



Disadvantaged Business Enterprise (DBE) Program Plan FFY 19-21

Greenville Transit Authority

d.b.a. Greenlink

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Greenville, SC 29601

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July 31, 2018

DBE Policy Statement	3
General Requirements (Subpart A)	4
Objectives (Section 26.1)	4
Applicability (Section 26.3)	4
Definitions (Section 26.5)	4
Non-discrimination Requirements (Section 26.7)	4
Record Keeping Requirements (Section 26.11 B/C)	5
Assurances (Section 26.13)	5
Federal Financial Assistance Agreement (26.13a)	5
Contract Assurance (26.13b)	5
Administrative Requirements	5
DBE Program Updates (Section 26.25)	5
Policy Statement (Section 26.23)	6
DBE Liaison Officer (Section 26.25)	6
DBE Financial Institutions (Section 26.27)	7
Prompt Payment (Section 26.29)	7
Prompt Payment (26.29a)	7
Retainage (26.29b)	7
Monitoring and Enforcement (26.29d)	8
DBE Database (Section 26.31)	8
Overconcentration (Section 26.33)	8
Business Development Programs (Section 26.35)	8
Monitoring and Enforcement Mechanisms (Section 26.37)	8
Fostering Small Business Participation (Section 26.39)	9
Goals, Good Faith Efforts, and Counting	10
Set-asides or Quotas (Section 26.43)	10
Overall Goals (Section 26.45)	10
Goal Setting and Accountability (Section 26.47)	11
Transit Vehicle Manufacturers Goals (Section 26.49)	11
Meeting Overall Goals/Contract Goals (Section 26.51)	11
Good Faith Efforts Procedures (Section 26.53)	11
Counting DBE Participation (Section 26.55)	13
Certification Standards	13
Unified Certification Programs (Section 26.81)	13
Compliance and Enforcement	14
Information, Confidentiality, Cooperation, Intimidation, Retaliation (Section 26.109)	14
Appendix	15
Appendix 1 - Definitions	15

Appendix 2 - DBE Goal Setting Methodology	19
Methodology	19
Step One – Define Market Area	19
Step Two – Establishing a Base Figure	19
Step Three – Adjusting the Base Figure	21
Step Four – Calculating the Race/Gender-Neutral and Race/Gender-Conscious Split	22
Summary	23
Appendix 3 - Organization Chart	24
Exhibits	25
Exhibit 1: DBE Formula Sheet FY19-21 & Past Participation	25
Exhibit 2: Census Business Patterns SCDOT D2-4 (06.21.18)	25
Exhibit 3: SCDOT UCP D2-4 Firm Database (06.21.18)	25

DBE Policy Statement

The Greenville Transit Authority (GTA) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. GTA has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, GTA has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of GTA to ensure that DBEs are defined in part 26, have an equal opportunity to receive and participate in DOT–assisted contracts. It is also our policy:

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

The Transit Planner has been delegated as the DBE Liaison Officer. In that capacity, the Transit Planner is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by GTA in its financial assistance agreements with the Department of Transportation.

GTA has disseminated this policy statement to the GTA Board of Director and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts through public notices and direct mailings.

If you have any questions or would like further information regarding this program, please contact the DBE Liaison Officer, Alex John, at ajohn@greenvillesc.gov or (864) 298-2753.



Gary Shepard
Director of Public Transportation



Date

General Requirements (Subpart A)

Objectives (Section 26.1)

The objectives of the Greenville Transit Authority (GTA) Disadvantaged Business Enterprise (DBE) Program are as follows:

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

Applicability (Section 26.3)

GTA is the recipient of federal transit funds authorized by Titles I, III, V, and VI of ISTEA, Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, II, and V of the Teas-21, Pub. L. 105-178. As a recipient of federal assistance from the Federal Transit Administration (FTA), GTA is required to implement a DBE program in accordance with 49 CFR Part 26, which is incorporated herein by this reference. The Program outlined herein applies to all GTA contracts that are funded, in whole or in part, by federal assistance.

Definitions (Section 26.5)

The GTA has adopted the definitions of terms set forth in 49 CFR Part 26 for its DBE Program (See Appendix 1)

Non-discrimination Requirements (Section 26.7)

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

In administering its DBE program, GTA 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.

Record Keeping Requirements (Section 26.11 B/C)

GTA will report DBE participation to the FTA using the electronic semi-annual Uniform Report of DBE Awards or Commitments and Payments, through TrAMS. These reports will capture the awards made to Primes and Subcontractors on DOT-assisted contracts; as required 49 CFR Part 26. The June 1 report includes information from October 1 through March 31. The December 1 report includes information from April 1 through September 30.

Assurances (Section 26.13)

GTA has signed the following assurances below, applicable to all DOT-assisted contracts and their administration. The following language will appear in all contracts:

Federal Financial Assistance Agreement (26.13a)

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

Contract Assurance (26.13b)

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, which may include, but is not limited to, (1) withholding monthly progress payments, (2) assessing sanctions, (3) liquidated damages, and/or (4) disqualifying the contractor from future bidding as non-responsible.

Administrative Requirements

DBE Program Updates (Section 26.25)

Since GTA has received a grant of \$250,000 or more in FTA planning capital, and or operating assistance in a federal fiscal year, we will continue to carry out this program until all funds from DOT financial

assistance have been expended. We will provide to DOT updates representing significant changes in the program.

Policy Statement (Section 26.23)

GTA has issued a signed and dated Policy Statement that expresses our commitment to this DBE Program. The Policy Statement may be found on the first page of this Program Plan document. Included in the Statement are GTA's objectives and responsibilities for their implementation. This Policy Statement has been circulated throughout the organization and to the DBE and non-DBE business communities that perform work on our DOT-assisted contracts.

DBE Liaison Officer (Section 26.25)

We have designated the following individual as our DBE Liaison Officer (DBELO):

Alex John
100 W. McBee Avenue
Greenville, SC 29601
(864) 298-2753
ajohn@greenville.gov

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that GTA complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Director of Public Transportation concerning DBE program matters. 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 the DBE program, in coordination with other appropriate officials. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT
2. Reviews third party contracts and purchase requisitions for compliance with this program
3. Works with all departments to set overall annual goals
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner
5. Identifies contracts and procurements so that DBE goals are included in solicitations
6. Analyzes GTA's progress toward attainment and identifies ways to improve progress
7. Participates in pre-bid meetings
8. Advises the Director of Public Transportation and the GTA Board on DBE matters and achievements
9. Participates in pre-bid meetings
10. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance

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11. Plans and participates in DBE training seminars
 12. Provides outreach to DBEs and community organizations to advise them of opportunities
 13. Maintains GTA's updated directory on certified DBEs

DBE Financial Institutions (Section 26.27)

It is the policy of the GTA to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contract to make use of these institutions.

The DBELO has researched the following website for the United States Department of Treasury, Financial Management Services Division, Minority Bank Deposit Program (MBDP) listings of financial institutions in the State of South Carolina to identify minority-owned banks: (https://www.fiscal.treasury.gov/fsservices/gov/rvnColl/mnrtyBankDep/rvnColl_mbdp_participants.htm)

The DBELO will continue to use this source to solicit minority-owned banks to participate in the DBE program. The DBELO has identified one minority-owned financial institutions that offer services in the state of South Carolina, however this financial institution is not within the identified market area (see methodology for market area definition) Gas of July 31, 2018. GTA's DBELO will explore the full extent of services offered by banks and other financial institutions that qualify as DBEs in the defined market area and determine areas in which GTA may reasonably utilize their service. GTA shall encourage its prime contractors to use the services of DBE institutions regardless of their location in relation to the defined market area.

Prompt Payment (Section 26.29)

Prompt Payment (26.29a)

GTA 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 [specify number] days from the receipt of each payment the prime contract receives from GTA. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the GTA. This clause applies to both DBE and non-DBE subcontracts.

Retainage (26.29b)

The prime contractor agrees to return retainage payments to each subcontractor 10 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 the GTA. This clause applies to both DBE and non-DBE subcontracts.

Monitoring and Enforcement (26.29d)

The DBELO shall monitor and track the actual DBE participation through contractor and subcontractor reports of payments. The DBELO will maintain a running tally of payments actually made to DBE firms and may require prime contractors and DBE subcontractors to provide appropriate documentation to verify such payments.

The DBELO shall ensure that DBE participation is counted toward contract goals and the annual overall goal in accordance with the Regulations. Credit toward overall or contract goals will only be given upon satisfactory evidence that payments were actually made to DBEs.

DBE Database (Section 26.31)

GTA participates in the South Carolina DOT (SCDOT) Uniform Certification Program (SCUCP). The combined statewide directory, identifies all firms eligible to participate as a certified DBE, may be located at the (SCDOT) website here: <http://dbw.scdot.org/dbesearch/DirectoryQuery.aspx>

Overconcentration (Section 26.33)

GTA has not identified that overconcentration exists in the types of work that DBEs perform. If GTA determines that DBE firms are over concentrated in a certain type of work as to unduly burden the opportunity of non-DBE firms to participate in this type of work, then GTA must devise appropriate measures to address this overconcentration.

Business Development Programs (Section 26.35)

GTA has neither elected nor have been required to establish a business development program as part of its DBE Program.

Monitoring and Enforcement Mechanisms (Section 26.37)

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

- GTA 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.
- GTA will consider similar action under our own legal authorities, including responsibility determinations in future contracts.
- GTA will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by

conducting interviews (either on-site or at the Greenlink Transfer Center) with contractors and/or DBEs that are engaged in the contract work in which the DBE(s) are participating and will include official written certification that we have reviewed contracting records and monitored work sites for this purpose.

- GTA will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

Fostering Small Business Participation (Section 26.39)

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

- GTA will partner with local agencies, including Greenville County, SCDOT, and the Greenville Area Chamber of Commerce, to foster participation of small businesses;
- Procurement procedures will be reviewed and evaluated to ensure that unnecessary or unjustified contract requirements are eliminated that could preclude participation in procurements;
- GTA staff will participate in community outreach events to educate and encourage participation in procurements;
- Prime contracts will be advertised that are of a size that small businesses can reasonably compete for and perform, including requiring bidders on large contracts to identify and/or provide specific subcontracts appropriate for small business participation;
- In multi-year design-build contracts or other large contracts, bidders on the prime contract will be required to specify elements of the contract or specific subcontracts that are of a size that small businesses, including DBEs, can reasonably perform;
- Explore alternative acquisition strategies and techniques to structure procurements that facilitate the ability of consortia or joint ventures consisting of small businesses, including DBEs, to compete for and perform prime contracts.

The Small Business Participation will be implemented as part of the overall DBE program. The above listed strategies will be the responsibility of the Liaison Officer, who will report to the Director of Public Transportation activities on an ongoing basis. A correspondence will be developed to inform the partner agencies of the Agency's new initiative. Periodic updates to the correspondence will be distributed. The Liaison Officer will attend meetings and events to apprise those with Small Business interests of GTA's program. Lastly, the Liaison Officer will ensure that organizations supporting Small Businesses are informed of procurement opportunities and provide the needed support to facilitate their participation in those procurements.

Goals, Good Faith Efforts, and Counting

Set-asides or Quotas (Section 26.43)

GTA does not use quotas in any way in the administration of its DBE program.

Overall Goals (Section 26.45)

In accordance with Section 26.45(f), GTA submitted its overall triennial goal (0.93%) to DOT before August 1, 2018 deadline. A description of the methodology to calculate the overall goal and the goal calculations can be found in Appendix 2. This methodology included four steps taken to derive our DBE goal:

- Step 1: Define the market area
- Step 2: Establish a base figure
- Step 3: Adjust the base figure
- Step 4: Calculate a race/gender-neutral and/or race/gender-conscious split

A summary of the methodology is listed at the end of the methodology and in the below excerpt:

GTA's overall goal submission to FTA will include the goal and a copy of worksheets used to develop the goal including past participation calculations, census business pattern data tables, and the SCUCP used for calculating the goal.

- A. **Contract Dollars Available** – GTA expects 12 contracts totaling \$3,013,500 through the duration of FFYs 2019-2021.
- B. **Overall Goal** – Based on the above analysis, GTA proposes to establish its FFY 2019-2021 overall DBE transit goal of **0.93%** to be met entirely through race/gender neutral measures. Given this percentage, GTA has set a goal of expending, at a minimum, **\$21,095** on DBE contracts annually.
- C. **Race-Neutral Measures** – GTA will use the following race-neutral means to increase DBE participation:
 1. Training all GTA staff who are involved in procurement about the DBE program and about utilizing DBEs
 2. Soliciting new DBEs to participate in GTA procurements
 3. Assist existing providers who are eligible for DBE status to register with SCDOT's Unified Certification Program (SCUCP) used by over 21 transportation agencies in the State of South Carolina.

GTA posted a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection and comments for 45 days from the date of the notice (June 26, 2018). This notice was posted in the Greenville News, Greenlink's website, and the City of Greenville's Procurement and Bidding Listserv clients. We will begin using our overall goal on October 1, 2018, and

this goal will remain in effect for the duration of three years unless we have received other instructions from the FTA to the contrary.

Should contracting opportunities at GTA unexpectedly increase, decrease or significantly change during the three-year period such that the submitted goal is rendered obsolete, GTA will appropriately amend both the goal and DBE contracting practices in order to ensure the goal and the DBE program accurately reflects the actual contracting opportunities available during the FFY 19-21 time period.

Goal Setting and Accountability (Section 26.47)

If the awards and commitments shown on GTA'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. Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments;
2. Establish specific steps and milestones to correct the problems identified in the analysis; and
3. Prepare a shortfall analysis and maintain it for our own records. This analysis would be made available to FTA upon request.

Transit Vehicle Manufacturers Goals (Section 26.49)

GTA will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, GTA 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.

Meeting Overall Goals/Contract Goals (Section 26.51)

The breakout of estimated race-neutral and race-conscious participation can be found in "Step Four" of the DBE Goal Setting Methodology attached in Appendix 2. GTA will meet the maximum feasible portion of its overall goal using race-neutral means of facilitating DBE participation as we have demonstrated in our current DBE program (FFY 16-18). This section of the program will be updated every three years as required to reflect a new goal calculation.

Good Faith Efforts Procedures (Section 26.53)

In those instances where a contract-specific DBE goal is necessary for a procurement/solicitation, GTA 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 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 CFR Part 26.

The DBELO is responsible for determining whether an offeror, who has not met the contract goal, has documented sufficient good faith efforts to be regarded as responsible. The DBELO will ensure that all information is complete, accurate, and adequately documents good faith efforts by the bidder/offeror before GTA commits to the performance of the contract.

GTA treats bidder/offers' compliance with good faith efforts' requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require the bidders/offers 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 will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts.

Within 10 days of being informed by GTA that a bidder/offeror is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offers should make this request in writing to the following reconsideration official:

Ron Satcher
City of Greenville
Purchasing Division
P.O Box 2207
Greenville, SC 29601

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 our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. We will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so.

The result of the reconsideration process is not administratively appealable to the Department of Transportation.

GTA requires that prime contractors not terminate a DBE subcontractor listed on a bid/contract with a DBE contract goal without GTA prior written consent. GTA will require the prime contractor/consultant to notify the DBELO immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation. 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.

In those instances where "good cause" exists to terminate a DBE's contract, GTA 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.

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

Counting DBE Participation (Section 26.55)

GTA 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.

Certification Standards

Unified Certification Programs (Section 26.81)

GTA is the member of a Unified Certification Program (SCUCP) administered by the South Carolina Department of Transportation (SCDOT). The UCP will meet all of the requirements of this section. GTA will use and count for DBE credit only those DBE firms certified by South Carolina. An updated SCUCP is uploaded and emailed weekly to UCP members and can be found on the following website: <http://dbw.scdot.org/dbesearch/DirectoryQuery.aspx>

The following is a description of the UCP:

The purpose of SCDOT's Disadvantaged Business Enterprise (DBE) Program is to assist potential contractors in their efforts to identify and utilize DBEs that are participating in the Department's DBE Program. Certification is granted through the Department as verification that a business is bona-fide in its claim to be a disadvantaged business enterprise. Certified firms are used to meet goals on federally assisted contracts. The SCDOT is required to provide a list of certified contractors to firms bidding on prime contracts who in turn, agree to utilize certified minority businesses on construction projects throughout the state.

In order for DOT agencies to meet these goals, disadvantaged businesses are encouraged to apply to the State for certification to participate in the DBE Program. Applications are gathered, on-site reviews performed, certification meetings held, and certification status granted if qualified. If the application is denied, the State has an appeal hearing on the issues of denial.

Compliance and Enforcement

Information, Confidentiality, Cooperation, Intimidation, Retaliation (Section 26.109)

GTA will respond to requests for information concerning any aspect of the DBE program, and will comply with provisions of the Federal Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a). GTA may make available to the public any information concerning the DBE program release which is not prohibited by Federal law.

Notwithstanding any contrary provisions of state or local law, we will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT applicable to Section 26.89) without the written consent of the submitter. We will safeguard from disclose to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law.

Monitoring Payments to DBEs

GTA 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 GTA or DOT. This reporting requirement also extends to any certified DBE subcontractor.

We 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.

Appendix

Appendix 1 - Definitions

GTA will adopt the following definitions:

Affiliation has the same meaning the term has in the Small Business Administration (SBA) regulations, 13 CFR part 121.

(1) Except as otherwise provided in 13 CFR part 121, concerns are affiliates of each other when, either directly or indirectly:

(i) One concern controls or has the power to control the other; or

(ii) A third party or parties controls or has the power to control both; or

(iii) An identity of interest between or among parties exists such that affiliation may be found.

(2) In determining whether affiliation exists, it is necessary to consider all appropriate factors, including common ownership, common management, and contractual relationships. Affiliates must be considered together in determining whether a concern meets small business size criteria and the statutory cap on the participation of firms in the DBE program.

Alaska Native means a citizen of the United States who is a person of one fourth degree or more Alaskan Indian (including Tsimshian Indians not enrolled in the Metlakatla Indian Community), Eskimo, or Aleut blood, or a combination of those bloodlines. The term includes, in the absence of proof of a minimum blood quantum, any citizen whom a Native village or Native group regards as an Alaska Native if their father or mother is regarded as an Alaska Native.

Alaska Native Corporation (ANC) means any Regional Corporation, Village Corporation, Urban Corporation, or Group Corporation organized under the laws of the State of Alaska in accordance with the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, *et seq.*).

Compliance means that a recipient has correctly implemented the requirements of this part.

Contract means a legally binding relationship obligating a seller to furnish supplies or services (including, but not limited to, construction and professional services) and the buyer to pay for them. For purposes of this part, a lease is considered to be a contract.

Contractor means one who participates, through a contract or subcontract (at any tier), in a DOT-assisted highway, transit, or airport program.

Department or DOT means the U.S. Department of Transportation, including the Office of the Secretary, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the Federal Aviation Administration (FAA).

Disadvantaged Business Enterprise or DBE means a for-profit small business concern—

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- (1) That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and
 - (2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

DOT-assisted contract means any contract between a recipient and a contractor (at any tier) funded in whole or in part with DOT financial assistance, including letters of credit or loan guarantees, except a contract solely for the purchase of land.

DOT/SBA Memorandum of Understanding or MOU, refers to the agreement signed on November 23, 1999, between the Department of Transportation (DOT) and the Small Business Administration (SBA) streamlining certification procedures for participation in SBA's 8(a) Business Development (8(a) BD) and Small Disadvantaged Business (SDB) programs, and DOT's Disadvantaged Business Enterprise (DBE) program for small and disadvantaged businesses.

Good faith efforts means efforts to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement.

Immediate family member means father, mother, husband, wife, son, daughter, brother, sister, grandmother, grandfather, grandson, granddaughter, mother-in-law, or father-in-law.

Indian tribe means any Indian tribe, band, nation, or other organized group or community of Indians, including any ANC, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or is recognized as such by the State in which the tribe, band, nation, group, or community resides. See definition of "tribally-owned concern" in this section.

Joint venture means an association of a DBE firm and one or more other firms to carry out a single, for-profit business enterprise, for which the parties combine their property, capital, efforts, skills and knowledge, and in which the DBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.

Native Hawaiian means any individual whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

Native Hawaiian Organization means any community service organization serving Native Hawaiians in the State of Hawaii which is a not-for-profit organization chartered by the State of Hawaii, is controlled by Native Hawaiians, and whose business activities will principally benefit such Native Hawaiians.

Noncompliance means that a recipient has not correctly implemented the requirements of this part.

Operating Administration or OA means any of the following parts of DOT: the Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA). The “Administrator” of an operating administration includes his or her designees.

Personal net worth means the net value of the assets of an individual remaining after total liabilities are deducted. An individual’s personal net worth does not include: The individual’s ownership interest in an applicant or participating DBE firm; or the individual’s equity in his or her primary place of residence. An individual’s personal net worth includes only his or her own share of assets held jointly or as community property with the individual’s spouse.

Primary industry classification means the North American Industrial Classification System (NAICS) designation which best describes the primary business of a firm. The NAICS is described in the *North American Industry Classification Manual—United States, 1997* which is available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA, 22161; by calling 1 (800) 553-6847; or via the Internet at: <http://www.ntis.gov/product/naics.htm>.

Primary recipient means a recipient which receives DOT financial assistance and passes some or all of it on to another recipient.

Principal place of business means the business location where the individuals who manage the firm’s day-to-day operations spend most working hours and where top management’s business records are kept. If the offices from which management is directed and where business records are kept are in different locations, the recipient will determine the principal place of business for DBE program purposes.

Program means any undertaking on a recipient’s part to use DOT financial assistance, authorized by the laws to which this part applies.

Race-conscious measure or program is one that is focused specifically on assisting only DBEs, including women owned DBEs.

Race-neutral measure or program is one that is, or can be, used to assist all small businesses. For the purposes of this part, *race-neutral* includes gender neutrality.

Recipient is any entity, public or private, to which DOT financial assistance is extended, whether directly or through another recipient, through the programs of the FAA, FHWA, or FTA, or who has applied for such assistance.

Secretary means the Secretary of Transportation or his/her designee.

Set-aside means a contracting practice restricting eligibility for the competitive award of a contract solely to DBE firms.

Small Business Administration or SBA means the United States Small Business Administration.

SBA certified firm refers to firms that have a current, valid certification from or recognized by the SBA under the 8(a) BD or SDB programs.

Small business concern means, with respect to firms seeking to participate as DBEs in DOT-assisted contracts, a small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in § 26.65(b).

Socially and economically disadvantaged individual means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is—

1. Any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by case basis.
2. Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:
 - a. “Black Americans,” which includes persons having origins in any of the Black racial groups of Africa;
 - b. “Hispanic Americans,” which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
 - c. “Native Americans,” which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
 - d. “Asian-Pacific Americans,” which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, Federated States of Micronesia, or Hong Kong;
 - e. “Subcontinent Asian Americans,” which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;
 - f. Women;
 - g. Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

Tribally-owned concern means any concern at least 51 percent owned by an Indian tribe as defined in this section.

You refers to a recipient, unless a statement in the text of this part or the context requires otherwise (i.e., ‘You must do XYZ’ means that recipients must do XYZ).

Appendix 2 - DBE Goal Setting Methodology

Methodology

In accordance with 49 C.F.R. Part 26.45, Greenville Transit Authority (GTA) will submit its triennial overall DBE goal to FTA as scheduled. This goal encompasses contracts issued in FY19, FY20, and FY21. The process that will be used by GTA to establish overall DBE goals is as follows:

Step One – Define Market Area

GTA operates 11 fixed public transportation routes and offers complementary paratransit services in Greenville, South Carolina (SC). Located in the heart of the greater Greenville – Spartanburg – Anderson metropolitan statistical area (MSA), the MSA is colloquially known as the “Upstate” of SC. GTA included, at a minimum, all counties in the Upstate and expanded this market to include all counties in Districts 2, 3, and 4 of South Carolina Department of Transportation’s (SCDOT) regional designations (see image below for counties). This expansion allows GTA to define the northern third of the state to more accurately reflect the actual availability of DBE and non-DBE firms in the local market area.



Step Two – Establishing a Base Figure

The base figure represents the relative availability of ready, willing, and able DBE firms as compared to all firms ready, willing, and able to participate for GTA in federally-assisted contracts within the local market area. While the City of Greenville – the contractor providing transit services on behalf of GTA – provides most of the services GTA requires, GTA occasionally issues contracts for services the City of Greenville cannot adequately provide. To determine the base figure, GTA will use a combination of the SCDOT Unified Certification Program (SCUCP) and the Census Bureau County Business Pattern

Directory to determine the total percentage of ready, willing, and able DBE firms in the area. The ratio for GTA is:

$$\frac{\text{DBEs}}{\text{Non-DBEs and DBEs}}$$

GTA chose to utilize the number of DBEs in the SCUCP Directory based on services GTA will need in the following three fiscal years (FY19 – 21) to determine the base figure. GTA counted the number of available firms eligible to perform the services they needed and identified 268 potential DBE firms able to serve as either a prime contractor or sub-contractor for an estimated 12 individual projects and/or services needed over this period.

GTA utilized the most recent census bureau data (2016 data released April 19, 2018) to determine the total number of firms in the South Carolina market area. GTA identified 2,162 total firms under North American Industry Classification System (NAICS) Codes (see Table 1 below). Using the data collected, GTA determined the relative availability of DBEs for public transit contracts in the market is 0.93%, as indicated below:

$$\frac{20 \text{ DBEs}}{2,162 \text{ Total Market Area Firms}} = 0.93\%$$

Table 1: Relative Availability of DBEs by Categories of Work

<i>Total Firms</i>	<i># of DBE Firms</i>	<i>NAICS Code</i>	<i>Description</i>
40	0	339950	Sign Manufacturing
40	0	524126	Direct Property and Casualty Insurance Carriers
250	0	541211	Offices of Certified Public Accountants
745	1	541110	Legal Aid Services
335	8	541330	Engineering Services
187	1	541511	Custom Computer Programming Services
143	3	541512	Computer Systems Design Services
304	7	541611	Strategic Planning Consulting Services
9	0	423410	Photographic Equipment and Supplies Merchant Wholesalers
2	0	812331	Linen Supply
105	0	323111	Commercial Printing
2	0	336120	Heavy Duty Truck Manufacturing
2,162	20		

Step Three – Adjusting the Base Figure

Due to the varied number of available DBEs relative to the number of contracting opportunities, GTA ran an analysis to determine if an adjustment of its DBE goal is warranted. In accordance with 49 C.F.R. Part 26.45, GTA first listed each NAICS code and the projected contracting dollars for each activity below in Table 2.

Table 2: Available Transit Contract Dollars

<i>NAICS Code</i>	<i>Description</i>	<i>Budget</i>
339950	Sign Manufacturing	\$ 18,000
524126	Direct Property and Casualty Insurance Carriers	\$ 600,000
541211	Offices of Certified Public Accountants	\$ 55,500
541110	Legal Aid Services	\$ 30,000
541330	Engineering Services	\$ 25,000
541511	Custom Computer Programming Services	\$ 90,000
541512	Computer Systems Design Services	\$ 120,000
541611	Strategic Planning Consulting Services	\$ 45,000
423410	Photographic Equipment and Supplies Merchant Wholesalers	\$ 60,000
812331	Linen Supply	\$ 40,000
323111	Commercial Printing	\$ 30,000
336120	Heavy Duty Truck Manufacturing	\$ 1,900,000
		\$ 3,013,500

After listing each activity’s projected contracting dollar amount, GTA determined the weight each activity had in relation to total contracting opportunity of \$3,013,500. Next, GTA took the number of DBE firms divided by the total number of firms per activity and multiplied this figure by the weighted percentage to determine an adjusted percentage. This allows GTA to more accurately reflect contracting dollars by projected NAICS activity as displayed below in Table 3.

Table 3: Weighted (Adjusted) Relative Availability of DBEs by Categories of Work

<i>Total Firms</i>	<i># of DBE Firms</i>	<i>DBE %</i>	<i>Weight</i>	<i>Adjusted %</i>	<i>NAICS Code</i>	<i>Description</i>
40	0	0.00%	0.60%	0.00%	339950	Sign Manufacturing
40	0	0.00%	19.91%	0.00%	524126	Direct Property and Casualty Insurance Carriers

250	0	0.00%	1.84%	0.00%	541211	Offices of Certified Public Accountants
745	1	0.13%	1.00%	0.00%	541110	Legal Aid Services
335	8	2.39%	0.83%	0.02%	541330	Engineering Services
187	1	0.53%	2.99%	0.02%	541511	Custom Computer Programming Services
143	3	2.10%	3.98%	0.08%	541512	Computer Systems Design Services
304	7	2.30%	1.49%	0.03%	541611	Strategic Planning Consulting Services
9	0	0.00%	1.99%	0.00%	423410	Photographic Equipment and Supplies Merchant Wholesalers
2	0	0.00%	1.33%	0.00%	812331	Linen Supply
105	0	0.00%	1.00%	0.00%	323111	Commercial Printing
2	0	0.00%	63.05%	0.00%	336120	Heavy Duty Truck Manufacturing
2,162	20	0.93%	100%	0.16%		

At 0.16%, the adjusted goal is much lower than the base figure and is disproportionately underrepresented of the available DBEs within the market area. This figure was lower due to significantly larger projects coinciding with a lack of registered DBEs in the local market area for the following NAICS codes: 524126 Direct Property and Casualty Insurance Carriers (20%) and 336120 Heavy Duty Truck Manufacturing (63%) of total available contracting dollars. As such, GTA will not use the adjusted goal and will instead use the base figure as the goal. GTA's goal will remain effective for the duration of the three-year period established and approved by FTA.

Step Four – Calculating the Race/Gender-Neutral and Race/Gender-Conscious Split

As stated in 49 C.F.R. Part 26.51, an agency must meet the maximum feasible portion of its overall goal by using race/gender-neutral means of facilitating DBE participation. GTA's past participation demonstrates its ability to meet 100% of its DBE program through race/gender-neutral means.

Table 4: Historical DBE Participation - GTA

	Year			
	2015	2016	2017	2018
DBE Dollars	\$ 160,092	\$ 2,335	\$ 124,933	\$ 73,182
Total Contract Dollars Awarded	\$ 872,599	\$ 151,055	\$ 848,929	\$ 73,182
DBE Participation	18.3%	1.5%	14.7%	100.0%

Source: Semi-annual DBE Report (TrAMS)

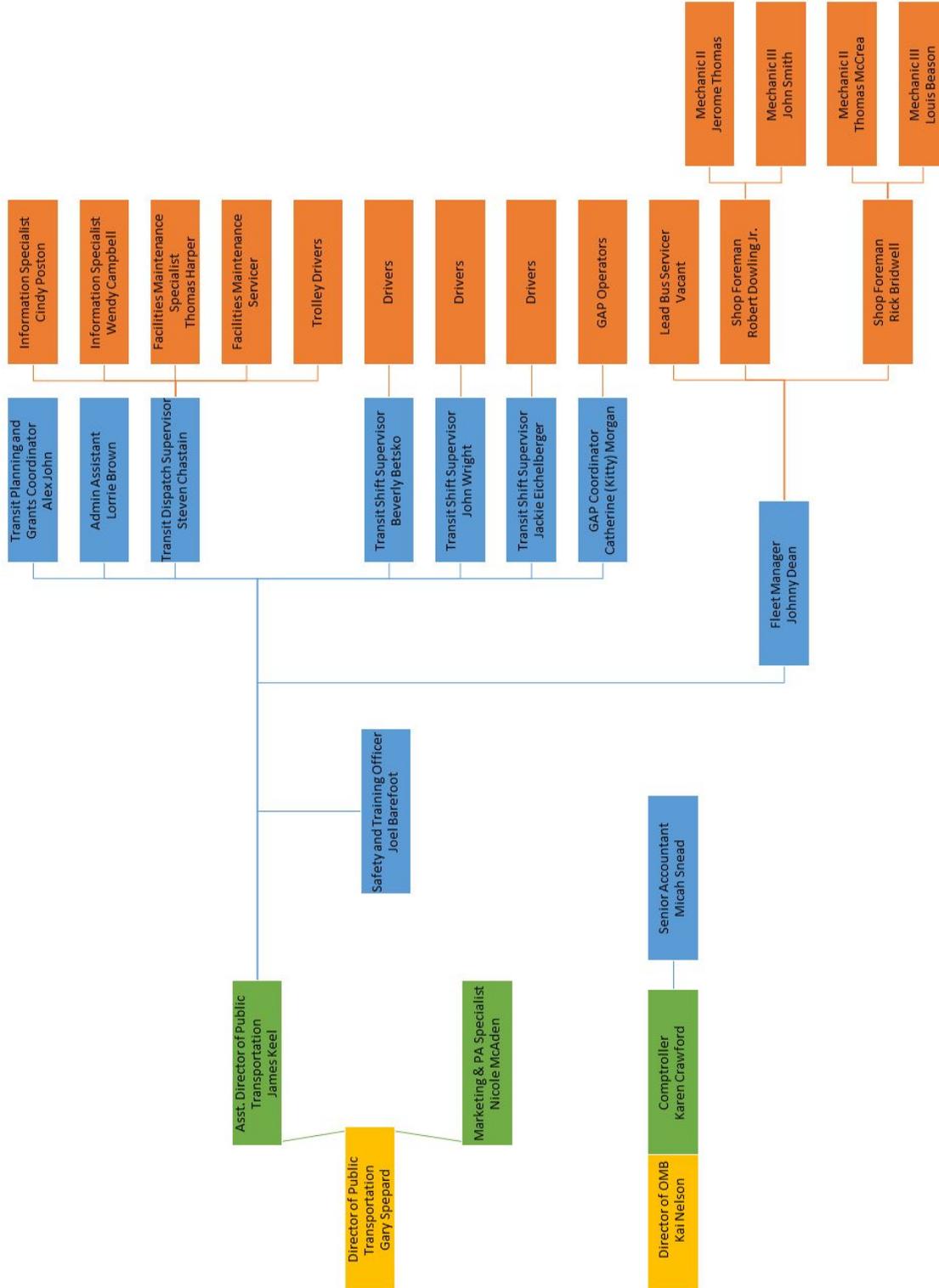
To ensure this goal can be met through race/gender-neutral means, GTA will monitor its program on a semi-annual basis. The DBE Liaison Officer (DBELO) will create a semi-annual report to review with the City of Greenville's Procurement Division and the Director of Public Transportation to advise on agency's position in relation to the goal and to discuss upcoming procurements. Should GTA be in danger of missing its yearly target, GTA will need to establish project-specific DBE goals (race/gender-conscious measure) to meet its goal.

Summary

GTA's overall goal submission to FTA will include the goal and a copy of worksheets used to develop the goal including past participation calculations, census business pattern data tables, and the SCUCP used for calculating the goal.

- A. Contract Dollars Available** – GTA expects 12 contracts totaling \$3,013,500 through the duration of FYs 2019-2021. Given this amount, GTA has set a goal of expending, at a minimum, **\$210,945** on DBE contracts.
- B. Overall Goal** – Based on the above analysis, GTA proposes to establish its FY 2019-2021 overall DBE transit goal of **0.93%** to be met entirely through race/gender neutral measures.
- C. Race-Neutral Measures** – GTA will use the following race-neutral means to increase DBE participation:
 - 1. Training all GTA staff who are involved in procurement about the DBE program and about utilizing DBEs
 - 2. Soliciting new DBEs to participate in GTA procurements
 - 3. Assist existing providers who are eligible for DBE status to register with SCDOT

Appendix 3 - Organization Chart



Exhibits

Exhibit 1: DBE Formula Sheet FY19-21 & Past Participation

Exhibit 2: Census Business Patterns SCDOT D2-4 (06.21.18)

Exhibit 3: SCDOT UCP D2-4 Firm Database (06.21.18)