

HERNANDO COUNTY
METROPOLITAN PLANNING ORGANIZATION
DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

Definitions of Terms

The terms used in this program have the meanings defined in 49 CFR 26.5.

Objectives/Policy Statement (26.1, 26.3)

The Hernando County Metropolitan Planning Organization (MPO), recipient ID number 2854, has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S Department of Transportation (DOT), 49 CFR Part 26. The MPO anticipates that it will receive Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the MPO has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the Hernando County MPO to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in DOT assisted contracts. It is also our policy:

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

Steve Diez, Transportation Planner II, has been delegated as the DBE Liaison Officer (DBELO). In that capacity, Steve Diez 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 Hernando County MPO in its financial assistance agreements with the Department of Transportation.

Once the policy statement is signed, the Hernando County MPO will disseminate this policy statement to its Board and all the components of the organization via newsletter action. The MPO will distribute this statement to all DBE and non-DBE business communities that perform work for the MPO on DOT assisted contracts, and to all DBE and non-DBE firms via advertisement and mailings to designated organizations.

Ronald F. Pianta, AICP
Planning/MPO Director

Date: _____

The Hernando County MPO, recipient ID number 2854, will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex or national origin.

In administering its DBE Program, the MPO 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.

DBE Program Updates (26.21)

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

Quotas (26.43)

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

DBE Liaison Officer (DBELO) (26.45)

The MPO has designated the following individual as the DBE Liaison Officer (DBELO): Steve Diez, Hernando County MPO, 20 N. Main Street, Room 262, Brooksville, FL 34601, Phone (352) 754-4057, Fax (352) 754-4420, Email stevend@hernandocounty.us.

In that capacity, the DBELO is responsible for implementing all aspects of the DBE Program and ensuring that the MPO complies with all provisions of 49 CFR Part 26. The DBELO has direct independent access to the MPO Coordinator concerning DBE Program matters. The DBELO will be the sole staff member assigned to the DBE Program. All DBE related correspondence should be directed to the DBELO. The DBELO will perform these responsibilities in addition to other grant management projects.

The DBELO is responsible for developing and monitoring the DBE Program, in coordination with other appropriate officials. Duties and responsibilities include the following:

1. Gather and report statistical and other information as required by DOT;
2. Review third party contracts and purchase requisitions for compliance with this program;
3. Work with all concerned to set overall annual goals;
4. Ensure that bid notices and requests for proposals are available to DBEs in a timely manner;
5. Identify contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitor results;
6. Analyze the MPOs progress toward goal attainment and identify ways to improve progress;
7. Participate in pre-bid meetings;
8. Advise the Executive Director/MPO Coordinator/governing body on DBE matters and achievement;
9. Participate with legal counsel and project director to determine consultant compliance with good faith efforts;

10. Participate in DBE training seminars;
11. Verify that firms applying for a project are currently eligible as a DBE to do business with DOT;
12. Report;
13. Act as liaison to the Uniform Certification Process in Florida; and
14. Provide announcements to community organizations to advise them of opportunities.

Federal Financial Assistance Agreement Assurance (26.13)

The MPO has signed the following assurance, applicable to all DOT assisted contracts and their administration:

The MPO 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 as approved by DOT, as 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 MPO of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C.1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

DBE Financial Institutions

It is the policy of the MPO 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 consultants on DOT assisted contracts to make use of these institutions.

Directory (26.25)

The MPO does not maintain its own list of DBEs. The MPO accepts firms listed in the DBE directory of Florida's Uniform Certification Program (UCP), as maintained by the Florida Department of Transportation. The list is updated every 24 hours. The directory lists a 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. For DBE requirement calculating purposes, the Consultants' directory was last viewed April 25, 2008. The directory is available online at www.bipincwebapps.com/biznetflorida. The directory does not subdivide firms into subspecialties, such as prime contractors, for specific types of transportation projects and studies. It should therefore be assumed that the number of available firms, represented by the base number in 26.45, Step 1-B, will be higher than the actual number of ready and available firms appropriate for this MPOs projects.

The MPO defined appropriate specialties to include (Parentheses indicates FDOT Specialty Area Code/NAICS Specialty Code): (300/54133) Consultants - Selected firms with transportation engineering, land acquisition, environmental consulting and engineering specialties. (968/54182 & 54191) Public Relations and Marketing Services.

Recipients of DOT assisted contracts in the State of Florida have engaged in establishing a statewide UCP agreement, which has potential for expanding the number of DBE listings for this geographic area.

Information concerning UCP may be found at www.dot.state.fl.us/equalopportunityoffice. Upon request, the MPO will reproduce and mail copies of the form, or interested parties may phone the FDOT Equal Opportunity Office at (850) 414-4747.

The MPO supports the UCP directory through advertisement in three sources: invitation to bidders on the MPO website, newspaper advertisement, and direct distribution to professional associations and organizations that work with individuals who may be eligible for DBE status. In the ad, potential DBE firms are instructed to download the appropriate forms online at the Florida Department of Transportation's website. The MPO also offers to send the same form via U.S. Mail to anyone who requests it. The name, address, and phone number of the MPO is provided in the ad. When an applicant receives a form from the MPO via U.S. Mail or via email, the applicant is instructed to return the completed form directly to the Florida Department of Transportation.

Over-concentration (26.33)

The MPO has not identified over-concentration as a problem in Hernando County.

Business Development Programs (26.35)

The MPO does not have a Business Development Program.

Required Contract Clauses (26.13, 26,29)

The MPO will ensure that the following clause is placed in every DOT assisted contract and subcontract:

“The consultant or sub-consultant shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The consultant shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT assisted contracts. Failure by the consultant to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as the recipient deems appropriate.”

Prompt Payment

The MPO will include the following clause in each DOT assisted prime contract:

“The prime consultant agrees to pay each sub-consultant under this prime contract, for satisfactory performance of its contract, no later than 30 days from the receipt of each payment the prime consultant receives from the Hernando County MPO. The prime consultant agrees further to return retainage payments to each sub-consultant within 30 days after the sub-consultant's work is satisfactorily completed. Any delay or postponement of payment from the above-referenced time frame may occur only for good cause, following written approval of the Hernando County MPO. This clause applies to both DBE and non-DBE sub-consultants.”

Monitoring and Enforcement Mechanisms (26.37)

The MPO 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 Part 26.109. The MPO shall also consider similar action under its own legal authorities, including responsibility determinations in future contracts.

Sanctions for Non-Compliance

In the event of the consultant's non-compliance with FDOT's policy, or failure to meet the prescribed DBE goal, or expectancy set forth in this contract, or to establish a good faith effort to do so, the MPO shall impose such contract sanctions as the MPO, the FTA or both, may determine to be appropriate, including, but not limited to:

- a. Withholding of payments to the consultant under the contract until the consultant complies; and/or
- b. Cancellation, termination or suspension of the contract in whole or in part; and/or
- c. Suspension or debarment of consultant from eligibility to contract with the MPO in the future or to receive bid packages or request for proposal (RFP) packages.

Overall Goals (26.45)

Hernando County's overall goal for FY 2009-2010 is the following:

Four (4%) percent of the Federal financial assistance the MPO will expend in DOT assisted (service) contracts.

The following history is provided for this decision:

During the entire period allocated for this project, Hernando County expected to reach a DBE goal of expending \$23,017 (4%) during FY 2009-2010 with DBE firms. During the previous year, zero (\$0) was actually expended with DBEs. As a result, the FY2009-2010 DBE goal will remain at 4%, based on actual experience and data.

During FY 2007-2008, no funds were expended with DBEs as no new contracts were let. The following year, 2008-2009, the MPO continued its goal of 4% to provide for any new unforeseen contracts that may become available.

Methodology

The following is a summary of the methods used to calculate the MPOs 4% goal:

The MPO will implement a DBE Program that uses a combination of race-neutral and race-conscious participation, as defined in the appropriate section of this document.

Step 1-A: Developing a rationale, including assessment of impediments as a recipient of federal funding from the FTA, the Board is required to establish annual and project-specific goals for public transportation-related contracting with DBEs. In effect, the annual goal becomes a performance standard of measuring progress toward achieving the anticipated level of DBE participation, and a partial means of assessing compliance with FTA, DBE regulations.

The MPO has a strong commitment to minority inclusion in all contracts. However, it is difficult to use standard formulas to arrive at a basis for the DBE for these reasons:

- The MPO had only one FTA contract (one primary consultant). This experience did not provide adequate historical precedence for calculations.
- The MPOs own consulting needs are for planning only. Unlike transit organizations, MPOs do not build or purchase, lease or maintain equipment, terminals or garages. In addition, the MPO does not directly contract for staff to perform operations/maintenance. MPO/Hernando County employees perform administrative functions. Grant money does not support such functions.
- The MPO uses only a small number of consulting firms each year for all contracts, including non-FTA assisted contracts.
- The MPOs consulting needs are limited to transportation planning firms within a few highly specific subspecialties. As a result, the pool of qualified consulting firms is severely limited.

For the above reasons, it is extremely difficult to obtain a clear idea of the number of qualified ready, willing and able DBEs from FDOT or transit agency lists, or to obtain an accurate idea of available firms from the U.S. Census. (Census data does not break down firms by subspecialties.)

Assumptions

In defining the criteria for firms that may be appropriate for use by the MPO, the following assumptions were made:

The MPO defined the term "Local Market Area" to include the Tampa-St.Petersburg-Clearwater area and its surroundings. Preference is given to consultants that have offices within the Tampa Bay area as this gives the MPO greater access to their services and because the MPO does not pay for travel (including lodging and meals) inside this area.

The MPO defined appropriate specialties to include (Parentheses indicates FDOT Specialty Area Code/NAICS Specialty Code): (300/54133) Consultants - Selected firms with transportation engineering, land acquisition, environmental consulting and engineering specialties. (968/54182 & 54191) Public Relations and Marketing Services - selected all firms.

Based on limited information about subspecialties, the MPO selected firms believed to be possibly appropriate for MPO purposes.

Step 1: Calculating a Percentage – The MPO declares its FY 2009-2010 goal of four (4%) percent for the DBE Program. This figure is based on a denominator of 281 ("Engineering Services" firms, "Public Relations" firms, and "Marketing Research & Public Opinion" firms) in the Local Market Area.

DBEs in Engineering/Consulting and Public Relations Services

Thirteen (13) ready, willing and able DBEs = 4.08 % 281 all firms from Local Market Area. Therefore, the MPO determined the non-adjusted base figure to be approximately 4%.

Step 2: Weighting – The MPO saw no need for this process.

Step 3: Making Adjustments – The MPOs Federal contracts have been completed and there are no contracts active at this time. However, the MPO anticipates contracts to be let during this fiscal year or the following. As previously explained, the MPO wishes to continue its DBE commitment of 4%. The following factors were considered in setting a goal at 4% for the 2009-2010 fiscal year:

- As previously mentioned, the MPO has had little opportunity to develop a historical precedent or basis for its DBE goals. The MPOs first goal was set in FY 2002-2003 at 5.6%, adjusted in FY 2003-2004 to 5%, based on one year of our own experience as a DBE Program. However, FY 04-05 thru 08/09 saw no new contract activity, and as a result, the goal was lowered to the current 4% goal. The MPO considers 4% to be a more appropriate goal and wishes to retain it during 2009-2010.
- For comparability purposes, the MPO studies bus transit and airport organizations, although the MPO realizes our requirements will be more limited than theirs, and consequently, the number of available firms more limited. For 2008-2009, HART has proposed a DBE goal of 11% and Pasco County Public Transit set their goal at 1.0%.
- In addition to relying on DBE lists, the MPO makes efforts to encourage potential DBE providers to apply for contracts. Advertisements are published on the MPOs website at www.hernandocounty.us/mpo, and DBE information is posted as well. The MPO encouraged DBE participants to respond to the recent RFP for the MPOs Transportation Disadvantaged Community Transportation Coordinator (CTC). All of the Transportation Disadvantaged Program providers are made contractually aware of the MPOs DBE commitment.

Process

The MPO shall submit its overall goal to DOT by August 1 of each year. Before establishing the overall goal, the MPO shall consult with community organizations, minority and women's consultant groups, as well as general consultant groups, to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the MPOs efforts to establish a level playing field for the participation of DBEs.

The MPO shall 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 the MPO office for 30 days following the date of the notice, and informing the public that the MPO and DOT will accept comments on the goals for 45 days from the date of the notice. The current notice was posted in Florida Administrative Weekly and the St. Petersburg Times on June 15, 2009. The notice included addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed. The MPOs overall goal submissions to DOT shall include a summary of information and comments received during this public participation process and our responses.

The MPO has consulted with the appropriate agencies concerning the availability of disadvantaged and non-disadvantaged businesses and have concluded that the previous goal of 4% remains reasonable. The MPO shall adopt this goal unless other instructions are received from DOT.

Breakout of Estimated Race-Neutral and Race-Conscious Participation

Race neutral, under the consultant or professional program, would be defined as not assigning race or gender-specific goals on individual projects, but counting all participation of DBE sub-consultants utilized by consultants on projects. Arranging solicitations, times for the presentation of bids, quantities, specifications and delivery schedules in ways that facilitate DBE and other small business participation. Requiring consultants to subcontract portions of work that they might otherwise perform with their own staff or an outside consulting firm. Providing the name, phone number and email address for additional information concerning a contract.

The MPO based its 2009-2010 goal of 4% on the results of 2008-2009. Assuming this represents a reasonable expectation for the future, the MPO estimates that of the 4% overall DBE goal for the 2009-2010 fiscal year, approximately half (2.0%) will be acquired from race-neutral participation, and the remainder through race-conscious measures.

The MPO shall adjust the estimated breakout of race-neutral and race conscious participation as needed to reflect actual DBE participation (see 26.51 (f)) and shall track and report race-neutral and race conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following:

1. DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures;
2. DBE participation through a subcontract on a prime contract that does not carry a DBE goal;
3. DBE participation on a prime contract exceeding a contract goal; and
4. DBE participation through a subcontract from a prime consultant that did not consider a firm's DBE status in making the award.

Contract Goals (26.51)

The MPO shall use contract goals to meet any portion of the overall DBE goal that the MPO 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 DBE goal that is not projected to be met through the use of race-neutral means.

The MPO shall establish contract goals only on DOT assisted contracts that have subcontracting possibilities. The MPO need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work.)

The MPO shall express its contract goals at a percentage of 4% of the Federal share of DOT assisted contracts.

Good Faith Efforts (26.63)

The MPO treats bidders/offers' compliance with good faith efforts requirements as a matter of responsiveness. Each solicitation for which a contract goal has been established shall require the bidders/offers to submit, at the discretion of the MPO, at least 24 hours before commitment to the performance of the contract by the bidder/offeror, the following information:

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

Demonstration of Good Faith-Efforts

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. The MPO shall utilize the following criteria to determine the consultant's good faith effort to subcontract and negotiate with DBEs:

1. Whether the consultant attended any presolicitation or prebid meetings that were scheduled by the MPO to inform DBEs of consulting and sub-consulting opportunities;
2. Whether the consultant or supplier provided notice in general circulation, trade association and minority and female focus media concerning the sub-consulting opportunities;
3. Whether the consultant provided written notice to a reasonable number of specific DBEs that their interest in the contract was solicited in sufficient time to allow the DBEs to effectively participate;
4. Whether the consultant followed up the initial solicitation of interest by contacting DBEs to determine with certainty whether the DBEs were interested;
5. Whether the consultant selected portions of the work to be performed by DBEs in order to increase the likelihood of meeting the DBE goal including, where appropriate, segmenting contracts into economically feasible units to facilitate DBE participation;
6. Whether the consultant provided interested DBEs with adequate information about the plans, specifications and requirements of the contract;
7. Whether the consultant negotiated in good faith with interested DBEs, not rejecting DBEs as unqualified without sound reasons based on a thorough investigation of their capabilities;
8. Whether the consultant made efforts to assist interested DBEs in obtaining bonding, lines of credit or insurance required by the MPO or the consultant; and
9. Whether the consultant effectively used the services of available minority and female community organizations, minority and female professional groups, local, State and Federal minority and female business assistance offices, and other organizations that provide assistance in the recruitment and placement of DBEs.

The MPO may, upon written notice to the consultant, meet with its officials to discuss or provide written evidence of good faith efforts to subcontract and negotiate with DBEs and DBE/Non-DBE/Joint Venture and its ability to achieve the established goal. Failure of a consultant to meet or provide the requested written information at a stipulated time and place, without a demonstration of good cause, shall be cause for rejection.

Administrative Reconsideration

Within two days of being informed by the MPO that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. The bidder/offeror should make the request in writing to the following reconsideration official: Jean Rags, Hernando County EEOC Officer, 20 N. Main Street, Room 161, Brooksville, FL 34601, Phone (352) 540-4338, Fax (352) 540-4339. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

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

Good Faith Efforts when a DBE is Replaced on a Contract

Where goal or preference points have been assigned to projects, the MPO will require a consultant 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 MPO shall require the prime consultant to notify the DBE Liaison Officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, the MPO shall require the prime consultant to obtain prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. If the consultant fails or refuses to comply in the time specified, the MPO office or the office of the prime consultant will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the consultant still fails to comply, the contracting officer may issue a termination for default proceeding.

Counting DBE Participation (26.55)

The MPO shall count DBE participation toward overall and contract goals, as provided in 49 CFR 26.55.

Certification (2&61 - 26.91)

The MPO will accept, as accurate and current, the certification status of all DBE firms listed on Florida's Uniform Certification Program/Department of Transportation website.

Process

The MPOs certification application form and documentation requirements are those defined by the Florida's Uniform Certification Program. Interested persons are instructed to download DBE documents from the website at www.dot.state.fl.us/equalopportunityoffice. Upon request, the MPO will reproduce and mail copies of the documents. Requests may be directed to: Steve Diez, Hernando County MPO, 20 N. Main Street, Room 262, Brooksville, FL 34601, Phone (352) 754-4057, Email

stevend@hernandocounty.us. The MPO shall yield to the Unified Certification Program's decisions and practices concerning decertification and appeal of decertification status.

Uniform Certification Program

The State of Florida is currently developing and using a certification process for DBE providers. Forms, procedures, and a list of certified DBE firms are listed on the website at www.dot.state.fl.us/equalopportunityoffice, as mentioned in the "Process" section above.

Certification Appeals

Any firm or complainant may appeal the MPOs decision in a certification matter to DOT. Such appeals may be sent to: Department of Transportation, Office of Civil Rights Certification Appeals, Branch 400, 7th Street SW, Room 2104, Washington, DC 20590. The MPO shall promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for DOT assisted contracts (e.g., certify a firm if DOT has determined that the MPOs denial of the application was erroneous).

Recertification

FDOT administers the recertification process as well as the annual affidavit process.

No Change Affidavits and Notices of Change

The MPO requires all potential DBE firms to comply with the DBE certification requirements of their issuing authority. For example, DBE firms must inform FDOT, in a written affidavit, of any change in their circumstances affecting the DBE's ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR Part 26 or of any material changes in the information provided. The MPO also requires all owners of DBEs to comply with their issuing authorities' annual recertification process, which meet the requirements of 26.83 (j). (FDOT notifies DBE firms concerning recertification requirements, etc.)

Personal Net Worth

The MPO requires all disadvantaged owners of applicants and of currently certified DBEs to comply with their issuing authorities' Personal Net Worth requirement. The personal net worth form and the documentation used by Florida Department of Transportation may be found online at www.dot.state.fl.us/equalopportunityoffice.

Information Collecting and Reporting

Bidders List

The MPO shall not maintain its own bidders list. In order to permit DBE firms to have maximum opportunities throughout the region, to support the development of one unified list, and to eliminate redundancy in application filing requirements, the MPO encourages all applicants to become DBE certified with Florida's Uniform Certification Program. The following website provides all forms and describes procedures: www.dot.state.fl.us/equalopportunityoffice.

Monitoring Payments to DBEs

The MPO shall require prime consultants to maintain records and documents of payments to DBEs for three years following the performance of the contract. Any authorized representative of the MPO or DOT will make these records available for inspection upon request. This reporting requirement also extends to any certified DBE sub-consultant.

The MPO shall keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award. The MPO shall perform interim audits of contract payments to DBEs. The audit will review payments to DBE sub-consultants to ensure that the actual amount paid to DBE sub-consultants equal or exceed the dollar amounts stated in the schedule of DBE participation.

Reporting to DOT

The MPO shall report DBE participation as follows:

The MPO shall report DBE participation on June 1 and December 1 using the "Uniform Report of DBE Awards or Commitments and Payments" form. These reports will reflect payments actually made to DBEs on DOT assisted contracts.

Confidentiality

The MPO shall safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information consistent with Federal, State and local law. The MPO shall require all DBE firms to complete the *Release of Confidential Information* form that is a component of the Florida Department of Transportation's submission process:

www.dot.state.fl.us/equalopportunityoffice/DBEprogram.htm.

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

Attachments List

Attachment A – DBE Advertisement

ATTACHMENT A

HERNANDO COUNTY METROPOLITAN PLANNING ORGANIZATION DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL FOR FISCAL YEAR 2009/10

IT IS THE POLICY of the Hernando County Metropolitan Planning Organization (MPO) to provide Disadvantaged Business Enterprises (DBEs) the opportunity to participate in contracts for The Hernando Express Bus (THE Bus) that are financed in whole or part with funds from the Federal Transit Administration. For this reason, the MPO has established a fiscal year 2009/10 goal of 4% for the DBE Program. A description of the goal and the process for establishing the goal are available for review during regular business hours by contacting Mr. Steve Diez, Transportation Planner II, at the Hernando County Metropolitan Planning Organization, 20 North Main Street, Room 262, Brooksville, FL 34601, email stevend@hernandocounty.us, or by telephone at 352-754-4057. The DBE goal and rationale may also be viewed online via THE Bus website at www.hernandobus.com. The address for the Federal Transit Administration, Office of Civil Rights is: 230 Peachtree Street NE, Suite 800, Atlanta, GA 30303. The DBE goal and rationale for its adoption will be available for inspection for 45 days following the date of this notice.

Hernando County Metropolitan Planning Organization

/s/ Steve Diez
Transportation Planner II

PUBLISH: 06/15/09