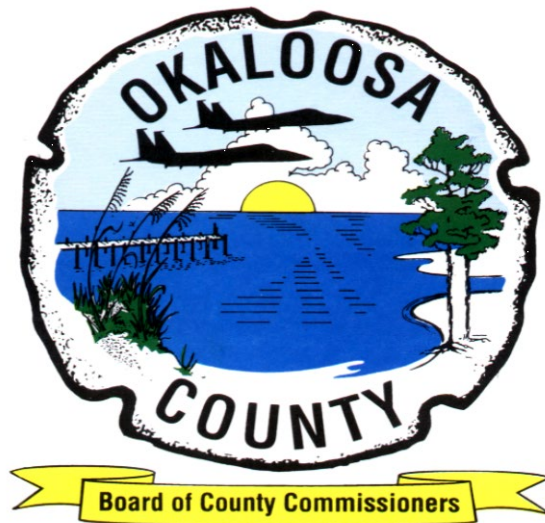


Okaloosa County BCC - EC RIDER

**Disadvantaged Business Enterprise
(DBE)**

Program Plan



April 2024

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GENERAL REQUIREMENTS (A)

1.1 OBJECTIVES (26,1)

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

- Ensure nondiscrimination in the award and administration of DOT-assisted contracts.
- Create a level playing field on which DBEs can compete fairly for DOT assisted contracts.
- Help remove barriers to DBE participation in the bidding, award and administration of Okaloosa County BCC – EC RIDER contracts;
- Assist the development of firms that can compete successfully in the marketplace outside of the DBE Program;
- Ensure that only firms that fully meet the eligibility standards of 49 CFR Part 26 are permitted to participate as DBEs;
- Identify business enterprises that are qualified as DBEs and are qualified to provide Okaloosa County BCC – EC RIDER with required materials, equipment, supplies and services; and to develop a good rapport with the owners, managers and sales representatives of those enterprises;
- Develop communication programs and procedures;

1.2 APPLICABILITY (26.3)

Okaloosa County BCC – EC RIDER is the recipient of federal financial assistance from the Federal Transit Administration ("FTA") of the United States Department of Transportation ("DOT"). As a condition of receiving this financial assistance, Okaloosa County BCC – EC RIDER has signed an assurance that it will comply with 49 CFR Part 26. In accordance with these regulations, Okaloosa County BCC – EC RIDER has established a Disadvantaged Business Enterprise (DBE) Program. The policies, objectives and efforts of our DBE Program involve race-neutral methods which apply to all Okaloosa County BCC – EC RIDER contracts that are locally funded.

It is the policy of Okaloosa County BCC – EC RIDER that no person will purposefully be excluded from participation, denied the benefit of, or otherwise be discriminated against in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or natural origin.

In the administration of our DBE Program, Okaloosa County BCC – EC RIDER will not directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishments of our Program with respect to individuals of a particular race, color, sex or natural origin.

1.3 DEFINITIONS (26,5)

Okaloosa County BCC – EC RIDER will adopt any term used in this Program that is defined in Section, 26.5 of the 49 CFR or elsewhere in the Regulation, shall have the meaning set forth in the Regulations.

1.4 Nondiscrimination Requirements (26.7)

Okaloosa County BCC – EC RIDER will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering the DBE program, Okaloosa County BCC – EC RIDER will not, directly or through contractual or other arrangements, use criteria *or* methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

1.5 Record Keeping Requirements (26.11)

Uniform Report of DBE Awards or Commitments and Payments 26.11(a)

Okaloosa County BCC – EC RIDER will report DBE participation to the relevant operating administration [FTA) using the Uniform Report of DBE Awards or Commitments and Payments, found in Appendix B to the DBE regulation.

1.6 Bidders List (26.11(c))

Okaloosa County BCC – EC RIDER will create a bidders list, based upon FDOT Firm (Vendor) Certification and consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidders list approach to calculating overall goals. The list will include the name, address, DBE non-DBE status, age, and annual gross receipts of firms.

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

1.7 Federal Financial Assistance Agreement (26.13)

Okaloosa County BCC – EC RIDER has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Federal Financial Assistance Agreement Assurance: (26.13 (a))

Okaloosa County BCC – EC RIDER 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. Okaloosa County BCC – EC RIDER shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. Okaloosa County BCC – EC RIDER DBE Program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to Okaloosa County BCC – EC RIDER of its failure to carry out its approved program, the Department of Transportation may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.)

This language will appear in financial assistance agreements with Okaloosa County BCC – EC RIDER's sub-recipients.

Contract Assurance: (26.13 (b))

Okaloosa County BCC – EC RIDER will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

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

ADMINISTRATIVE REQUIREMENTS (B)

2.1 DBE Program Updates (26.21)

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

2.2 Policy Statement (26.23)

POLICY STATEMENT

Okaloosa County BCC - EC RIDER has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. Okaloosa County BCC – EC RIDER has received federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, Okaloosa County BCC – EC RIDER has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of Okaloosa County BCC – EC RIDER 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 DBF 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 help remove barriers to the participation of DBEs in DOT-assisted contracts.
6. To assist the development of firms that can compete successfully in the marketplace outside of the DBE Program,

Okaloosa County BCC – EC RIDER is committed to carrying out all of the Disadvantaged Business Enterprises (DBEs) requirements of 49 CFR Part 26 "Participation by Disadvantaged Business Enterprises in the Department of Transportation Programs", effective November 13, 2012. The procedures contained in the DBE Program will assure that all contracts and procurements will be administered without discrimination on the basis of race, color, sex or national origin. The County of Okaloosa will ensure that DBEs have an equal opportunity to compete for and participate in the performance of all contracts awarded by Okaloosa County BCC – EC RIDER.

The Transit Division Manager is responsible for adherence to this policy. The DBE Liaison Officer, in coordination with the Purchasing Director, will be responsible for development, implementation and monitoring of the DBE Program. It is the expectation of the Okaloosa County BCC, Purchasing Director, and the Transit Division Manager that the stipulations and provisions contained in this DBE Program will be adhered to both in the spirit and letter by all Okaloosa County BCC – EC RIDER personnel.

Okaloosa County BCC – EC RIDER will acquaint prospective DBEs with the County's contract procedures, activities and requirements, i.e., advertisement and promoting opportunities for contracts. This will allow DBEs to provide the County with feedback on existing barriers to participation and effective procedures to eliminate those barriers. Certification is identified through the UCP database, workshops that are held to inform DBEs and attract new business of the opportunities available within Okaloosa County.

Okaloosa County BCC – EC RIDER will administer the program in close coordination with the various departments within the County so as to facilitate the successful implementation of the Program. Notice of opportunity will be posted through our procurement department, via email and on our bulletin boards.

It is the policy of Okaloosa County BCC to ensure nondiscrimination on the basis of race, color, sex or national origin in the award and administration of DOT-assisted contracts. It is the intention of the County Council to create a level playing field on which DBEs can compete fairly for contracts and subcontracts relating to the County's construction, procurement and professional services contracting activities.

Okaloosa County BCC – EC RIDER will issue a signed and dated policy statement that expresses its commitment to the DBE program, states its objectives and outlines responsibilities for its implementation. The statement will be circulated throughout the organization and to the DBE and non-DBE business communities that perform work on Okaloosa County BCC – EC RIDER DOT-assisted contracts.

Booker Tyrone Parker, Transit Division Manager
Okaloosa County BCC – EC RIDER

Date

2.3 DBE Liaison Officer (DBELO) (26.25)

Okaloosa County BCC – EC RIDER has designated the following individual as our DBE Liaison Officer:

Booker Tyrone Parker (DBELO)

600 Transit Way

Fort Walton Beach, FL 32547

850-609-7003

tparker@amyokaloosa.com

The DBELO is responsible for implementing all aspects of Okaloosa County BCC – EC RIDER DBE Program and ensuring that Okaloosa County BCC – EC RIDER complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the Transit Division Manager or Purchasing Manager concerning DBE Program matters. The Purchasing Manager works closely with the DBELO in respect to compiling the data for insertion into the TEAM System. An organization chart displaying the DBELO's position in the organization is found in Attachment 1 to this program.

The DBELO is responsible for developing, implementing and monitoring Okaloosa County BCC – EC RIDER's DBE Program, in coordination with other appropriate officials. The duties and responsibilities include the following:

- Gather and report statistical data
- Review third party contracts and purchase requisitions for program compliance
- Ensure timely bid notices and requests for proposals
- Analyze DBE participation and identify ways to encourage small business participation
- Participate in pre-bid meetings
- Provide all small businesses and DBE's with information and recommend sources to assist in preparing bids
- Plan and participate in DBE training sessions
- Provide outreach to all small businesses including DBEs and community organizations to fully advise them of contracting opportunities
- Responsible for developing, implementing, and monitoring the DBE Program Plan only with regard to federally funded transit projects, which includes gathering and reporting statistical data and other information as required.
- Ensure contracts are meeting required Good Faith Efforts
- Analyzes DBE participation and identifies ways to encourage participation
- Ensure required clauses including non-discrimination clauses and Prompt payment procedures to subcontractors

2.4 DBE Financial Institutions (26.27)

It is the policy of Okaloosa County BCC – EC RIDER to investigate the full extent of service offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions and to encourage prime contractors on DOT-assisted contract to make use of these institutions. We have made the following efforts to identify and use such institutions through the solicitation for financial services will be sent to the institutions identified in the United States.

Department of Treasury, Financial Management Service Division, Minority Bank Deposit Program [MBDP] listing of financial institutions in the State of Florida. The availability of such institutions can be obtained at the U.S. Department of Treasury website [http://www.Fm-Vki1.&9v/n.1.QQ/currentlist.ht"!](http://www.Fm-Vki1.&9v/n.1.QQ/currentlist.ht)

2.5 Prompt Payment Mechanisms (26.29(a))

Okaloosa County BCC – EC RIDER will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than fourteen (14) business days from the receipt of each payment the prime contract receives from Okaloosa County BCC – EC RIDER. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval from Okaloosa County BCC – EC RIDER. This clause applies to both DBE and non-DBE subcontracts.

Retainage (26.29 (b))

The prime contractor must agree to return retainage payments to each subcontractor within thirty (30) business days after the subcontractors 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 Okaloosa County BCC Purchasing Department and Okaloosa County BCC – EC RIDER. This clause applies to both DBE and non-DBE subcontracts.

Monitoring and Enforcement (26.29 (d))

Okaloosa County BCC – EC RIDER and Purchasing Department has established a mechanism to monitor and enforce that prompt payment and return of retainage as occurring. Okaloosa County BCC – EC RIDER and the DBELO will review all retainage in compliance that the venue, that are listed on the pay application for all material and services performed.

Okaloosa County BCC – EC RIDER and Purchasing Department agrees to pay its Contractors (both DBE and non-DBE primes), under direct contract with Okaloosa County BCC – EC RIDER, within thirty (30) calendar days providing receipt of all proper invoices and support documentation has been submitted to the Okaloosa County BCC Purchasing Manager. Failure of the Contractor to satisfy prompt payment to its subcontractors no later than seven (7) business days from the receipt of payment from Okaloosa County BCC – EC RIDER may constitute a breach of contract for work, and Okaloosa County BCC – EC RIDER may withhold payments to the Contractor or exercise its other remedies under such contract including, but not limited to, termination of the Contractor, commencing suspension or debarment proceedings.

The Purchasing Manager, in conjunction with the DEBLO, will be responsible for reviewing, approving, and submitting payment invoices to the County's Finance Department.

2.6 Directory (26.31)

Okaloosa County BCC – EC RIDER maintains a directory identifying all firms eligible to participate as DBEs. Okaloosa County BCC – EC RIDER is required to participate in the Uniform Certification Program (UCP). The combined statewide directory, identifying all firms eligible to participate as a certified DBE, may be located at the Florida Biznet website.

<https://www3.dot.state.fl.us/EqualOpportunityOffice/biznet/mainmenu.asp>

2.7 Overconcentration (26.33)

Okaloosa County BCC – EC RIDER has not identified that overconcentration exists in the types of work that DBEs perform. However, Okaloosa County BCC – EC RIDER will re-evaluate annually to identify if any overconcentration exist.

If it has been identified that overconcentration exist, Okaloosa County BCC – EC RIDER will use incentives, technical assistance, business development program, mentor-protégé programs, and other appropriate measures designed to assist DBEs in performing work outside of the specific field that non-DBEs are unduly burdened. Okaloosa County BCC – EC RIDER may also consider varying their use of contract goals, to the extent consistent with (26.51), to ensure that non-DBEs are not unfairly prevented from competing for subcontracting. Okaloosa County BCC – EC RIDER must obtain the approval of the concerned FTA-DOT operating administration for their determination of overconcentration and the measures that are being devised to address it.

2.8 Business Development Program (26.35)

Okaloosa County BCC – EC RIDER is not required to establish a formal business development program. The following activities are designed to ensure that DBEs have an equal opportunity to participate in contracts:

- Participate in training seminars and community outreach for the purpose of informing potential contractors of available business opportunities.
- Email procurement advertisements to businesses listed in the DBE directory, which are likely to participate on the contract.
- Encourage DBE attendance at solicitation conferences (pre-bid meetings).

2.9 Monitoring and Enforcement Mechanisms (26.37)

Okaloosa County BCC – EC RIDER and Okaloosa County Purchasing Department will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

Okaloosa County BCC – EC RIDER and Okaloosa County Purchasing Department will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules provided in (26.109).

Okaloosa County BCC – EC RIDER and Okaloosa County Purchasing Department will consider similar action under its own legal authorities, including responsibility determination in future contracts.

Okaloosa County BCC – EC RIDER and Okaloosa County Purchasing Department will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. Okaloosa County BCC – EC RIDER and Okaloosa County Purchasing Department will periodically attend monthly scheduled project meetings and conduct unannounced site visits. Okaloosa County BCC – EC RIDER and Okaloosa County Purchasing Department also requires each Contractor to submit a "Contractor's Request for Payment Form.

With each invoice for payment. This form gives a breakdown of all subcontractors working on the project for that invoice period, description of work performed, and the amount invoiced. Failure of the Contractor to provide the "Contractor's Request for Payment form" may result in the invoice not being paid until the Contractor has provided the form.

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

Okaloosa County BCC – EC RIDER will perform interim audits of contracts payments to DBEs to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the Schedule of DBE Participation Form.

2.10 Fostering small business participation (26.39)

INTRODUCTION

Okaloosa County BCC – EC RIDER has developed a small business enterprise (SBE) component in compliance with 49 CFR Section 26.39. Section 26.39 was added to the Disadvantaged Business Enterprise (DBE) regulations to increase the participation of small businesses on USDOT funded contracts.

USDOT has instructed its recipients to take active and effective steps to increase race-neutral DBE participation by implementing strategies to foster small business participation. Okaloosa County BCC – EC RIDER's program goals for its DBE Program will strive for race neutral DBE participation whenever possible. The amended regulation, published in the January 28, 2011, Federal Register, Volume 76, No.19, specifically describes the required minimum elements of the SBE component. Additional suggestions are set forth in the preamble to the rule at 76 Fed. Reg. 5094.

The Federal Highway Administration (FHWA) released a memorandum as guidance for USDOT recipients to formulate the requirements set forth in Section 26.39. The guidance from FHWA was considered when determining the size threshold and the appropriate components and strategies to foster small business enterprise (SBEs). Okaloosa County BCC – EC RIDER has developed additional strategies to create effective contracting opportunities for small businesses. These innovative strategies have been incorporated in the SBE Program as elements set forth in Section 26.39 and the FHWA memorandum.

Pursuant to the amended regulations, the SBE component will be incorporated within Okaloosa County BCC – EC RIDER Disadvantaged Business Enterprise Program upon approval from the Federal Transit Administration (FTA). Within nine (9) months of receiving FTA approval of Okaloosa County BCC – EC RIDER's SBE Program Plans, Okaloosa County BCC – EC RIDER will begin to implement this program.

Small Business ELEMENT Strategies

The specific strategies recommended in Section 26.39 are included in Okaloosa County BCC – EC RIDER's Small Business Element Program and are applicable only to federally assisted contracts. The strategies which

Okaloosa County BCC – EC RIDER uses are designed to be more effective in creating contracting opportunities for small businesses. The strategies are as follows:

- Identify subcontracting possibilities on large DOT-assisted contracts.
- Require prime contractors to identify small business sub-contracts on large procurement projects.
- Create standards for bidders on the prime contract in multi-year, design-build contracts or other large contracts (e.g., for "megaprojects") to specify elements of the contract or specific subcontracts that are of a size that small businesses, including DBEs, can reasonably perform.
- Require prime contractors on contracts with no DBE goals to provide subcontract opportunities of a size that small businesses including DBEs, could reasonably perform, rather than self-performing all the work involved.
- Identify alternative acquisition procurements strategies structured to facilitate the ability of consortia or joint ventures consisting of small businesses, including DBEs, to compete for and perform prime contracts.
- Utilize procedures to meet the portion of the overall goal projected through race-neutral measures which ensure that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform.
- Identify steps to eliminate unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

DEFINITION OF SMALL BUSINESS ENTERPRISE (SBE) SIZE STANDARD

The SBE size classification, as set forth in the FHWA guidance memorandum allows Okaloosa County BCC – EC RIDER to define a small business using size standard appropriate to achieve the Section 26.39 objective of increasing the use of small businesses on Okaloosa County BCC – EC RIDER's USDOT funded contracts. SBEs are therefore defined as micro small business enterprises (hereafter referred to as MSBE) with average annual revenues over a three year period of less than \$500,000.

Firm's Name: _____

Table 1: Business Profile by Annual Revenue

			Dollar Value of Project	*Overall% of Project	
Bidder shall list the overall percentage of work to be performed within their own company.					
Bidder shall list below ONLY those name(s) of their employee(s) that will be <u>performing work that would otherwise be required from a subcontractor</u> . If a license is required for the discipline, list the license number. (Use additional sheet If necessary).					
Discipline/Task(s) Assignment	Employee's Name	License Number	Years Experience	Years Employed by the firm	*Percent of Project
(Example) Electrical					
Concrete					
Landscaping					

***Percent of project work listed between the Prime contractor and subcontractor forms SHALL total 100 percent.**

SUBCONTRACTOR(S)

PROPOSED WORK BY SUBCONTRACTOR(S)

(Failure to submit this form SHALL result in a non-responsive bid)

Firm's Name: _____

Bidder shall list the subcontractor(s) that he/she proposed to use for this project. If the bidder plans to perform all or part of the work, then complete the "Proposed Work by Sub-Contractor." [Refer to page(s) J {Use additional sheets. If necessary} The bidder hereby states that he/she proposes. If awarded the contract, to hire the following subcontractor(s) on this project;

Table 2: Distribution of Okaloosa County BCC – EC RIDER Contracts Awarded

Subcontractors					
Discipline/Task(s) Assignment	Name, Address & Phone	License Number (submit copies of licenses)	•Dollar Value of Discipline and% of Total	Local Vendor By Definition	D&WBE (Minority Business)
(EXAMPLE) CONTROL				<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
ROOFING				<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
TEST & BALANCE				<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
INSULATION				<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
ELECTRICAL				<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
CONCRETE				<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
				<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO

*Percent of project work listed between the Prime contractor and subcontractor forms SHALL total 100 percent.

1. Specific Elements of Large Prime Contracts for SBE Prime Contractors and Subcontractors

Subcontract goals shall be on large contracts with subcontracting opportunities. Prime contractors will be required to specify in their bids, proposals, and statements of qualifications the small businesses that will be used to meet the subcontracting goal. Failure to meet the subcontracting goal shall result in the bid being considered non-responsive.

2. Large Prime Contractors Not Subject to DBE Goals to Provide Subcontract Opportunities for SBEs

Subcontract goals shall be set on large contracts with subcontracting opportunities. The subcontract goals will be established on projects that do not have a DBE goal. Setting of the subcontract goals will be based on the availability of SBEs to perform the scope of work set forth in the solicitation. Prime contractors will be required to specify in their bids and proposals the small businesses that will be used to meet the subcontract goals. A bid that fails to meet the subcontract goals will be considered a non-responsive bid.

3. Procedures to Encourage SBEs to Bid on Contract Opportunities in Consortia or Joint Ventures

Section 26.39 directs recipients to identify alternative acquisition strategies by structuring procurements to facilitate the participation of consortia and joint ventures consisting of SBEs.

Standards will be included in solicitations for construction and professional services contracts to assign evaluation points or price discounts to prime contractors that are joint ventures or consortiums of SBEs.

The size of the SBE included in the joint venture will not be considered jointly, to ensure that the joint venture retains the small business character needed to meet the SBE size standard. To participate as an SBE on Okaloosa County BCC – EC RIDER’S contracts as a consortium or joint venture, the following requirements should be met:

- Distinct and distinguishable tasks for each participating firm
- Estimation of the time and resources to be utilized for each major task
- Option of requiring one firm to take the lead, serving as prime contractor, and the other firm(s) to be treated like subcontractor(s) so there will be a single point of contact regarding contract performance

4. Procedures to Ensure That a Reasonable Number of Prime Contracts Are of a Size That SBE Firms Can Reasonably Perform

Procedures to ensure that a reasonable number of prime contracts are of a size that SBE concerns can likely perform will be incorporated into the procurement process. It is anticipated that the size of Okaloosa County BCC – EC RIDER’s contracts will continue to be relatively small. The larger construction and professional services projects will be reviewed by the Project Administrator and the Contract Compliance Manager to identify items of work that can be unbundled into direct contracts with Okaloosa County BCC – EC RIDER of the size small businesses can perform.

5. Procedures to Review All Okaloosa County BCC – EC RIDER’s Contracts for Unbundling Opportunities and Unbundle Selected Contracts As Appropriate

The Project Administrator will review proposed contracts in order to identify opportunities for participation of SBE firms in areas of construction, architecture and engineering, and professional management services.

A determination will be made about the feasibility of unbundling all contracts including goods prior to releasing the solicitation. The Project Administrator will review requisitions for goods and supplies, the proposed scope of work for professional services, and plans for construction projects before solicitations are approved for advertisement. The Project Administrator’s proposed SBE recommendations shall be submitted to the Contract Compliance Manager for review and approval.

For multi-year design-build projects, the Project Administrator shall make a good faith effort to ensure to the maximum extent feasible that the participation of SBEs is considered during the preliminary design phase of the project, in determining whether multi-year design-build or other construction projects can be unbundled, the following criteria shall be reviewed:

- Whether the project takes place in more than one location
- The size and complexity of the project
- The similarity of the work involved
- Difficulty in dividing the project
- Public safety and convenience
- Project segmentation cost

ENHANCED SMALL BUSINESS ENTERPRISE PROGRAM ELEMENTS

1. Program Tracking and Monitoring Standards

Section 26.39 does not require reporting on the level of SBE participation. Okaloosa County BCC – EC RIDER will continue to track and report any race-neutral participation by DBEs pursuant to 26.39 and will also report SBE participation.

Routine monitoring shall be conducted at the time of award and with each invoice to ensure that the subcontractor participation listed in bids, proposals, and statements of qualification is achieved for the duration of the contract. Monthly contract compliance reports shall be submitted to the Okaloosa County BCC.

Regular compliance monitoring will verify that the prime contractors are honoring their SBE subcontracting commitments prior to and after the award of the contract. Consistent contract compliance monitoring of subcontractor participation and payments will minimize the hardships experienced by small and disadvantaged business enterprises due to unauthorized substitutions and late payments.

2. Subcontractor Substitution Standards

Standards for formal subcontractor substitution shall be included in each solicitation and prime contract. These standards shall be applied to all contracts. Substitutions will be granted if the prime contractor provides a written statement and the subcontractor agrees to the substitution or fails to execute the contract despite having enough time to do so, unreasonable escalation in pricing, becomes insolvent, or fails to meet contract insurance or bonding requirements. The subcontractor will be notified of its prime contractor's request for substitution before the approval of a substitution. Due process shall be provided to the subcontractor before a substitution is authorized.

3. Verification of Small Business Enterprise Status

To minimize fraud and abuse of the SBE Program, the eligibility of the businesses seeking to participate in the program will be verified. Therefore, Okaloosa County BCC – EC RIDER will require the business seeking SBE certification to submit an affidavit certifying that the business's gross receipts within the previous three years are within the size threshold.

4. Internet Publication of Contracting Opportunities

Contracting opportunities shall be regularly posted on the County of Okaloosa Purchasing website. Contracts established for SBEs will be coded. Postings will be scheduled to update the same day each week, or on a bi-monthly basis. By posting contract opportunities in a routine fashion, small businesses are afforded a time certain to review new upcoming projects.

5. Prompt Payment Provision

SBE prime contractors will be paid in a timely manner after submitting a properly documented invoice. Non-SBE prime contractors will be included in the prompt payment provision if they meet the SBE subcontract goal. The prompt payment provision requires Okaloosa County BCC – EC RIDER to pay participating prime contractors within thirty days and the prime contractor to pay its subcontractor within seven days of receiving payment from Okaloosa County BCC – EC RIDER. Okaloosa County BCC – EC RIDER shall notify the prime contractor of any disputed invoice in a timely manner. Within seven days of Okaloosa County BCC – EC RIDER receiving the invoice, the prime contractor shall be advised in writing of the disputed items. The prime contractor should also give written notice within three days to the subcontractor that submits an invoice with disputed items.

GOALS, GOOD FAITH EFFORTS, AND COUNTING

3.1 Set-asides or Quotas (26.43)

Okaloosa County BCC – EC RIDER does **not use "set-asides" or "quotas"** in any way in the administration of the DBE program unless specified in the implementation of SBE participation in accordance with CFR Section 26.39.

3.2 Overall Goals (26.45)

In accordance with Section 26.45(f), Okaloosa County BCC – EC RIDER will submit its overall three-year goal to DOT/FTA by August 1, 2025. Before establishing the overall goal every three years, Okaloosa County BCC – EC RIDER will, at a minimum, consult with minority and general contractor's groups, community organizations, and other officials or organizations to obtain information concerning the availability of disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and Okaloosa County BCC – EC RIDER's efforts to establish a level playing field for the participation of DBEs.

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 4. Effective March 3, 2010, the DOT issued a new rule which amends the current provision requiring annual submission of DBE goals and goal-setting methodology. This rule change means FTA recipients will only need to submit their DBE goal to FTA once every three years. The change to a three-year goal submittal affords both the grantee and FTA the opportunity to focus more on efforts to meet their goals. Should contracting opportunities at Okaloosa County BCC – EC RIDER unexpectedly increase, decrease, or significantly change during the three-year period such that the submitted goal is rendered obsolete, Okaloosa County BCC – EC RIDER will appropriately amend both the goal and DBE contracting practices in order to ensure the goal and DBE program accurately reflects the actual contracting opportunities available during this specified timeperiod.

Following this consultation, Okaloosa County BCC – EC RIDER will publish a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at Okaloosa County BCC – EC RIDER and the County's Purchasing Office for forty-five (45) days following the date of the notice, and informing the public that Okaloosa County BCC – EC RIDER and DOT will accept comments on the goals for forty-five (45) days from the date of the notice. The publishing of the notice of the proposed overall goal will be in a newspaper, or other media, of general circulation, focused on minority readers. The notice will also be included on Okaloosa County BCC – EC RIDER's Internet website. Normally, this notice will be issued by June 15th of each year. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

The overall goal submission to DOT will include a summary of information and comments received during the public participation process and Okaloosa County BCC – EC RIDER's responses.

Okaloosa County BCC – EC RIDER will begin using the overall goal on October 1st of each year, unless Okaloosa County BCC – EC RIDER has received other instructions from DOT. When Okaloosa County BCC – EC RIDER establishes a DBE goal on a project-by-project basis, Okaloosa County BCC – EC RIDER will begin using that goal by the time the first solicitation for a DOT assisted contract for the project is issued.

3.3 Goal Setting and Accountability (Section 26.47)

Okaloosa County BCC – EC RIDER cannot be penalized or treated by the Department as being in noncompliance with this rule, because Okaloosa County BCC – EC RIDER DBE participation falls short of its overall goal unless Okaloosa County BCC – EC RIDER fails to administer the program in good faith. If Okaloosa County BCC – EC RIDER does not have an approved DBE Program or overall agency goal, or if Okaloosa County BCC – EC RIDER fails to implement the DBE Program in good faith, Okaloosa County BCC – EC RIDER will be considered in noncompliance with this part.

If the awards and commitments shown on Okaloosa County BCC – EC RIDER's Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall applicable to that fiscal year, we will:

- 1.0** Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments;
- 2.0** Establish specific steps and milestones to correct the problems identified in the analysis; and
- 3.0** Submit the plan to FTA within ninety (90) days of the end of the affected fiscal year.

3.4 Transit Vehicle Manufacture Goals (Section 26.49)

Okaloosa County BCC – EC RIDER will require each transit vehicle manufacturer, as a condition of being authorized to submit an offer on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, Okaloosa County BCC – EC RIDER may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

3.5 Breakout of Estimated Race-Neutral and Race-Conscious Participation (Section 26.51 a-c)

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

3.6 Meeting Overall Goals/Contract Goals (Section 26.51 d-g)

Okaloosa County BCC – EC RIDER will meet the maximum feasible portion of its overall goal using race-neutral means of facilitating DBE participation. In order to enhance efforts in achieving these goals, Okaloosa County BCC – EC RIDER will make its RFPs or bids attractive to DBEs, simplify or reduce bonding requirements, provide technical assistance, make DBEs aware of contracting opportunities, and distributing DBE directories to prime contractors. See Attachment 4 for details.

Contract Goal (Section 26.53 (a))

Okaloosa County BCC – EC RIDER will use contract goals to meet any portion of the annual goal, Okaloosa County BCC – EC RIDER does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the annual goal applies, they will cumulatively result in meeting any portion of the three-year goal that is not projected to be met through the use of race-neutral means.

Okaloosa County BCC – EC RIDER will establish contract goals only on those DOT-assisted contracts that have sub-contracting possibilities. Okaloosa County BCC – EC RIDER may not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work).

Okaloosa County BCC – EC RIDER will identify a contract goal as a percentage of a total amount of a DOT-assisted contract or the Federal share of a DOT-assisted contract, based on data variables.

3.7 Good Faith Efforts Procedures (Section 26.53)

In those instances where a contract-specific DBE goal is included in a procurement/solicitation, Okaloosa County BCC – EC RIDER will not award the contract to a bidder who does not either: (1) meet the contract goal with verified, countable DBE participation; or (2) documents it has made adequate good faith efforts to meet the DBE contract goal, even though it was unable to do so, it is the obligation of the bidder to demonstrate it has made sufficient good faith efforts prior to submission of its bid.

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

Evaluation of Good Faith Efforts: (26.53) (a) & (c)

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

Okaloosa County BCC – EC RIDER will ensure that all information is complete and accurate and adequate documents have been submitted showing good faith efforts before Okaloosa County BCC – EC RIDER commits to the performance of the contract by the bidder/offeror.

The process used to determine whether good faith efforts have been made by a bidder are as follows. Each solicitation, for which a contract goal has been established, will require the DBELO to make a determination if the offeror has submitted the following information in compliance with Appendix A to Part 26:

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

Okaloosa County BCC – EC RIDER will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before Okaloosa County BCC – EC RIDER commits to the performance of the contract by the bidder/offeror.

3.7.1 Administrative Reconsideration (Section 26.53d)

Within three (3) days of being informed by Okaloosa County BCC Purchasing Department that the offer is not responsible because they have not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. The bidder/offeror should make this request in writing to the following reconsideration official: Ms. DeRita Mason, Purchasing Manager 950 Big Tree Road, Crestview, FL., 32537, (850) 609- , Ext. 4128, dmason@myokaloosa.com . The Reconsideration Official will not have played any role in the original determination that the officer 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. Okaloosa County BCC – EC RIDER will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder/offeror did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

3.7.2 Good Faith Efforts when a DBE Is Terminated/Replaced on a Contract with Contract Goals (Section 26.53)

Okaloosa County BCC – EC RIDER requires that prime contractors not terminate a DBE subcontractor listed on a bid/contract with a DBE contract goal without Okaloosa County BCC – EC RIDER's 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. Okaloosa County BCC – EC RIDER will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. Okaloosa County BCC – EC RIDER will require the prime contractor to notify the DBELO immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

Before transmitting to Okaloosa County BCC – EC RIDER its 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 Okaloosa County BCC – EC RIDER prior to consideration of the request to terminate. The DBE will then have five (5) days to respond and advise Okaloosa County BCC – EC RIDER of why it objects to the proposed termination.

In this situation, Okaloosa County BCC – EC RIDER will require the prime contractor 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 contractor fails or refuses to comply in the time specified, Okaloosa County BCC – EC RIDER's DBELO will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the DBELO may issue a termination for default processing.

Sample Bid Specification

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of Okaloosa County BCC – EC RIDER to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerers, including those who qualify as a DBE. A DBE contract goal of 4.86% percent has been established for this contract. The bidder/offerer shall make good faith efforts, as participation in the performance of this contract.

The bidder/offeror will be required to submit 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 firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; and (5) written documentation from the DBE that it is participating in the contract as provided in the commitment made under (4) and (5) if the contract goal is not met, evidence of good faith efforts.

When a contract goal is established pursuant to Okaloosa County BCC – EC RIDER DBE Program, the sample bid specification can be used to notify bidders/offerors of the requirements to make good faith efforts. The forms found in Attachment 5 can be used to collect information necessary to determine whether the bidder/offeror has satisfied these requirements. The sample specification is intended for use in both non-construction and construction contracts for which a contract goal has been established. It can be included in invitations for bids for construction, in requests for proposals for architectural /engineering and other professional services, and in other solicitation documents. A bid specification is required only when a contract goal is established.

3.8 Counting DBE Participation (Section 26.55)

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

- The entire amount that is performed by the DBE.
- The entire amount of reasonable fees or commissions charged by a DBE firm for providing a bona fide service or for providing bonds or insurance required for the performance of the DOT- assisted contract.
- The value of work subcontracted by a DBE to another DBE is current toward DBE goals.
- When a DBE performs as part of a joint venture, the portion of the total dollar value of the contract equal to the distinct defined portion of the work of the contract that the DBE performs will be counted.
- Expenditures to a DBE contractor will be counted toward DBE goals only if the DBE is performing a commercially useful function on that contract as set forth in 49 CFR Part 26.55c (1-5). For determining whether a trucking company is performing a commercially useful function, Okaloosa County BCC – EC RIDER will refer to 49 CFR Part 26d (1-6).
- For establishing whether expenditures for materials or supplies count toward DBE goals, Okaloosa County BCC – EC RIDER will refer to 49 CFR Part 26.55e.
- A DBE's participation will not be counted toward the DBE goals of the prime contractor or Okaloosa County BCC – EC RIDER's overall goal until the DBE is paid.

4.0 Certification Standards (Section 26.61-26.73)

Okaloosa County BCC – EC RIDER does not serve as a certifying member of the Unified Certification Program (UCP) in the State of Florida. All firms must apply through the UCP to be certified in the State of Florida, with the Florida Department of Transportation on behalf of Okaloosa County BCC – EC RIDER.

Okaloosa County BCC – EC RIDER will use the DBE directory administered by the Florida Department of Transportation (FDOT) and listed on the UCP website to verify if a firm is DBE certified by the Florida UCP.

5.0 Certification Procedures (Section 26.81)

Okaloosa County BCC – EC RIDER is not a certifying member, but will adhere to the Unified Certification Program (UCP) administered by the Florida Department of Transportation Equal Opportunity Office, 605 Suwannee Street, MS 65, Tallahassee, FL 32399-0450. The EEO Office can be contacted by telephone: at (850) 414-4747, by fax: (850) 414-4879, and by website at: www.dot.state.fl.us/egualopportunityoffice/DBEProgram. The Florida UCP will meet all of the requirements of the certification procedures.

Denials of Initial Requests for Certification (26.86) (h)

Any firm or complaint may appeal Florida's UCP decision in a certification matter to DOT. A firm that has been denied DBE certification will be able to reapply within the next 12 months. Appeals may be sent to:

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

Removal of a DBE's eligibility (Section 26.87)

If the DEBLO determines based on review of the firm's record, there is reasonable cause to believe that the firm is ineligible. A written notice will be provided to the firm that it is being declared ineligible and will identify the reasons for the proposed determination. All statements of reasons for findings on the issue of reasonable cause must specifically reference the evidence in the record on which each reason is based. Information regarding the certification appeals process will be included in every DBE Program plan.

Certification Appeals (Section 26.89)

In compliance with the Federal Regulation, a firm denied certification or whose eligibility is removed by a recipient, they have the right to make an administrative appeal to the Department.

SUBPART F: COMPLIANCE AND ENFORCEMENT

Information, Confidentiality, Cooperation (Section 26.109)

Okaloosa County BCC – EC RIDER will safeguard from disclose to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law.

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

Monitoring Payments to DBEs

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

Okaloosa County BCC – EC RIDER will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts states in the schedule of DBE participation.

5.1 FTA Semi-annual DBE Reporting

Okaloosa County BCC – EC RIDER DBE participation will be reported on a semi-annual basis, on June 1st and December 1st using the Uniform Report of DBE Commitments/Awards and Payments and upload the report into TrAMS, for review by FTA (Civil Rights). These reports will reflect payments actually made to DBEs on FTA-assisted contracts, through the UCP as certified in the State of Florida, with the Florida Department of Transportation with coordination with Okaloosa County's Purchasing Department, Finance Department, OMB, and designated DBELO for reporting period.

6.0 PARAGRAPH NUMBERING

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

are fashioned after 49 CFR Part 26.1

ATTACHMENTS

Attachment 1: Monitoring and Enforcement Mechanism/Legal Remedies

Attachment 2: Goal Setting Methodology

Attachment 3: Good Faith Effort Forms

Attachment 4: Certification Forms

Attachment 5: DBE Regulation, 49 CFR Part 26

Attachment 1

Monitoring and Enforcement Mechanism/Legal Remedies

The Okaloosa County BCC – EC RIDER and Okaloosa County BCC's Purchasing Division has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

1. Breach of contract action, pursuant to the terms of the contract;
2. Breach of contract action, pursuant to (State Code Section);
3. [list the other laws, statutes, regulations, etc. that are available to enforce the DBE requirements).

In addition, the federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE program, including, but not limited to, the following:

1. Suspension or debarment proceedings pursuant to 49 CFR Part 26
2. Enforcement action pursuant to 49 CFR part 31
3. Prosecution pursuant to 18 USC 1001.

[Note: the examples provided above are not intended to be an exclusive or exhaustive list of the monitoring mechanisms and legal remedies used by DOT recipients. DOT expects that measures, mechanisms, and/or remedies in addition to what is provided above will be included with your DBE program).

Attachment 2

OKALOOSA COUNTY EMERALD COAST RIDER

Disadvantaged Business Enterprise Participation Goal and Methodology (FY2023 – 2025)

The Federal Transit Administration (FTA) requires that recipients of FTA grant assistance take necessary and reasonable steps to ensure that Disadvantaged Business Enterprises (DBE's) are afforded the maximum opportunity to participate in the performance of contracts which are financed in whole or in part with federal funds. As evidence of compliance, Okaloosa County must, every three years, set a goal for DBE participation in contracts which are expected to be awarded during the three following fiscal years. This report complies with the Disadvantaged Business Enterprise (DBE) rule in Title 49 Code of Federal Regulations Part 26 (49 CFR 26)

For the purpose of this program, a DBE is defined as: a small business concern which is both owned and controlled by socially and economically disadvantaged persons. This means that disadvantaged individuals must own at least 51% of the business and they must control the management and daily operations of the business. Included in the classification of disadvantaged individuals are United States citizens who are: African Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Asian-Indian Americans, women or members of other groups or individuals who the Small Business Administration (SBA) has determined are economically and socially disadvantaged under Section 8(a) of the Small Business Act.

Okaloosa County anticipates meeting the overall triennial goal for DBE participation using race and gender neutral methods. Race and gender neutral methods will include making efforts to assure that bidding and contract requirements facilitate participation by DBE's and other small businesses, encouraging prime contractors to subcontract portions of the work that might otherwise be performed by the prime contractor and providing technical assistance and other support services to facilitate consideration of DBE's and other small businesses.

Public Participation

In conformance with public participation requirements of 49 CFR Section 26.45, the goal analysis will be available for review to interested parties including members of the public. Okaloosa County will post its FY2023 – 2025 Proposed DBE Participation Goal and Methodology on its transit website at www.ecrider.org, focusing on women and minority businesses. The website posting will inform the public that the annual goals are available for review during normal business hours 30 days following the date of the website posting and the County will accept comments on the goals for 45 days from the date of website posting. In addition, Okaloosa County will invite and meet with DBE and Small Businesses at its next Quarterly Local Coordinating Board and Transportation Cooperative Meetings scheduled for October 2022 and November 2022.

Methodology

Okaloosa County staff reviewed DBE participation from the past three years and utilized the State of Florida DBE Uniform Certification program in order to determine the DBE population of the local market area, this includes Okaloosa County, Santa Rosa County, and Walton County. Staff compiled data of certified DBEs and Non-DBEs by North American Industry Classification System (NAICS) in Okaloosa County from the U.S. Census Bureau of Business Pattern Database. These quantities are compared with all businesses in order to determine a ratio.

Goal

The below table depicts the business data gathered for ready, willing and able DBEs as well as all relevant businesses in the local market area for anticipated contracts over the next three years. Based on this data, the County has established a DBE race and gender neutral participation goal of .24%.

Description of Work	NAICS CODE	LMA DBE's	Total LMA Businesses	DBE's Relative Availability
Fuel	221119	0	12	0.00

Fence installation	238990	43	272	.16
Auto Supplies	423130	2	5	.40
Shelters (pre-fabrication)	332311	7	7	1.00
Concrete	238110	23	186	.12
Security Systems	561621	15	25	.60
Temporary Labor	561320	37	78	.47
Furniture	442110	2	54	.04
Graphics	541430	32	71	.45
Office Supplies	453210	3	5	.60
Printing & Binding	323111	16	25	.64
TOTAL		180	740	0.24
		(180 LMA DBE's)\(740 Total LMA's) =.24%		

Disparity Studies

There were no available disparity studies performed or other evidence of discrimination presented within the local market area.

Attachment 3

Forms 1 & 2 for Demonstration of Good Faith Efforts

(Forms 1 and 2 should be provided as part of the solicitation documents).

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner (please check the appropriate space):

_____ The bidder/offeror is committed to a minimum of _____% DBE utilization on this contract.

_____ The bidder/offeror (if unable to meet the DBE goal of _____%) is committed to a minimum of _____% DBE utilization on this contract and submits documentation demonstrating good faith efforts.

Name of bidder/offerer's firm: _____

State Registration No. _____

By _____ (Signature) _____ (Title)

FORM 2: LETTER OF INTENT

Name of bidder/offeror's firm:

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE firm:

The bidder/offerer is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is \$ _____

Affirmation

By _____
(Signature) (Title)

If the bidder/offerer does not receive award of the prime contract, any and all representation this letter of Intent and Affirmation shall be null and void.

(Submit this page for each DBE subcontractor).

(Note: the examples provided above are not intended to be the exact forms used by DOT recipients when evaluating DBE participation on bids and/or making good faith efforts determinations. DOT expects that any forms used will be tailored to each organization's specific processes and needs. Whichever forms are used in practice should be included with your DBE program)

Attachment 4

Certification Forms

OKALOOSA County Board of County Commissioners
(OKALOOSA COUNTY BCC-EC RIDER)
DBE CERTIFICATION PROCEDURES

An eligible DBE is a business which is organized to engage in commercial transactions, which is domiciled in Florida, and which is at least 51 percent owned by minority persons and women whose management and daily operations are controlled by such persons; which fulfills a commercially useful business function; and, which employs 50 or fewer permanent full-time employees averaged over a two year period; and that has a net worth of not more than \$750,000. As applied to sole proprietorships, the \$750,000 net worth requirement shall include both personal and business assets.

CONDITIONS OF APPLICATION

APPLICANT AGREES to permit Okaloosa County Board of County Commissioners and its representative access to, and inspection of, the applicant's place(s) of business and business records.

SUBMISSION OF THIS APPLICATION INDICATES that the applicant understands and accepts the conditions of participation in the County's DBE Certification Procedures.

OKALOOSA COUNTY BOARD of COUNTY COMMISSIONERS RESERVES THE RIGHT to require further information from the applicant prior to or during the certification process.

OKALOOSA COUNTY BOARD of COUNTY COMMISSIONERS RESERVES THE RIGHT to deny or revoke certification for cause.

IT IS THE RESPONSIBILITY OF THE APPLICANT to demonstrate that his/her business meets the criteria as set forth in this certification process.

NOTE: The effective date of the application is the date when all the required documentation has been submitted, not the date of submission of an incomplete packet.

Please complete all questions in full. Any questions not applicable to the company should be marked "N/A". Applicants are to ensure that the Application is signed, notarized and includes all requested documents. If it is impossible to submit any document listed, provide an explanation on a separate sheet as to why it cannot be submitted.

Applicants denied certification may request an administrative review of the determination. A request for administrative review must be in writing and mailed or delivered to the County within ten (10) days of notification of the decision.

For questions or help completing the application call:
Okaloosa County Board of County Commissioners
Okaloosa County BCC Purchasing Division
(850) 689-5960 or (850) 609 - 7003

Mail the completed Application and all documents to:
Okaloosa BCC Purchasing Division
5479A Old Bethel Road
Crestview, FL 32536
Phone: (850) 689-5960
Fax: (850) 689-5970

Attachment 5

Regulations: 49 CFR Part 26

<https://www3.dot.state.fl.us/EqualOpportunityOffice/BizNet%20UCP/listcertifiedOther1.asp>

Attached is a copy of the Appendix F to Part 26 - Uniform Certification Application Form, Also the CFR 49 Part 26 in electronic code of the Federal Regulations.