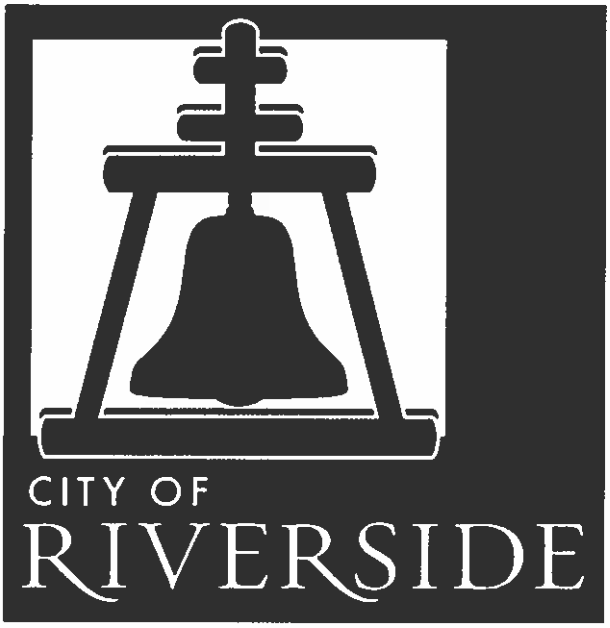

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM PLAN

UPDATED JUNE 2018

49 CODE OF FEDERAL REGULATIONS PART 26 (Issued October 2, 2014)
PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES

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DISADVANTAGED BUSINESS ENTERPRISE PROGRAM
(49 CFR PART 26)
CITY OF RIVERSIDE

INTRODUCTION

The City of Riverside is a direct recipient of Federal Aviation Administration (FAA) and Federal Transit Administration (FTA) grants. In addition, the City of Riverside is a sub recipient of Federal Highway Administration (FHWA) grants as issued by the California Department of Transportation (Caltrans). The beneficiary of the FAA grants is the City of Riverside Municipal Airport (Airport). The beneficiary of the FTA grants is the City of Riverside Special Transportation For Senior and Disabled. The beneficiary of the FHWA sub recipient grants is the City of Riverside Public Works (Public Works) for streets and roads.

The City of Riverside anticipates receiving grants of $250,000 or more in FAA Airport Improvement Program funding. The Airport is responsible for implementing the DBE Program and preparing the triennial DBE Goal and Methodology. The Airport DBE Goal and Methodology is included as Annex A.

The City of Riverside receives FTA financial assistance for planning capital, and or operating assistance. Per the DBE regulations, a recipient who receives planning, capital and/or operating assistance who will award prime contracts (excluding transit vehicle purchases) the cumulative total value of which exceeds $250,000 in FTA funds in a Federal fiscal year, is required to prepare and implement a DBE Program plan and DBE goal and methodology. Since 2015, the City of Riverside has not received $250,000 or more, in FTA grants, (excluding transit vehicle purchases). In the event the City of Riverside were to receive the cumulative total value of which exceeds $250,000 in FTA funds in a Federal fiscal year and of which there are $250,000 in contract opportunities, the Special Transportation for Senior and Disabled would be responsible for implementing the DBE Program and preparing the triennial DBE Goal and Methodology.

As a sub recipient of FHWA grants the City of Riverside adopted the Caltrans Division of Local Assistance, Local Assistance Procedures Manual, Chapter 9, Civil Rights and DBE Program plan, Exhibits 9-A through 9-E in the administration of its FHWA funded projects. Adoption of the Caltrans DBE Program means that the City of Riverside Public Works is responsible for implementing Caltrans DBE Program on the FHWA funded projects and adopting Caltrans overall DBE Goal and Methodology. The Local Assistance Procedures Manual, Chapter 9 and associated exhibits are found at http://www.dot.ca.gov/hq/LocalPrograms/lam/lapm.htm

The City of Riverside established one Disadvantaged Business Enterprise (DBE) Program plan to comply with the FAA and FTA grant funding obligations and the regulations of the U.S. Department of Transportation (DOT), 49 Code of Federal Regulations (CFR) Part 26.

DBE POLICY STATEMENT Sections 26.1, 26.7, 26.13(a) and 26.23 - Objectives/Nondiscrimination/Policy Statement/Assurance

As a direct recipient of FAA and FTA financial assistance, and as a sub recipient of FHWA financial assistance, the City of Riverside will not discriminate on the administration of the DBE Program or on the award of any Department of Transportation (DOT)-assisted contracts based on race, color, sex or national origin. Failure to carry out the program plan shall be treated as a violation of the Federal Financial Assistance Assurance with FAA/FTA/FHWA and the City of Riverside may be subject to DOT sanctions and enforcement actions under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

The City of Riverside DBE Program policy will:

1. Ensure nondiscrimination in the administration and award of DOT–assisted contracts;
2. Establish an overall triennial DBE goal that is narrowly tailored to the availability of DBEs and non-DBEs on the DOT-assisted contracts;
3. Provide DBEs and non-DBEs, with a level playing field to compete and participate fairly in DOT–assisted contracts;
4. Implement the DBE Program plan in accordance with applicable law;
5. Only count the participation of firms certified as a DBE with the appropriate North American Industry Classification System codes;
6. Provide DBEs and small business concerns with referrals to business development services so they can compete successfully in procurements;
7. Monitor contracts with DBE participation; and
8. Report DBE accomplishments semi-annually to FAA, FTA and California Department of Transportation, as appropriate.

The City of Riverside Purchasing Manager will serve as the DBE Liaison Officer. The DBE Program is given the same priority as compliance with other legal obligations the City of Riverside commits to in its financial assistance agreements with FAA/FTA/FHWA. The DBE Program plan will be implemented until all funds with DOT financial assistance have been expended.

The policy statement is shared with the City Council and internal departments who have a role in implementing the DBE Program plan. The policy statement is distributed to DBE and non-DBE, business associations and posted on the website at www.riversideca.gov.

The City of Riverside affirms its assurance to comply with 49 CFR Part 26.

Original signed

City Manager

10/1/18

Date

SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

The eight objectives are identified in the policy statement.

Section 26.3 Applicability

The program plan applicability is based on federal airport and transit grants authorized by 49 USC § 47101 *et seq* - Airport Improvement Program grants; and by FTA transit laws in Title 49 USC codes *et seq*.

Section 26.5 Definitions

The City of Riverside, by reference, shall use the definitions contained in 49 CFR Part 26 § 26.5.

Section 26.7 Non-discrimination Requirements

The City of Riverside will never exclude any individual 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 based on race, color, sex, or national origin.

In administering the DBE Program, the City of Riverside will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing the DBE policy or the DBE Program.

Sections 26.11 and 26.47 Records, Reporting and Shortfall Analysis Requirements

Reporting to FAA/FTA Section 26.11(b)

The City of Riverside will report DBE participation and utilization on a semi-annual basis, using DOT Form 4630 Uniform Report of DBE Commitment/Awards and Payments (semi-annual reports). The semi-annual report due dates are June 1 (for the period October 1 – March 31) and December 1 (for the period April 1 – September 30). The DBELO will confirm timely submissions. The DBELO will collect and analyze the DBE awards or commitments and payments at least 30 days prior to the semi-annual report due dates. The DBELO will prepare separate semi-annual report to reflect the FAA, FTA or FHWA DBE participation and utilization for the semi-annual report period. The reports will represent the federal share of the contracts executed and payments made during the reporting period.

Reporting to California DOT (Caltrans) on FHWA financial assistance

The City of Riverside will report final utilization of DBE participation on contracts using FHWA funding to the District Local Assistance Engineer using the "Final Report Utilization of Disadvantaged Businesses" (Exhibit 17-F) in the Caltrans Local Assistance Procedures Manual.

Bidders List: Section 26.11(c)

The City of Riverside will maintain an on-line vendor list, known as the "Bid System." The Bid System is an entry point for all DBE and non-DBE firms to register their interest in the City of Riverside procurement opportunities. The Bid System collects information on the vendor's name, address, federal identification number and the North American Industry Classification System codes. The Bid System list results may be considered as the denominator in calculating the overall triennial goals. Reference the DBE Goal Methodology section for the discussion on the numerator and denominator.

Shortfall Analysis: Section 26.47

If the two (2) semi-annual Uniform Report of Awards or Commitments and Payments reports in any given federal fiscal year to FAA or FTA reflect that the awards or commitments are less than the annual DBE goal applicable to that federal fiscal year, a shortfall analysis will be completed and comprised of the following steps in order to be regarded as implementing the DBE Program in good faith:

Step 1 is to analyze in detail the reasons for the shortfall between the annual goal and the awards and commitments in that fiscal year;

Step 2 is based on the step 1 analysis, establish specific steps and milestones to correct the problems identified in the analysis to enable the City of Riverside to reach the DBE goal for the new federal fiscal year; and

Step 3 is by December 31, prepare the shortfall analysis, corrective action plan and an implementation schedule. The shortfall analysis will be available to FAA or FTA upon request.

Sections 26.13 and 26.53(h) Assurances

Assurance: Section 26.13(a)

The federal financial assurance of compliance with 26.13(a) is included in the signed DBE policy statement.

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

The City of Riverside will include the following clause in the special provisions under section 2-1.2.2 for DOT-assisted contracts:

The contractor, or subcontractor shall not discriminate based on race, color, sex or national origin, in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the City of Riverside deems appropriate, which may include but not be limited to:

- *Withhold progress payments;*
- *Assess sanctions;*
- *Assess liquidated damages; and/or*
- *Disqualify the contractor from future bid submission as non-responsive.*

Section 26.15 DBE Program Exemptions or Waivers

The City of Riverside may apply for an exemption or waiver from any provisions in Sub Parts B and C of 49 CFR Part 26 including provisions regarding administrative requirements, overall goals, contract goals or good faith efforts. In the event there is a request for an exemption or waiver, the City of Riverside submit the circumstances that warrant an exemption or waiver request. The request will be submitted to FAA and or FTA, as appropriate.

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

The City of Riverside will update the DBE Program when there is a significant change in the program administration. A significant change includes when the City of Riverside replaces the DBELO or when there are significant DBE regulatory revisions that will impact program administration.

Section 26.25 Designation of DBE Liaison Officer (DBELO)

The DBELO is responsible for implementing and monitoring the DBE Program plan for compliance with the provision of 49 CFR Part 26. The DBELO has independent access to the City Manager concerning DBE Program matters. An organization chart displaying the DBELO's position is found in Attachment 1. The DBELO is:

Purchasing Manager, DBELO
City of Riverside
3900 Main Street
Riverside, CA 92522
(951) 826-5521

The DBELO duties and responsibilities include the following:

1. Gathers data and prepares the semi-annual Uniform Report of Awards, Commitments and Payments reports, triennial DBE goal and methodology, DBE shortfall analysis at year end when applicable and provide other reports as directed by FAA/FTA and/or Caltrans.
2. Analyzes the progress toward DBE goal attainment, through the semi-annual reports.
3. Informs the City Manager on DBE matters and achievements.

4. Works with the various departments to monitors contracts for compliance with the DBE Program requirements through the prompt payment reports and contract compliance documents.
5. Provides DBEs and non-DBEs with information on contract opportunities, construction bid notices and requests for proposals through the "RiversideBids" website.
6. Provides DBEs and Small Businesses with business development information, through the City of Riverside Partner Directory webpage. The Partner Directory webpage is a complete listing of key partner agencies and organizations that can be filtered by industry. The directory includes organizations focused on business development and financing assistance for startups and well-established businesses, chambers of commerce, and other business assistance agencies. Any firm may use the Partner Directory webpage to obtain assistance in preparing bids, obtaining bonding and insurance and much more.
7. Works with the various departments to implement the race-neutral measures and small business element as described in Sections 26.39 and 26.51 in the DBE Program plan.

The DBELO coordinates DBE Program implementation with the Finance Department, Purchasing Division, Riverside Municipal Airport and the Riverside Special Transportation for Seniors and Disabled. The departments will assist the DBELO to:

1. Provide information on the approved FAA/FTA financial grant agreements;
2. Post contract opportunities on "RiversideBids;"
3. Encourage bidders and proposers to seek out DBEs and Small Businesses participation;
4. Encourage known minority and or women owned businesses to obtain DBE certification;
5. Assist with gathering DBE participation and utilization data for the semi-annual reports and triennial DBE goal;
6. Ensure the DBE clauses are in FAA/FTA funded procurements; and
7. Assist with monitoring contracts for prompt payment and DBE participation.

Section 26.27 DBE Financial Institutions

The DBELO searched the California Unified Certification (CUCP) Directory for qualified financial institutions. There is no DBE-certified financial services institution operating in the City of Riverside region. The City of Riverside will search the CUCP Directory on an annual basis to determine if there is a DBE-certified financial institution operating in the City of Riverside region. Should there be such an institution, the City of Riverside will examine the feasibility of using the institution.

Section 26.29 Prompt Payment and Monitoring Mechanisms

The City of Riverside will include the following clause in DOT-assisted contract provisions:

> *The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 7 days from the receipt of each payment the prime contract receives from The City of Riverside. The prime contractor agrees further to return retention payments to each subcontractor within 7 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval by the City of Riverside.*

The City of Riverside has established the following mechanisms to monitor and enforce prompt payment.

The Contractor shall provide the DBELO with a copy of DBE subcontracts or purchase order upon request to determine the subcontract value.

During the term of the contract, the Contractor will maintain records showing the name and business address of each first-tier subcontractor. The records shall also show the name and business address of every DBE subcontractor, DBE vendor of materials and DBE trucking company, regardless of tier. The records shall show the date of payment and total amount paid to each business. Upon request, the Contractor will submit payment schedules to the Contract Manager as evidence that payments have been made to subcontractors. (Attachment 2 – Sample Payment Request).

Upon request, the DBE prime contractor shall provide the date of work performed by their own forces along with the corresponding dollar value of the work.

The Contractor must maintain records and documents of payments to DBEs for three (3) years following the acceptance of the contract. These records will be made available for inspection upon request by an authorized representative of the City of Riverside, FAA/FTA/Caltrans or FHWA.

Upon completion of the contract where there is DBE utilization and prior to final payment, the Contractor will provide a summary of the payments. The written confirmation of final DBE utilization will be made through a form as prescribed by the City of Riverside. The form shall be signed by the Contractor representative and furnished to the City of Riverside personnel within 90 days from the date of contract acceptance. (Attachment 3 - Final Report Utilization of DBEs)

The City of Riverside has available administrative remedies on prompt payment requirements which includes:

- Withhold progress payments;
- Assess sanctions;
- Assess liquidated damages;
- Disqualify the Contractor from future bidding as non-responsible; and/or
- Delay final contract payment until compliance with this section, if needed.

Section 26.31 DBE Directory

The City of Riverside will use the California Unified Certification Program (CUCP) DBE directory to identify firms eligible to be counted as DBEs. The directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. The CUCP directory is available on line at http://dot.ca.gov/hq/bep/find_certified.htm

Section 26.33 Overconcentration

During preparation of the overall triennial DBE goal, the City of Riverside will assess whether there is an overconcentration of DBEs in certain types of work as to unduly burden the opportunity of non-DBE firms to participate in this type of work. If there is a possible overconcentration, the City of Riverside will vary the use of NAICS and or work codes that have not been identified in a situation of overconcentration to establish the triennial DBE goal.

Section 26.35 Business Development Assistance

The City of Riverside is dedicated to developing the business community in the greater Riverside area. The City of Riverside provides DBEs and Small Businesses with business development information, through the website and specifically the "Partner Directory" at http://riversideoed.com/resources. The Partner Directory is a complete listing of key partner agencies and organizations that can be filtered by industry. The directory includes organizations focused on business development and financing assistance for startups and well-established businesses, chambers of commerce, and other business assistance agencies. The business development partners include:

- Small Business Development Center – Inland Empire
- Inland Empire Women Business Center
- Minority Business Development Center (MBDA)
- Riverside Community College District Office of Economic Development
- Riverside County Asian Business Association
- Riverside County Black Chamber of Commerce
- Greater Riverside Hispanic Chamber of Commerce
- Greater Riverside Chamber of Commerce
- Riverside County Workforce Development Center
- Service Corps of Retired Executives (SCORE)
- Small Business Administration
- Procurement Assistance Center

- Southwest Region – USDOT Office of Small and Disadvantaged Business Utilization (OSDBU)
- Caltrans DBE Supportive Services (when available)

Any firm may use the business development partners on the "Partner Directory" webpage to obtain assistance in preparing bids, obtain bonding and insurance assistance and much more.

Section 26.39 Small Business Measures

The City of Riverside is committed to foster small business (DBEs and non-DBEs) participation in DOT-assisted procurements. The City of Riverside is taking proactive steps to encourage small business participation through:

1. Encouraging small businesses to pursue procurement opportunities by registering their interest through the RiversideBids website.
2. Referring small businesses to the City of Riverside Small Business webpage. The webpage offers information on resources for first time business owners and tools for expanded success for existing small businesses.
3. Providing business development assistance through the Partner Directory website that includes contact information for the Small Business Administration, Small Business Development Center, Minority Business Development Agency, USDOT, Office of Small Disadvantaged Business Utilization, and other partners that provide technical assistance on financial management, personnel management, and other technical assistance related to the specific needs of small businesses including DBEs.
4. During the pre-bid conference, encouraging bidders and or proposers, to seek out Small Business and DBE participation.

Sections 26.37 and 26.53(j) Monitoring and Enforcement Mechanisms

The City of Riverside will use the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. Bring to the attention of the DOT any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in section 26.109.
2. Consider similar action under our own legal authorities, including responsibility determinations in future awards.

The City of Riverside has a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBE.

The City of Riverside will:

1. During the construction phase, the City of Riverside will monitor that the DBE is actually performing the work committed and the work is compliant with performing a Commercially Useful Function. The monitoring will occur through observations during the construction, review the Contractor's payment schedule and the final utilization report on DBE participation.
2. When a DBE Is a subcontractor/sub consultant/supplier on a contract, obtain and review the Contractor's payment schedule for work performed by the DBE.
3. When a DBE is a subcontractor/sub consultant/supplier on a contract, as needed, a request the Contractor to provide the DBELO with a copy of the DBE subcontracts and or purchase orders.

SUBPART C – GOALS, GOOD FAITH EFFORTS AND COUNTING

Section 26.43 Set-asides or Quotas

The City of Riverside will not set-aside contracts for DBEs or use DBE quotas in the administration of this DBE Program plan.

Section 26.45 Overall Goals

When the City of Riverside receives, as a direct recipient, $250,000 or more in 49 USC § 47101 *et seq* - Airport Improvement Program grants; $250,000 or more in FTA transit grants and FHWA grant funding, the City of Riverside will prepare an appropriate triennial DBE goal and methodology. The FTA funded DBE goal will not include transit vehicle procurements in the base amount for the overall triennial DBE goal calculation. The overall Race-Neutral and or Race-Conscious DBE goals will be expressed as a percentage on each DOT federal grants, as appropriate.

FHWA/Caltrans-Funded Projects (Sub recipient)

As a sub recipient of FHWA funding through Caltrans, the City of Riverside has submitted a DBE Implementation Agreement for Local Agencies (LAPM Exhibit 9-A) to implement the Caltrans DBE program. The City of Riverside adopts Caltrans' overall statewide DBE goal for FHWA/Caltrans funded projects. Annually, the City of Riverside submits to Caltrans the Local Agency DBE Annual Submittal Form (Exhibit 9-B) and the Local Agency ADA Annual Certification Form (Exhibit 9-C).

FAA/FTA – Funded Projects (Recipient)

In accordance with Section 26.45(f) the overall triennial goal will be submitted by August 1 of the year identified in the FAA and or FTA schedule of DBE goal submission.

The City of Riverside will identify the availability of ready, willing, and able DBEs in the target local market area. Based on past procurement activities, the majority of

the DBEs and non-DBEs who bid and contract with the City of Riverside are from Riverside and San Bernardino counties. Therefore, the target local market for the goal calculation will be Riverside and San Bernardino counties.

The City of Riverside will consult with community chambers of commerce, Small Business Development Centers, Minority and Women Business Owners, Minority and Women Business Associations, and other interested groups to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses. Based on the Bid System list, which includes DBEs and non-DBE, the City of Riverside will send an electronic notice through the registry and request input on business availability and the proposed DBE goal. Interchanges will occur throughout the triennial period to discuss and solicit comments on DBE participation and to inform small, women-and minority-owned businesses about upcoming contract opportunities.

The DBE Program consultation will include publishing 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 City of Riverside Purchasing Division or as noted in the DBE Public Notice, for 30 days following the date of the notice and posted on-line at www.riversideca.gov. Comments will be accepted for 30 calendar days from the date of the notice. Normally, the notice will be published by June 1 of the year the triennial DBE goal is due.

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

The overall triennial DBE goal will begin on October 1 of the year the goal is due to FAA or FTA, unless DOT provides additional instructions. If a DBE goal is established on a project basis, the project specific DBE goal will begin by the time the first solicitation for a DOT-assisted contract is advertised.

The overall triennial DBE goal will be posted on the website until the goal is updated. The triennial DBE Goal and Methodology is a separate document from this DBE Program plan. The full text of the triennial DBE Goal and Methodology will be available during the 30-day public participation period of the year the triennial DBE goal is due.

The general steps to completing the triennial DBE Goal and Methodology are described in Attachment 4.

Section 26.51(a-c) Race-Neutral Measures

The DBE Program plan is designed to be race-neutral. The City of Riverside will implement Race-Neutral measures to meet the maximum portion of the Overall Triennial DBE Goal in accordance with 49 CFR Part 26.51, including but not limited to:

1. Post timely solicitations for bids to facilitate DBE participation and specific contract opportunities on RiversideBids website.
2. Encouraging DBEs to pursue procurement opportunities by registering their interest through the RiversideBids website.
3. Encourage DBE's to bid as prime contractors.
4. During a pre-bid encourage bidders/proposers to identify subcontract work that DBE's may bid on.
5. Refer DBEs to the City of Riverside "Partner Directory" (Section 26.35) for resources available to provide technical assistance and other business development services.
6. Provide information on contracting procedures on the website.

Section 26.51(d-g) Race-Conscious Measures

The City of Riverside is located in the United States Court of Appeals for the Ninth Circuit District, wherein in September 2005, the court said that race conscious elements in a DOT funded program, needs to be narrowly tailored and must be based on demonstrable presence or absence of discrimination or its effects in the DOT transportation contracting industry. US DOT directed DOT recipients located in the Ninth Circuit Court of Appeal District to strongly consider completing a disparity study to determine if race-conscious measure may be used on DOT financially assisted contracts. Further, the US DOT guidance states, absent completing a disparity study, the DOT recipients located in the Ninth Circuit Court of Appeal District should operate a wholly race-neutral DBE Program to remain compliant with 49 CFR Part 26.

As a direct recipient of FAA and FTA funding, the City of Riverside has elected to operate a wholly race-neutral DBE Program. The City of Riverside understands that if there were a desire to have a race-conscious DBE Program, the City of Riverside must follow the USDOT guidance to complete a disparity study on the FAA and or FTA funding and fully consider the disparity study results that will establish the legal basis for race-conscious measures.

In the event a race-conscious contract goal is established, the contract goal will only apply to DOT-assisted contracts that have subcontracting possibilities. The methodology, to setting an individual race-conscious DBE goal on a contract, will generally follow the steps to establish the overall triennial DBE goal.

The City of Riverside will express the overall Race-Neutral and or Race-Conscious DBE goal and or the individual DBE contract goals as a percentage of the federal share of a DOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures for Contracts with a DBE Goal

<u>Demonstration of good faith efforts Section 26.53(a) & (c)</u>

The demonstration of a good faith effort will only occur when the solicitation states that a race-conscious goal exists on the proposed contract. Therefore, the

obligation of the bidder/offeror is to make good faith efforts with respect to a contract with a DBE contract goal. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Good faith efforts are explained in Appendix A to 49 CFR Part 26.

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

The City of Riverside will ensure the information is complete and adequately documents the bidder/offer met the DBE goal or demonstrates a good faith effort to meet the goal before a commitment is made to award the contract.

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

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

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

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

In those instances where a contract-specific DBE goal is not met, the bidder's good faith effort documentation will be evaluated to determine if adequate good faith efforts were made to meet the DBE goal. The bidder will submit the DBE Commitment form with a copy of the DBE quote; and good faith effort documentation with related supporting documents within 5 business days of bid opening to the DBELO. (Attachment 6 Good Faith Effort form For a Contract with a DBE Race-Conscious Goal)

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

Each solicitation for which a contract goal has been established will require the bidder to submit the DBE Quote Confirmation form for each DBE on the contract with the following information:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's bid; and,

5. Include a copy of the DBE quote.

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

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

The bidder will complete and submit the DBE Good Faith Effort form and associated documentation; DBE Commitment form and DBE quotes within five (5) business days of bid opening to the DBELO. The process used to determine whether good faith efforts have been made by a bidder will include consideration of the following:

1. Documentation that the bidder attended a mandatory pre-bid meeting, when applicable, to network with DBEs on subcontracting opportunities under a given solicitation.
2. Documentation that for at least five (5) business days before bids are due, advertisements were placed in publications that DBEs use to find subbid opportunities. The advertisement should include but not be limited to the description of the project; subcontracting opportunities; date the subbid is due, who to contact at the bidder's office on questions regarding the project plans and specifications, bidder's subcontract conditions and other pertinent project information that will impact the subbid price and subbid conditions.
3. Documentation that written solicitations were sent to sufficient number of DBEs, who could reasonably perform the subcontracting opportunities. The written solicitation will provide similar information as included in the notice of publication and where the DBE may obtain business service assistance in order to prepare the subbid.
4. Documentation on the follow-up efforts made with DBEs who did not respond to the initial written solicitation for subbids. Documentation to support the initial written and follow-up solicitation will include:

   - The names, addresses, and telephone numbers of DBEs that were contacted and the date(s) of contact.
   - A copy of the written information provided to DBEs regarding the project plans and specifications and general contract requirements for the work to be performed.
   - The result of the solicitation, to include the DBE's comments.

5. Documentation of efforts made to assist the DBEs who requested assistance in obtaining bonding, lines of credit, insurance or assistance with equipment, supplies, materials or related services.
6. Documentation of efforts to utilize the services of minority/women/small business organizations, community and contractor groups to locate qualified DBEs.

7. Documentation that the bidder has broken out contract work items into economically feasible units in fields where there are available DBE firms to perform the work.
8. Documentation for each DBE bid that was rejected, the reason the DBE bid was rejected.

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

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

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

FHWA/Caltrans-Funded Projects

As of October 1, 2014, per the Caltrans Division of Local Assistance Office Bulletin 14-06, the City of Riverside will prepare and submit for approval to Caltrans the "Evaluation of Good Faith Efforts" form (Caltrans Exhibit 9-E), that cites reasons as to why the Good Faith Efforts were found adequate.

As a sub recipient to Caltrans, the City of Riverside will establish contract goals only on those FHWA/Caltrans-funded contracts that have subcontracting possibilities. Contract goals need not be established 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 contract work items will be compared with eligible DBE firms willing to work on the project. A determination will also be made to decide which items are likely to be performed by the contractor/consultant and which ones are likely to be performed by the subcontractor/sub consultants. The goal will then be incorporated into the RFP and contract documents. Contract goals will be expressed as a percentage of the total amount of a DOT-assisted contract. As of October 1, 2014, per the Caltrans Division of Local Assistance Office Bulletin 14-06, the City of Riverside will prepare and submit for approval to Caltrans contract goals for FHWA/Caltrans-funded construction projects greater than $2 million and consultant (A&E) contracts greater than $500,000 prior to advertising. Contract goals are submitted using the Caltrans Exhibit 9-D DBE Contract Goal Methodology form.

Administrative Reconsideration Section 26.53(d)

Within 5 business days of being informed that the bid is not responsive because it has not documented sufficient good faith efforts, a bidder may request administrative reconsideration. The bidder should make this request in writing to:

Internal Audit Manager
Organizational Performance and Accountability
City of Riverside
3900 Main Street
Riverside, CA 92522

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

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

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

The City of Riverside will require that prime contractors/consultant not terminate a DBE subcontractor/sub consultant listed on a contract with a DBE contract goal without prior written consent. Prior written consent will only be provided where there is "good cause" for termination of the DBE firm, as established by Section 26.53(f)(3) of the DBE regulation.

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

(i) The listed DBE subcontractor fails or refuses to execute a written contract;
(ii) The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided, however, that good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor;
(iii) The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable, nondiscriminatory bond requirements.
(iv) The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;
(v) The listed DBE subcontractor is ineligible to work on public works

projects because of suspension and debarment proceedings pursuant 2 CFR Parts 180, 215 and 1,200 or applicable state law;

(vi) The listed DBE subcontractor is not a responsible contractor;

(vii) The listed DBE subcontractor voluntarily withdraws from the project and provides to you written notice of its withdrawal;

(viii) The listed DBE is ineligible to receive DBE credit for the type of work required;

(ix) A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract;

(x) Other documented good cause that you determine compels the termination of the DBE subcontractor. Provided, that good cause does not exist if the prime contractor seeks to terminate a DBE it relied upon to obtain the contract so that the prime contractor can self-perform the work for which the DBE contractor was engaged or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award.

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

In those instances where "good cause" exists to terminate a DBE's contract, the DBELO will require the prime contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. The DBELO will require the prime contractor to notify the DBELO immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation. In this situation, the prime contractor is required to obtain the DBELO prior approval before a DBE substitution occurs. The prime contractor will be required to provide copies of new or amended subcontracts, or documentation of good faith efforts to meet the DBE goal.

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

Section 26.55 Counting DBE Participation

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

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(a) When a DBE participates in a contract, you count only the value of the

work actually performed by the DBE toward DBE goals.

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

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

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

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

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

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

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

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

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

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

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

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

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

For purposes of this section, a regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business.
To be a regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question.

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

Packagers, brokers, manufacturers' representatives, or other persons who arrange or expedite transactions are not regular dealers within the meaning of this paragraph (e)(2).

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

Section 26.49 Transit Vehicle Manufacturers Requirements

The City of Riverside will require each transit vehicle manufacturer (TVM), as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to provide evidence that the TVM has obtained approval from the Office of Civil Rights, FTA to participate as a certified TVM.

Under the U.S. DOT DBE regulations, a transit vehicle manufacturer means any manufacturer whose primary business purpose is to build vehicles specifically for public mass transportation. Such vehicles include, but are not limited to, buses, rail cars, trolleys, ferries and vehicles manufactured specifically for paratransit purposes. The definition includes producers of vehicles that receive post-production alterations or retrofitting to be used for public transportation purposes. Businesses that manufacture vehicles solely for personal use and for sale "off the lot" are not considered transit vehicle manufacturers. Further, to the extent that a vehicle remanufacturer is responding to a City of Riverside solicitation for new or remanufactured vehicles with a vehicle to which it has provided post-production alterations or retrofitting (e.g., replacing major components such as an engine to provide a "like new" vehicle), the vehicle remanufacturer is considered a transit vehicle manufacturer. Only those transit vehicle manufacturers listed on FTA's eligible TVMs list, or that have submitted a goal methodology to FTA that has been approved or has not been disapproved, at the time of the City of Riverside solicitation are eligible to bid.

A TVM's failure to implement their DBE Program in the manner prescribed by 49 CFR Part 26 may result in removal from FTA's certified TVMs list and the inability to bid on future City of Riverside FTA-assisted transit vehicle procurements.

Within 30 days of making an TVM award, the City of Riverside will provide the name of the successful bidder for transit vehicles and the total dollar value of the contract. This notification will be submitted by using the online Transit Vehicle Award Reporting Form located on FTA's Civil Rights DBE webpage.

SUBPARTS D & E – CERTIFICATION STANDARDS AND PROCEDURES

Sections 26.61 – 26.73 DBE Certification

The City of Riverside will rely on the list of DBE-certified companies maintained by the CUCP to determine which firms are eligible to participate as DBEs. Firms desiring to establish DBE certification can do so by completing applications forms that are found on the CUCP website at: http://dot.ca.gov/obeo/dbe.html

Sections 26.81-26.91 Unified Certification Program

The City of Riverside is a non-certifying member of a CUCP. The CUCP has approval from USDOT to make DBE certification determinations as required in sections 26.61 through 26.91.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

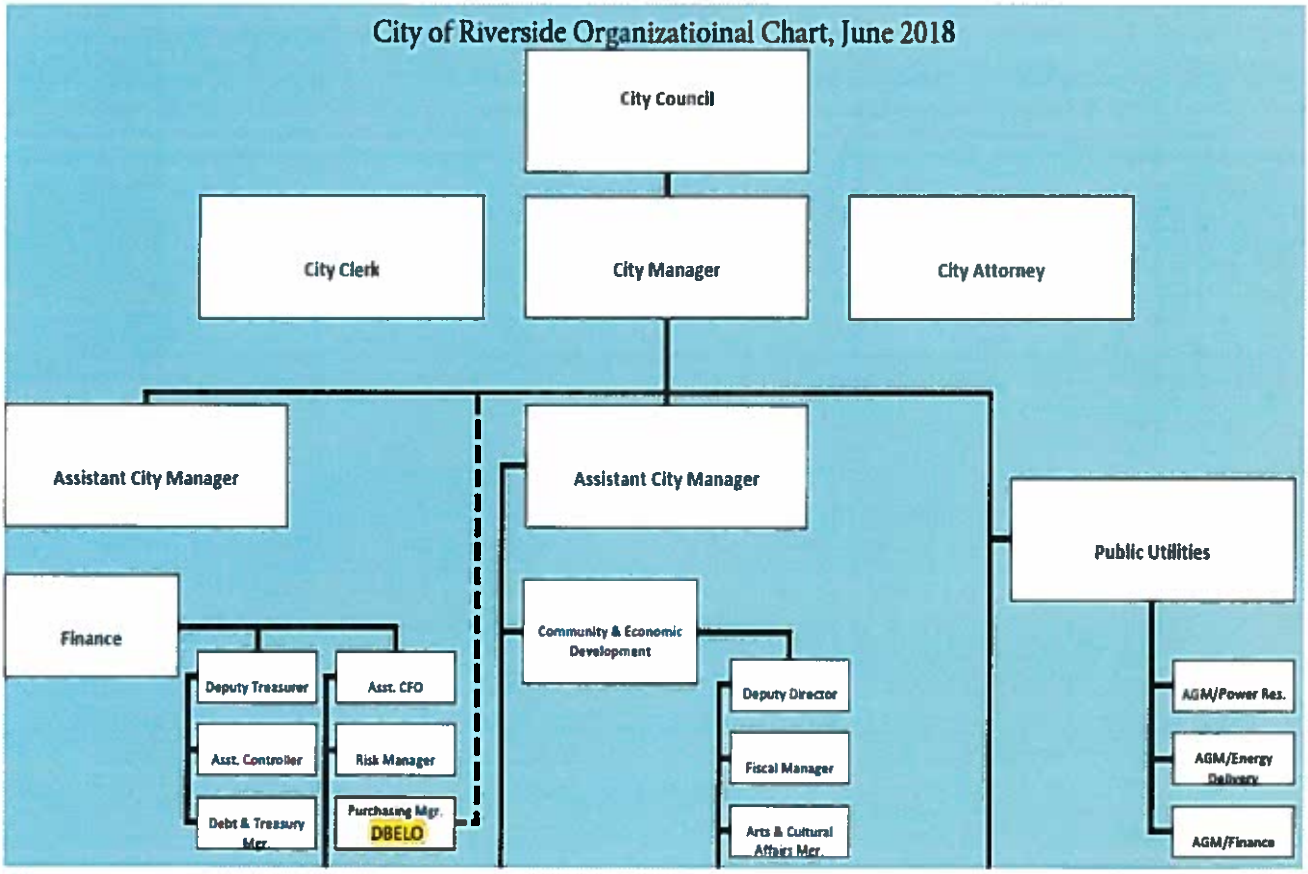
Third party information will be safeguarded from disclosure and that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law.

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

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

Attachment 1

City of Riverside Organization Chart
DBE Program*



*Organizational chart reflecting position of the DBELO in the City of Riverside organization

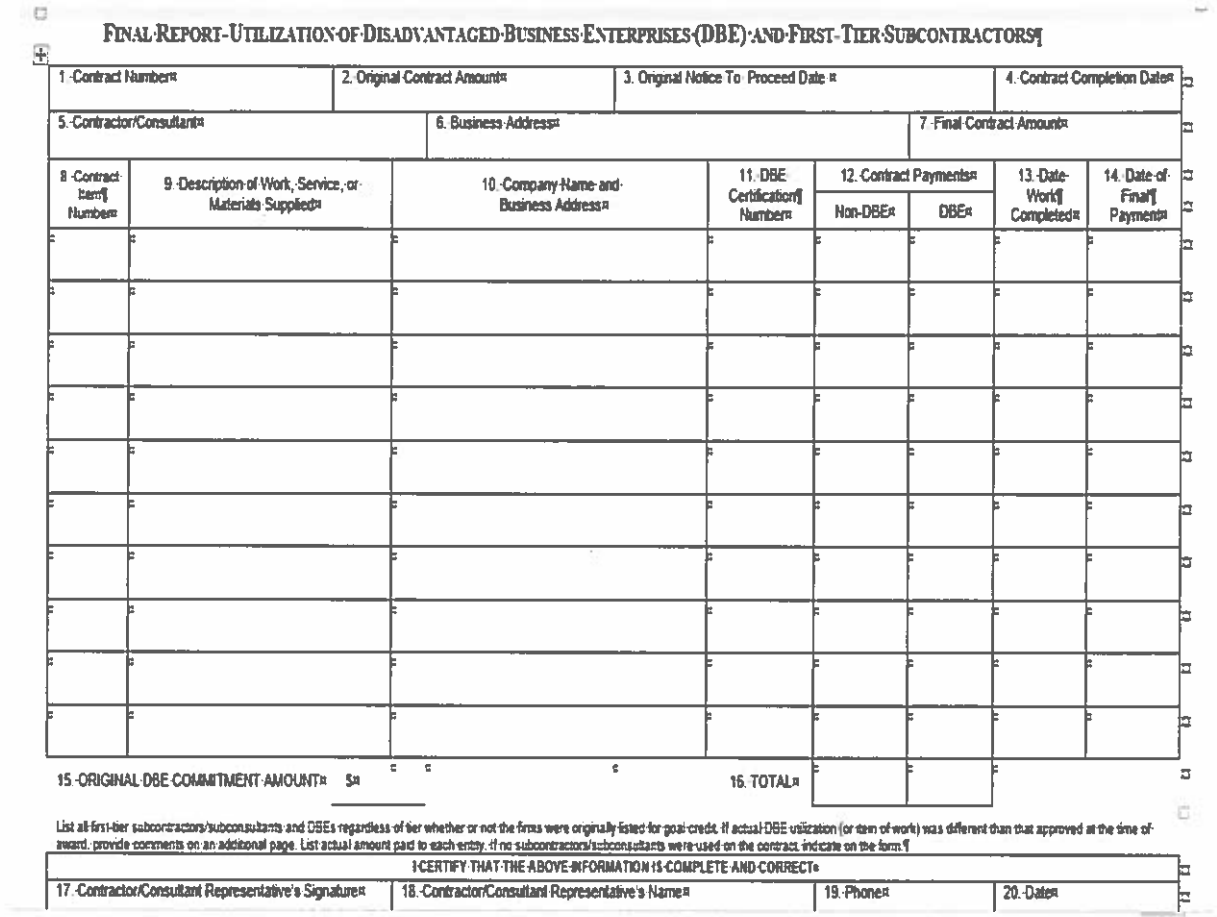
Attachment 2 Sample Payment Request

PAY REQUEST #2

Invoice Prepared for Period Through (Complete)	November 30, 2017
Notice to Proceed w/ Mobilization Date	-
Notice to Proceed with Construction	October 10, 2017
Authorized Time Extension	0
Working Days Remaining from Invoice Date	0
Original Contract Completion Date	November 29, 2017
Revised Contract Completion Date	November 29, 2017

Original Contract Amount	$	840,493.75
Total Contract Amount	$	840,493.75
Total Cost to Date	$	813,823.05
Total Previous Invoices	$	707,791.85
Work completed this Period	$	106,031.20
Retention (5%) on work this period	$	5,301.56
Total Retention - All Pay Estimates	$	45,992.71
Retention Released - This Estimate	$	-
Retention Released - All Pay Estimates	$	-
Total Retention On-Hand	$	45,992.71
Material On-hand (no retention withheld)	$	-
Material On-hand previously paid (no retention withheld)	$	-
Current Invoice (Work this period minus retention minus Material On-hand)	$	100,729.64

Attachment 3 Sample Final Report Utilization of DBEs



FINAL REPORT - UTILIZATION OF DISADVANTAGED BUSINESS ENTERPRISES (DBE) AND FIRST - TIER SUBCONTRACTORS

1. Contract Number	2. Original Contract Amount	3. Original Notice To Proceed Date	4. Contract Completion Date

5. Contractor/Consultant	6. Business Address	7. Final Contract Amount

8. Contract Item Number	9. Description of Work, Service, or Materials Supplied	10. Company Name and Business Address	11. DBE Certification Number	12. Contract Payments		13. Date Work Completed	14. Date of Final Payment
				Non-DBE	DBE		
15. ORIGINAL DBE COMMITMENT AMOUNT $			16. TOTAL				

List all first-tier subcontractors/subconsultants and DBEs regardless of tier whether or not the firms were originally listed for goal credit. If actual DBE utilization (or item of work) was different than that approved at the time of award, provide comments on an additional page. List actual amount paid to each entity. If no subcontractors/subconsultants were used on the contract, indicate on the form.

I CERTIFY THAT THE ABOVE INFORMATION IS COMPLETE AND CORRECT			
17. Contractor/Consultant Representative's Signature	18. Contractor/Consultant Representative's Name	19. Phone	20. Date

Attachment 4 General DBE Goal and Methodology

In accordance with Part 26, §26.45(f), the City of Riverside will submit its overall DBE goal on August 1 every three years based upon the FTA or FAA schedule of submission.

The triennial goal will be established in accordance with the two-step process as specified in 49 CFR Part §26.45. If the City of Riverside does not anticipate awarding FAA or FTA funded prime contracts with a cumulative total value of which exceeds $250,000 during the three-year triennial period, an overall DBE goal will not be established; however, the DBE Program will remain in effect and the City of Riverside will seek to fulfill the objectives outlined in 49 CFR Part §26.1 and operate under race-neutral measures as outlined in 49 CFR Part §26.51.

The first step is to determine the actual relative availability of DBEs, in the local market area, to perform the disciplines of work in the contracts from both primes and or subcontractors. The City of Riverside has defined the local market to Riverside and San Bernardino Counties. Step 1 will determine what percentage DBEs (or firms that could be certified as DBEs) representative of all firms that are ready, willing and able to compete on FAA and FTA assisted contracting. This percentage is calculated by dividing the number of DBEs ready, willing, and able to bid for the types of work that will fund over the next three years, by the number of all firms (DBEs and non-DBEs) ready, willing, and able to bid for the types of work that will be funded over the next three years. That is, the number of DBEs will be in the numerator, and the number of all firms (DBEs and non-DBEs) will be in the denominator. The results is the "base figure."

The numerator will come from the best available data in the California Unified Certification Program (CUCP) DBE Directory or the Bid System List. The denominator will come from the Census Bureau Data, CUCP DBE Directory, or the Bid System List.

Step 1 Base Figure = Ready, willing and able DBEs divided by All firms ready, willing and able.

$$\textbf{Step One Base Figure} = \frac{\textbf{Ready, willing, and able DBEs}}{\textbf{All firms ready, willing, and able (including DBEs and non-DBEs)}}$$

The methodology will be based on demonstrable evidence of local market conditions and be designed to ultimately attain a goal that is rationally related to the relative availability of DBEs in the local market area. The exclusive use of a list of prequalified contractors or plan holders, or a bidders list that does not comply with the requirements of this section (above), is not an acceptable alternative means of determining the availability of DBEs.

Step 2. Once the base figure is calculated, the next step is to examine evidence available in the targeted local market to determine what adjustment, if any, is needed to the base figure to arrive at the overall goal. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made. The *Step 2* is to adjust the "base figure" percentage from *Step 1* so that it reflects as accurately as possible what could be expected in DBE participation on the FAA and FTA funded contracting opportunities in the absence of discrimination based on past participation, a disparity study and/or information about barriers

to entry to past competitiveness of DBEs on contracts. These factors will be considered for appropriate adjustment to the overall triennial DBE goal.

Following *Step 2*, the City of Riverside will engage in public participation with community chambers of commerce, Small Business Development Centers, Minority and Women Business Owners, Minority and Women Business Associations, and other interested groups to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses and our efforts to establish a level playing field for the participation of DBEs. Based on the Bid System list, which includes DBEs and non-DBE, the City of Riverside will send an electronic notice through the registry requesting input on business availability and the proposed DBE goal.

The consultation will include publishing a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the City of Riverside for 30 days following the date of the notice and post the notice on-line. Comments will be accepted for 30 days from the date of the notice.

BREAKOUT OF ESTIMATED RACE-NEUTRAL & RACE-CONSCIOUS GOALS

The race/gender-neutral and race/gender-conscious division of the goal is an exceedingly important component of the goal-setting process. The City of Riverside will make efforts to meet the maximum feasible portion of the overall triennial DBE goal by using race/gender-neutral means of facilitating DBE participation as described in fostering small business participation. The factors that will be considered in the breakout of the race-neutral and race-conscious goal will include:

A. The amount by which the DBE goal was exceeded in the past three years.
B. Past participation by DBE prime contractors.
C. Past participation by DBE subcontractors on contracts without a DBE race-conscious goal.
D. The effectiveness of the Small Business Program on DBE participation
E. Past history of inability *to achieve DBE goal in previous years.*

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

The City of Riverside will begin using the overall triennial DBE goal on October 1 of the year the goal is due to FAA or FTA.

The overall triennial DBE goal will be posted on the website until the goal is updated.

Attachment 5 Sample Bidder DBE Confirmation Form

CONSTRUCTION / PROFESSIONAL SERVICES CONTRACT DBE COMMITMENT

1. Agency: _____ 2. Contract DBE Goal: _____

3. Project Description: _____

4. Project Location: _____

5. Bidder's Name: _____ 6. Prime Certified DBE: ☐ 7. Bid Amount: _____

8. Total Dollar Amount for **ALL DBEs**: _____ 9. Total Number of **ALL DBEs**: _____

10. Bid Item Number	11. Work, Service, or Materials Supplied	12. DBE Certification Number	13. DBE Contact Information (Must be certified on the date bids are opened)	14. DBE Dollar Amount

Gov't Agency to Complete this Section	**15. TOTAL CLAIMED DBE PARTICIPATION AND PERCENTAGE**	$
21. Agency Contract Number: _____		
22. Federal-Aid Project Number: _____		%
23. Bid Opening Date: _____		
24. Contract Award Date: _____	IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Names of the First Tier DBE Subcontractors and their respective item(s) of work listed above must be consistent, where applicable with the names and items of the work in the "Subcontractor List" submitted with your bid. Written confirmation of each listed DBE is required.	
Agency certifies that all DBE certifications are valid and information on this form is complete and accurate.		
25. Agency Representative Signature _____	16. Preparer's Signature	17. Date
26. Name _____		
27. Title: _____	18. Preparer's Name	19. Phone
28. Phone _____ 29. Date _____	20. Preparer's Title	

Attachment 6 Good Faith Effort Form For a Contract With A DBE Race-Conscious Goal

DISADVANTAGED BUSINESS ENTERPRISE GOOD FAITH EFFORT (GFE) FORM
Bidder/Proposer to complete this form and submit to the DBELO within 5 days of the bid/proposal submittal date.

1. Contract Solicitation Number: _____ 1a. DBE Contract Goal: _____%

2. Contract Description: _____

3. Bidder Name and Address:

_____

4. Bid/Proposal Amount: _____ 4a. Bid/Proposal Submittal Date:_____

5. Bidder's DBE Goal Commitment on Contract: _____%

The_____established a Disadvantaged Business Enterprise (DBE) goal of ___% for this project. The information provided herein shows that a good faith effort was made.

Lowest, second lowest and third lowest bidders shall submit the following information to document adequate good faith efforts. Bidders should submit the following information even if the "Bidder DBE Commitment" form indicates that the bidder has met the DBE goal. This will protect the bidder's eligibility for award of the contract if we determine that the bidder failed to meet the goal for various reasons, e.g., a DBE firm was not certified at bid opening, or the bidder made a mathematical error.

Provide information and supporting documentation for the following items:

NOTE: USE ADDITIONAL SHEETS OF PAPER TO RESPONSE TO ALL QUESTIONS.

A. The names and dates of each publication in which a request for DBE participation for this project was placed by the bidder (please attach copies of advertisements or proofs of publication):

Publications Date of Advertisement

B. The names and dates of written notices sent to certified DBEs soliciting bids for this project and the dates and methods used for following up initial solicitations to determine with certainty whether the DBEs were interested (please attach copies of solicitations, telephone records, fax confirmations, etc.):

Names of DBEs Solicited	Date of Initial Solicitation	Follow Up Methods and Dates

C. The items of work which the bidder made available to DBE firms including, where appropriate,

any breaking down of the contract work items (including those items normally performed by the bidder with its own forces) into economically feasible units to facilitate DBE participation. It is the bidder's responsibility to demonstrate that sufficient work to facilitate DBE participationwas made available to DBE firms.

Items of Work	Bidder Normally Performs Item (Y/N)	Breakdown of Items	Amount ($)	Percentage Of Contract

D. The names, addresses and phone numbers of rejected DBE firms, the reasons for the bidder's rejection of the DBEs, the firms selected for that work (please attach copies of quotes fromthe firms involved), and the price difference for each DBE if the selected firm is not a DBE:

(1) Names, addresses and phone numbers of rejected DBEs and the reasons for the bidder's rejection of the DBEs:

(2) Names, addresses and phone numbers of firms selected for the work above:

E. Efforts made to assist interested DBEs in obtaining bonding, lines of credit or insurance, andany technical assistance or information related to the plans, specifications and requirements for the work which was provided to DBEs:

F. Efforts made to assist interested DBEs in obtaining necessary equipment, supplies, materials or related assistance or services, excluding supplies and equipment the DBE subcontractor purchases or leases from the prime contractor or its affiliate:

G. The names of agencies, organizations or groups contacted to provide assistance in contacting, recruiting and using DBE firms (please attach copies of requests to agencies and any responses received, i.e., lists, Internet page download, etc.):

Name of Organization	Method/Date of Contact	Results of Contact

H. Any additional data to support a demonstration of good faith efforts (use additional sheets if necessary):

NOTE: USE ADDITIONAL SHEETS OF PAPER TO RESPONSE TO ALL QUESTIONS.

Annex A

CITY OF RIVERSIDE MUNICIPAL AIRPORT
Federal Aviation Administration
Overall Disadvantaged Business Enterprise Goal and Methodology
Federal Fiscal Years 2019-2021

Introduction

The City of Riverside is a direct recipient of Federal Aviation Administration (FAA). The Airport anticipates receiving grants of $250,000 or more in FAA Airport Improvement Program funding. As a recipient of FAA financial assistance and as a condition of the FAA financial assistance, the Airport will provide a certification of assurance to comply with the Disadvantaged Business Enterprise (DBE) obligations as set forth in 49 CFR Part 26.

The Riverside Municipal Airport herein sets forth its overall Disadvantaged Business Enterprise (DBE) corresponding federally prescribed goal-setting methodology for the three-year Federal Fiscal Years (FFY) goal period of 2019-2021, pursuant to Title 49 Code of Federal Regulations (CFR) Part 26.45. The purpose of the DBE Program, and by association, the goal-setting process, is to level the playing field for DBEs and remove barriers so they can compete fairly in FAA-assisted contracts. In addition, the methodology must be narrowly tailored in accordance with applicable law. The proposed overall DBE goal for FFY 2019-2021 is 4 percent.

Background

The Riverside Municipal Airport is owned and operated by the City of Riverside as an enterprise fund and is identified by FAA as a non-primary Reliever-type airport. The Riverside Municipal Airport functions as an independent section within the City of Riverside reporting to the General Manager, General Services Department.

FAA-Assisted Contracting Program for FFY 2019-2021

Table 1 represents the only FAA-assisted project expected to be funded and awarded by the Riverside Municipal Airport during FFY 2019-2021.

Table 1

	Project Description	Federal Share (90.66%)
	Taxiway J Reconstruction	$1,350,000
	Total	**$1,350,000**

Table 2 is a summary of each category of work with an estimated cost breakdown. Categories of work are grouped using comparable North American Industry Classification System (NAICS) codes for the purpose of weighting the categories of work based on the engineer's estimates and then a list of the estimated federal dollars by NAICS codes are summed for all projects.

Table 2

Work Category	Scope of Work/Bid Items	NAICS Codes	Estimated % by NAICS	Estimated FED $ by NAICS
Site Preparation		238910		
	Mobilization		10.0	$135,000
	Demolish Asphalt/Base		10.0	135,000
	Stabilize Subgrade		25.0	337,500
Highway, street and bridge construction		237310		
	Place Aggregate Base		20.0	270,000
	Place Asphalt		25.0	337,500
Electrical/Lighting		238210		
	Pavement Marking		5.0	67,500
Engineering Services	SWPPP	541330	5.0	67,500
Total			**100.0 %**	**$1,350,000**

Goal-Setting Methodology

Step 1: Determination of a Base Figure (49 CFR 26.45)

Step 1 establishes the base figure of the relative availability of DBEs to all comparable firms (DBE and non-DBE) available to bid or propose on FAA-assisted projects expected to be awarded during the triennial goal period. The certified-DBE availability was calculated by accessing the California Unified Certification Program (CUCP) DBE database of certified DBE firms. The availability of DBEs and non-DBEs within the market place (defined as Riverside and San Bernardino counties) was calculated by accessing the 2016 U.S. Census Bureau County Business Patterns Database.

The local market place consists of the geographic area where a substantial amount of contracting dollars are or will be expended and where a substantial number of contractors and subcontractor bids or quotes will come from.

The base figure is derived by dividing the number of ready, willing and able certified DBE firms identified for each work category by the number of all firms identified for each corresponding work category (relative availability), weighing the relative availability for each work category by the corresponding work category weight from Table 2 (weighted ratio), and adding the weighted ratios together. See an illustration of the formula below:

$$\text{Base figure} = \sum \frac{\text{(Number of Ready, Willing and Able DBEs)}}{\text{Number of All Ready, Willing and Able Firms}} \times \text{weight} \times 100$$

For the numerator: CUCP DBE Database of Certified DBE firms
For the denominator: 2016 U.S. Census Bureau Business Patterns Database

The result of the base figure calculation is shown in Table 3 as follows:

Table 3

NAICS Code	Work Category	DBEs	Non-DBE Firms	Total All Firms	Category Weight %	Weighted Ratio %
238910	Site Preparation	19	327	346	35.0	1.90
	Prime does not subcontract Mobilization				10.0	
237310	Highway, street and bridge construction	5	100	105	45.0	2.10
238210	Electrical	14	890	904	5.0	.07
541330	Engineering services: SWPPP	3	491	494	5.0	.03
	Total				**100 %**	**4.1**

19 ÷ 346 x .35 x 100 = 1.90

5 ÷ 105 x .45 x 100 = 2.10

14 ÷ 904 x .05 x 100 = .07

3 ÷ 494 x .05 x 100 = .03

1.90 + 2.10 + .07 + .03 = 4.1 rounded to nearest full percent = **4.0 percent**

Step 2: Adjusting the Base Figure

For adjusting the base figure, all evidence available was examined in the marketplace to determine what adjustments, if any, are needed to the base figure in order to arrive at the overall DBE participation goal. The following evidence available was considered:

Past Participation

Considering past DBE goal participation for a Step 2 adjustment is common, however, in the case of the Riverside Municipal Airport, past contracts awarded were strictly professional services contracts and the scope of work is not comparable to the construction contract expected to be let in FFY 2019-2021. Therefore, past participation, while considered, was not used to make a Step 2 adjustment.

Consideration of Other Disparity Studies

The results of the Burbank-Glendale-Pasadena Airport Authority Disparity Study dated 2012 and the John Wayne Airport Disparity Study dated 2015 were assessed and considered for comparable goal and methodology. However, due to the differences in the size and value of their contracts, funding level, type of procurements and the market area which is vastly different from the Riverside Municipal Airport market area, the comparisons were not equal to its contracting

activities for FFY 2019-2021. Therefore, the disparity studies, while considered, were not used to make a Step 2 adjustment.

Public Participation and Facilitation

In accordance with Public Participation regulatory requirement of 49 CFCR 26.45(g), minority, women, local business associations, public stakeholders, and community organizations within the market area are to be consulted and provided an opportunity to provide comment on the proposed DBE goal and methodology and triennial goal analysis.

On June 1, 2018, the Riverside Municipal Airport posted a Public Notice Draft Proposed FAA Overall DBE Goal and Methodology for FFY 2019-2021 on the City of Riverside website at: https://www.riversideca.gov/.

The goal notice was posted on the website for 30 consecutive calendar days. The Notice also informed the public that the draft proposal was available for inspection at the Riverside Municipal Airport principal office during normal business hours for 30 consecutive calendar days following the date of the Public Notice. Attached is the public notice that was posted on the website.

Draft DBE Goal and Methodology Review and Public Comment Teleconference

To address consultation and invite and facilitate public comment, the Riverside Municipal Airport hosted a public comment teleconference on Monday, June 11, 2018 from 9:00 – 10:00 AM. Present for the teleconference was Kim Ellis, Airport Manager, and Michael Dean, Customer Services Representative, Airport Operations, Riverside Municipal Airport.

No one called-in during the teleconference period or appeared at the Riverside Municipal Airport to provide comment.

Draft DBE Goal and Methodology Mailing

The Riverside Municipal Airport mailed the goal notice that included the teleconference notice to 19 minority, women and non-minority/women business organizations. See attached goal notice mailed and organization listing.

Results of the Public Participation

The Riverside Municipal Airport did not receive a public comment on its draft FFY 2019-2021 DBE Goal and Methodology during the 30-day period ending July 2, 2018.

Final FFY 2019-2021 Overall DBE Goal

The Riverside Municipal Airport's final overall DBE goal for FFY 2019-2021 is 4 percent. The Riverside Municipal Airport operates a strictly race-neutral DBE Program. As such, it will make good faith efforts to meet the maximum feasible portion of its overall DBE goal by implementing race-neutral measures to facilitate future DBE participation.

Race-Neutral Implementation Measures

The Riverside Municipal Airport currently implements a wholly race-neutral DBE Program by applying race- and gender-neutral measures, or remedies, to outreach and promote DBE participation in its FAA-assisted contracts. The Riverside Municipal Airport will continue to apply race-neutral measures and monitor DBE participation in meeting its overall DBE goal. Examples of race-neutral measures are as follows:

- Post timely solicitations for bids to facilitate DBE participation.
- Where possible break-down large contracts to encourage DBEs to bid as prime contractors.
- Encourage prime contractors to identify subcontract work that DBEs may bid on.
- Refer DBEs to the local Small Business Development Centers, and other local government related entities for technical assistance and other business development services.
- Provide information on contracting procedures and specific contract opportunities on RiversideBids website.
- Disseminate bid opportunity information to Minority and Women Business Organizations within the greater City of Riverside market area to assist with outreach.