East Main Street, Round Rock, Texas 78664, (512) 218-5432, [jdq@roundrocktexas.gov](mailto:jdq@roundrocktexas.gov). The reconsideration official will not have played any role in

the original determination the bidder/offeror did not document sufficient good faith efforts.

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

#### *Good Faith Efforts when a DBE is Replaced on a Contract*

The City requires a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. The City will require the prime contractor to notify the DBELO prior to terminating any DBE firm and immediately of any DBE firm's inability or unwillingness to perform. The prime contractor must provide reasonable documentation for the termination of a DBE firm and/or the DBE's inability or unwillingness to perform.

In this situation, the prime contractor must provide copies of the new or amended subcontracts or documentation of good faith efforts. If the contractor fails or refuses to comply in the time specified the City will issue a stop work order or withhold payment until satisfactory action has been taken. If the contractor still fails to comply the City may issue a termination notice for default proceeding.

Any DBE firm subject to termination and replacement will have an opportunity to provide a written response to the termination of their subcontract to the DBELO within five (5) days of receiving notice. If the DBELO concurs with the prime contractor, the DBE may use the administrative reconsideration process noted in this section and submit an appeal of the decision to the City's reconsideration official.

#### **17. Counting DBE Participation (Part 26.55)**

The City will count DBE participation toward overall and contract goals as provided in 49 C.F.R. Part 26.55.

#### **18. Quotas (Part 26.43)**

The City does not use quotas in any way in the administration of this DBE Program.

#### **19. Monitoring and Enforcement Mechanisms (Parts 26.37 and 26.107)**

The City will bring to the attention of the Department of Transportation (DOT) any false, fraudulent or dishonest conduct in connection with this Program so DOT can take the steps

provided in 49 C.F.R. Part 26.109 (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). The City will also consider similar action under our own legal authorities (e.g., breach of contract), including responsibility determinations in future contracts.

In accordance with 49 C.F.R. Part 26.107, firms participating in the City's DBE Program face the following enforcement actions:

- If a firm which does not meet the eligibility criteria of 49 C.F.R. Part 26 Subpart D and attempts to participate in a DOT assisted program as a DBE on the basis of false, fraudulent or deceitful statements, representations or under circumstances indicating a serious lack of business integrity or honesty the Department of Transportation may initiate suspension or debarment proceedings against you under 2 C.F.R. Parts 180 and 1200.
- If a firm that, in order to meet DBE contract goals or other DBE Program requirements, uses or attempts to use, on the basis of false, fraudulent or deceitful statements, representations or under circumstances indicating a serious lack of business integrity or honesty, another firm which does not meet the eligibility criteria of 49 C.F.R. Part 26 Subpart D, the Department of Transportation may initiate suspension or debarment proceedings against you under 2 C.F.R. Parts 180 and 1200.
- In a suspension or debarment proceeding brought under the previous two paragraphs, FTA may consider the fact a purported DBE has been certified by a recipient. Such certification does not preclude the Department of Transportation from determining the purported DBE or another firm that has used or attempted to use it to meet DBE goals should be suspended or debarred.
- The Department of Transportation may take enforcement action under 49 C.F.R. Part 31, Program Fraud and Civil Remedies, against any participant in the DBE Program whose conduct is subject to such action under 49 C.F.R. Part 31.
- The Department of Transportation may refer to the Department of Justice for prosecution under 18 U.S.C. 1001 or other applicable provisions of law, any person 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.

In addition to the enforcement actions listed in this section, contractors also face any other enforcement actions listed in this Program.

The City will perform the following monitoring activities:

- Review a sampling of DBE contracts for each project;
- Monitor the work of the DBEs, in association with a contract, to ensure the DBE firm is performing the work;

- Require the prime contractor to submit monthly payment reports on form Contractor Payment Report Form (See **Attachment 1**);
- Keep a running tally of actual payments to DBE firms; and
- Produce written certification the monitoring of work sites and review of contracts took place

## **20. Reporting, Bidders List and Confidentiality (Parts 26.11 and 26.109)**

### *Reporting*

The City will report DBE participation on a semi-annual basis, using the report form required by the FTA. These reports will reflect all the required information and only the federal portion.

### *Bidders List*

The City will create and maintain a bidders list, consisting of information about DBE and non-DBE firms who bid or quote on DOT assisted contracts. The purpose of this requirement is to allow use of the bidders' list approach in calculating overall goals. The bidders list will include the name, address, DBE status, age and annual gross receipts of each firm. The City will collect this information from bid proposals and by requesting the information from contractors and subcontractors, when needed.

### *Confidentiality*

The City will safeguard from disclosure, to third parties, information which may reasonably be regarded as confidential business information consistent with federal, state and local laws. The City requires all contracting parties to expressly acknowledge the City is a Texas municipality and as such is subject to the Texas Public Information Act, Title 5 Chapter 552 of the Texas Government Code.

## **21. Small Business Participation (Part 26.39)**

To facilitate competition by small business concerns, the City will make efforts to expend a portion of DOT assisted contracts with small businesses using the following strategy.

Small businesses cannot exceed the Small Business Size Limits, as defined by the Small Business Administration (SBA). These limits can be found at <http://www.sba.gov/content/table-small-business-size-standards>.

On prime contracts, without DBE contract goals, the City will encourage prime contractors to provide subcontracting opportunities to small businesses, rather than self-performing all the work involved. During the procurement process and subsequent contract the bidder/offeror will be required to:

- Identify and attempt to subcontract work within the contract to small businesses to perform the tasks. If the prime contractor cannot contract with a small business they will be required to submit proof of their good faith efforts, e.g. phone log, emails, etc., to find a small business to perform the work;
- Verify the small business is eligible to participate as a small business. The SBA provides a self-certifying database to search for firms, [http://dsbs.sba.gov/dsbs/search/dsp\\_dsbs.cfm](http://dsbs.sba.gov/dsbs/search/dsp_dsbs.cfm). The SBA strongly recommends reviewing a bidder's small business self-certification before awarding a contract.
  - Submit the small business(es) information on the Contractor/Respondent Certification form (See **Attachment 1**) with the bid or proposal;
  - Submit the Small Business Subcontractor Certification form (See **Attachment 1**) with the bid or proposal. This form is completed by the small business; and
  - Submit the Contractor Payment Report form (See **Attachment 1**) with the monthly invoices throughout the life of the contract.

If the City has a large contract it will attempt to identify possible portions of the contract which could be unbundled and bid separately to help small businesses participate in City contracts funded in part by DOT funds. The City will send the bid solicitation to eligible small businesses by utilizing the SBA eligible firm list. In addition, the City will present information on the small business participation element during its outreach presentations to different groups in and around the community.



## **Attachment 1 – Forms**

- Contractor/Respondent Certification
- DBE Subcontractor Certification
- Small Business Subcontractor Certification
- Contractor Payment Report Form

## City of Round Rock Contractor/Respondent Certification

**Instructions:** The Respondent/Contractor shall complete this form by listing 1) Names of all proposed subcontractors. 2) Contact information, 3) Description of work to be performed/product to be provided, 4) Status as a DBE or non-DBE, 5) Ethnic Code of firm 6) Age of the firm, 7) Annual gross receipts of the firm, 8) % or \$ amount of Total Contract. Subcontractors which are listed on this form as DBEs must have current certification and must complete the DBE Subcontractor Certification form. Subcontractors which are listed on this form as Small Businesses must be eligible to participate as a small business per the Small Business Administration and must complete the Small Business Subcontractor Certification form.

**Name of Prime Contractor (Respondent/Contractor):** \_\_\_\_\_

**Ethnic Codes**

- |   |  |
|---|--|
| <p><b>A)</b> Black American<br/> <b>C)</b> Native American<br/> <b>E)</b> Asian-Pacific American<br/> <b>G)</b> Other</p> | <p><b>B)</b> Hispanic American<br/> <b>D)</b> Sub-continental Asian American<br/> <b>F)</b> Non-Minority Women</p> |
|---|--|

**Project Name:** \_\_\_\_\_

| 1)                    | 2)                                      | 3)  | 4)                                   | 5)             | 6)             | 7)                          | 8)                                     |
|-----------------------|---|---|--------------------------------------|----------------|----------------|-----------------------------|--|
| Name of Subcontractor | Contact Person, Address,<br>Telephone # | Description of Work or<br>Services Provided | DBE, non-DBE<br>or Small<br>Business | Ethnic<br>Code | Age of<br>Firm | Annual<br>Gross<br>Receipts | % or \$ of Total<br>Contract to<br>Sub |
|                       |   |   |                                      |                |                |                             |  |
|                       |   |   |                                      |                |                |                             |  |
|                       |   |   |                                      |                |                |                             |  |
|                       |   |   |                                      |                |                |                             |  |
|                       |   |   |                                      |                |                |                             |  |
|                       |   |   |                                      |                |                |                             |  |
|                       |   |   |                                      |                |                |                             |  |

**This schedule must be completed as instructed above and include every subcontractor proposed on this project. More than one form may be used.**

The undersigned will enter into a formal agreement with DBE and Small Business subcontractors for work listed in this schedule upon execution of a contract with City of Round Rock. The contractor agrees to the terms of this schedule by signing below and submitting the DBE and/or Small Business Subcontractor Certification as completed by subcontractor(s).

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

## City of Round Rock DBE Subcontractor Certification

**NOTE:** In accordance with 49 C.F.R. Part 26 and City policy, DBE firms participating in the DBE Program must be certified as a DBE by the due date established for this RFP.

To: \_\_\_\_\_ (Name of Respondent/Prime Contractor)

1. The undersigned is either currently certified under the Texas Unified Certification Program as a DBE or will be at the time this solicitation is due.
  
2. The undersigned 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 \$\_\_\_\_\_ and/or \_\_\_\_\_% of the total contract amount (should be the same \$ or % found on Contractor/Respondent Certification Form).

**3. The DBE subcontractor should complete this section only if the DBE is subcontracting any portion of its subcontract.**

With respect to the proposed subcontract described above, the undersigned DBE anticipates that \_\_\_\_\_% of the dollar value of this subcontract will be sublet and/or awarded to other contractors. Any and all DBE subcontractors a DBE subcontractor uses must be listed on the Contractor/Respondent Certification Form and must also be DBE certified.

\_\_\_\_\_  
Name of DBE Firm

\_\_\_\_\_  
Name of Respondent/Prime Contractor

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

## City of Round Rock Small Business Subcontractor Certification

**NOTE:** *In accordance with 49 C.F.R. Part 26 and City policy, small business firms completing this form must be registered with the Small Business Administration as a small business by the due date established for this bid/request for proposal.*

To: \_\_\_\_\_ (Name of Respondent/Prime Contractor)

1. The undersigned is either currently registered with the SBA as a small business or will be at the time this bid/proposal is due.
2. The undersigned 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 \$\_\_\_\_\_ and/or \_\_\_\_\_% of the total contract amount (should be the same \$ or % found on Contractor/Respondent Certification Form).

3. **The small business subcontractor should complete this section only if the small business is subcontracting any portion of its subcontract.**

With respect to the proposed subcontract described above, the undersigned small business anticipates that \_\_\_\_\_% of the dollar value of this subcontract will be sublet and/or awarded to other contractors. Any and all small business subcontractors uses must be listed on the Contractor/Respondent Certification Form and must also be registered as a small business with the SBA.

\_\_\_\_\_  
Name of Small Business Firm

\_\_\_\_\_  
Name of Respondent/Prime Contractor

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

## City of Round Rock Contractor Payment Report Form

**Instructions:** Contractors are required to complete and submit this report, as specified in the contract or as requested, until final payment of the contract has been made. Failure to comply with the DBE provisions may result in contract termination, or the suspension or debarment of the contractor from doing business with the City in the future in accordance with the procedures set forth in the DBE Program. This report must be submitted with each invoice. Instructions for completing this report can be found on the following page.

| 1                                   | 2                              | 3                           |                                   | 4                                | 5                    | 6                  | 7                   |
|-------------------------------------|--------------------------------|-----------------------------|-----------------------------------|----------------------------------|----------------------|--------------------|---------------------|
| Contract Number<br>(if applicable)  | Invoice<br>Number              | Reporting Period            |                                   | Contractor's<br>Business Name    | Contact<br>Person    | Address            | Telephone<br>Number |
|                                     |                                | From:                       | To:                               |                                  |                      |                    |                     |
|                                     |                                |                             |                                   |                                  |                      |                    |                     |
| 8                                   | 9                              | 10                          | 11                                | 12                               | 13                   | 14                 |                     |
| Date of Contract Award              | Schedule Date of<br>Completion | Original Contract<br>Amount | Current Contract<br>Modifications | Total Amount<br>Received to Date | Total Amount<br>Owed | Committed DBE<br>% |                     |
|                                     |                                |                             |                                   |                                  |                      |                    |                     |
| 15                                  | 16                             |                             |                                   |                                  |                      |                    |                     |
| Actual DBE<br>Participation to date | Actual DBE % to Date           |                             |                                   |                                  |                      |                    |                     |
|                                     | #DIV/0!                        |                             |                                   |                                  |                      |                    |                     |

| 17                           | 18                  | 19   | 20   | 21                     | 22                     | 23                      | 24  |
|------------------------------|---------------------|--|--|------------------------|------------------------|-------------------------|---|
| Name of DBE<br>Subcontractor | Description of Work | Amount of<br>payments made<br>during current<br>invoice period | Date of payments<br>made during<br>current invoice<br>period | Subcontract<br>Dollars | Amount Paid to<br>Date | Percent Paid to<br>Date | Amount of this<br>invoice<br>allocated to<br>DBE<br>subcontractor |
|                              |                     |  |  |                        |                        | #DIV/0!                 |   |
|                              |                     |  |  |                        |                        | #DIV/0!                 |   |
|                              |                     |  |  |                        |                        | #DIV/0!                 |   |

## City of Round Rock Contractor Payment Report Form

| 17                        | 18                  | 19  | 20  | 21                  | 22                  | 23                   | 24  |
|---------------------------|---------------------|---|---|---------------------|---------------------|----------------------|---|
| Name of DBE Subcontractor | Description of Work | Amount of payments made during current invoice period | Date of payments made during current invoice period | Subcontract Dollars | Amount Paid to Date | Percent Paid to Date | Amount of this invoice allocated to DBE subcontractor |
|                           |                     |   |   |                     |                     | #DIV/0!              |   |
|                           |                     |   |   |                     |                     | #DIV/0!              |   |
|                           |                     |   |   |                     |                     | #DIV/0!              |   |
|                           |                     |   |   |                     |                     | #DIV/0!              |   |
|                           |                     |   |   |                     |                     | #DIV/0!              |   |
|                           |                     |   |   |                     |                     | #DIV/0!              |   |
|                           |                     |   |   |                     |                     | #DIV/0!              |   |

*(Add rows to the table, as needed, to complete this section)*

By completing this form, the Contractor acknowledges the City's prompt payment policy, which requires the Contractor to pay all subcontractors within 30 days of receiving payment from the City.

|           |             |  |
|-----------|-------------|--|
| Signature | Date Signed | Name and Title of Individual Completing Report |
|           |             |  |



City of Round Rock

Disadvantaged Business Enterprise Goal

*Grantee ID: 6631*

*Revised: February 28, 2018*

## Overall Goal Calculation and Methodology

In accordance with 49 C.F.R. Part 26 the City followed a two-step process based on documented evidence of the availability of ready, willing and able DBEs relative to all businesses ready, willing and able to participate in its DOT assisted contracts. The goal reflects the City's expected level of participation by DBEs.

### *Step 1 – Establish Base Figure*

The City looked at all the possible DOT assisted purchasing/contracting opportunities for award in fiscal years **2018 through 2020** and their corresponding NAICS codes.

Table 1, Base DBE Goal Calculation, reflects the dollar amount of contracting opportunities and the associated calculations to determine the base participation goal.

To determine the DBE and total number of firms ready, willing and able to perform the work the City collected data from the U.S. Census Bureau, American Fact Finder and the Texas Department of Transportation's Unified Certification Program (TUCP). The City is within the Austin District of the Texas Department of Transportation and used their boundaries as the market area. The counties included are Bastrop; Blanco; Burnet; Caldwell; Gillespie; Hays; Lee; Llano; Mason; Travis; and Williamson Counties.

The City selected NAICS codes related to the contracting opportunities available and used those codes to identify ready, willing and able firms, within the represented counties and listed in the TCUP Austin District, as search factors on the TUCP and American Fact Finder websites. The County Business Patterns dataset was researched on the American Fact Finder website. TUCP's database can be found at: <https://txdot.txdotcms.com/FrontEnd/VendorSearchPublic.asp?TN=txdot&XID=2340> and The American Fact Finder database can be found at: <https://www.census.gov/data/datasets/2015/econ/cbp/2015-cbp.html>.

After the number of firms (Column 5 represents all firms and Column 6 represents DBE firms) was established, the base figure for relative availability of DBEs, for each industry category (NAICS code), was calculated. The City divided the number of DBEs by the number of total firms to arrive at the base figure. The base goal percentage (Column 7) was then multiplied by the possible Dollar Amount Contracting Opportunities (Column 3) to derive the Expected DBE Dollars (Column 8).

The Total Base Goal of 10% (Column 9) was determined by dividing the total Expected DBE Dollars (Column 8) by the total Dollar Amount Contracting Opportunities (Column 3).



Table 1 – Base DBE Goal Calculation

| 1                               | 2                           | 3                                       | 4           | 5           | 6         | 7                    | 8                    | 9               |
|---------------------------------|-----------------------------|---|-------------|-------------|-----------|----------------------|----------------------|-----------------|
| NAICS Code                      | Project                     | Dollar Amount Contracting Opportunities | % of Budget | Total Firms | DBE Firms | Individual Base Goal | Expected DBE Dollars | Total Base Goal |
| 33512                           | Solar Lighting              | \$80,000                                | 5%          | 6           | 3         | 50%                  | \$40,000             |                 |
| 33995                           | Sign Blades & Braille Tiles | \$55,000                                | 3%          | 37          | 14        | 38%                  | \$20,811             |                 |
| 42471<br>48599<br>8111<br>81233 | Paratransit Service         | \$1,442,864                             | 91%         | 966         | 61        | 6%                   | \$91,113             |                 |
|                                 |                             | \$1,577,864                             | 100%        |             |           |                      | \$151,923            |                 |

Step 2 – Base Goal Adjustment

The City does not have the necessary historical data to justify an adjustment based on past DBE participation.

The City researched each DBE firm to ensure the business conducted the activity the City is in search of. The firms whose work does not relate to the projects were removed from the DBE Firms count. The number of DBE firms were adjusted based on these results. Table 2, Adjusted DBE Goal Calculation reflects the adjustments made. The adjusted DBE goal was calculated the same as shown in Step 1.

Table 2 – Adjusted DBE Goal Calculation

| 1                               | 2                           | 3                                       | 4           | 5           | 6                  | 7         | 8                    | 9             |
|---------------------------------|-----------------------------|---|-------------|-------------|--------------------|-----------|----------------------|---------------|
| NAICS Code                      | Project                     | Dollar Amount Contracting Opportunities | % of Budget | Total Firms | Adjusted DBE Firms | Base Goal | Expected DBE Dollars | Adjusted Goal |
| 33512                           | Solar Lighting              | \$80,000                                | 5%          | 6           | 0                  | 0%        | \$0                  |               |
| 33995                           | Sign Blades & Braille Tiles | \$55,000                                | 3%          | 37          | 6                  | 16%       | \$8,919              |               |
| 42471<br>48599<br>8111<br>81233 | Paratransit Service         | \$1,442,864                             | 91%         | 966         | 36                 | 4%        | \$53,771             |               |
|                                 |                             | \$1,577,864                             | 100%        |             |                    |           | \$62,690             |               |

The adjusted goal shows to be 4%, the City believes it can attain a slightly higher percentage and will set a **DBE goal of 5%**.

### *Step 3 – Race-Conscious and Race-Neutral Participation*

The City anticipates meeting the 4% goal of the goal through race-conscious means and the additional 1% through race-neutral participation. If over the course of two goal periods the City exceeds the overall goal, we will reduce the use of contract goals to obtain participation through race-neutral means.

The City will look to increase race-neutral participation by encouraging prime contractors to subcontract work to DBE firms. To assist the prime contractors with this the City will provide the DBE Directory from the Texas Unified Certification Program. The City will also ensure advertising for DOT assisted contracts, without a goal, is sent to minority and women's community organizations and firms.

In order to ensure the City's DBE Program will be narrowly tailored to overcome the effects of discrimination, we will adjust the estimated breakout of race-neutral and race-conscious participation, as needed, to reflect actual DBE participation. The City will track and report race-conscious and race-neutral participation separately.

In conclusion, the City's overall **DBE goal for FY 2018 – 2020 is 5%** of Federal financial assistance in DOT assisted contracts with DBE firms through race-conscious and race-neutral means.

In addition to the DBE firms identified, the City also identified SBE's to contact when and if the projects receive final approval.

### **Public Involvement**

#### *Public Participation*

The City published a public notice regarding this goal in several local newspapers, including minority focused papers and the City's website. The public notice was posted at City Hall and the DBE Program and Goal was available for review at the Transit Center for 30 days and comments were accepted for 45 days.

*List any feedback received*

#### *Public Outreach*

The City conducts public outreach throughout every year. DBE participation is discussed with vendors, currently under contract to elicit more participation. The City also ensures DBE participation is a part of the discussion anytime a transit presentation is held. The City participates in public meetings, HOA and neighborhood meetings. When the opportunity arises the City also speaks to minority owned firms regarding becoming a certified DBE firm.