

# Disadvantaged Business Enterprise Plan

Pursuant To  
Title 49, Code of Federal Regulations, Part 26

*Prepared by*

## **LAFAYETTE CONSOLIDATED GOVERNMENT**

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This program replaces all previously issued LCG regulations and procedures which refer to and/or affect Disadvantaged Business Enterprise matters within LCG operations and activities.

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## DISADVANTAGED BUSINESS ENTERPRISE (DBE) POLICY

### Objectives/Policy Statement Section 26.1, 26.23

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

It is the policy of the *Lafayette Consolidated Government* 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:

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

The Title VI/ADA Coordinator has been delegated as the DBE Liaison Officer. In that capacity, the Title VI/ADA Coordinator is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the *Lafayette Consolidated Government* in its financial assistance agreements with the Department of Transportation.

*Lafayette Consolidated Government* has disseminated this policy statement to the Lafayette City-Parish Council and all of the components of our organization. We will mail this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts.

Lafayette City-Parish Consolidated Government

Joel Robideaux, Mayor-President

Date: \_\_\_\_\_

## **SUBPART A – GENERAL REQUIREMENTS**

### **Section 26.1, 26.23 Objectives**

The objectives are found in the policy statement on the first page of this program.

### **Section 26.3 Applicability**

The *Lafayette Consolidated Government* is the recipient of federal –aid highway funds authorized under Titles I and V of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240, 105 Stat. 1914, Titles I, III, and V of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21, Pub. L. 105-178, 112 Stat. 107.

The *Lafayette Consolidated Government* 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.

### **Section 26.5 Definitions**

The *Lafayette Consolidated Government* will adopt the definitions contained in Section 26.5 of Part 26 for this program.

### **Section 26.7 Non-discrimination Requirements**

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

In administering its DBE program, the *Lafayette Consolidated Government* 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.

### **Section 26.11 Record Keeping Requirements**

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

*Lafayette Consolidated Government* will report DBE participation to the relevant operating administration, *FHWA and/or FTA* using the Uniform Report of DBE Awards or Commitments and Payments, found in Appendix B to the DBE regulation.

#### Reporting to USDOT (26.11(b))

Lafayette Consolidated Government will report DBE participation to the FTA on a semi-annual basis using the Uniform Report of DBE Awards or Commitments and Payments in TrAMS. The semi-annual form is also found in Appendix B to 49 CFR Part 26. These reports will reflect payments actually made to DBEs on DOT-assisted contracts.

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

Lafayette Consolidated Government 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 is consistent with the dollar amounts stated in the schedule of DBE participation.

Bidders List: 26.11(c)

*Lafayette Consolidated Government* will create a bidders list, 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 bidder's list approach to calculating overall goals. The bidder list will include the name, address, DBE non-DBE status, age, and annual gross receipts of firms. We will collect this information in the following ways:

*A contract clause requiring prime bidders to report the names/addresses, and possibly other information, of all firms who quote to them on subcontracts; a notice in all solicitations, and otherwise widely disseminated, request to firms quoting on subcontractors to report information directly to the recipient.*

**Section 26.13 Assurances**

*Lafayette Consolidated Government* has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Federal Financial Assistance Agreement Assurance: 26.13(a)

*Lafayette Consolidated Government* 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. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The recipient'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 the Lafayette Consolidated Government 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.*).

This language will appear in financial assistance agreements with sub-recipients.

Contract Assurance: 26.13b

We 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, 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."*

## **SUBPART B – ADMINISTRATIVE REQUIREMENTS**

### **Section 26.21 DBE Program Updates**

Lafayette Consolidated Government will continue to carry out the Plan until all funds from USDOT financial assistance have been expended. Lafayette Consolidated Government will provide updates to FTA representing significant changes in the Program.

### **Section 26.23 Policy Statement**

The Policy Statement is elaborated on the first page of this program.

### **Section 26.25 DBE Liaison Officer (DBELO)**

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

Shaun P. Williams, Title VI/ADA Coordinator  
Lafayette Consolidated Government  
P.O. Box 4017-C  
Lafayette, LA 70502  
337-291-8410  
Swilliams2@lafayettela.gov

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the *Lafayette Consolidated Government* complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to Chief Administrative Officer 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 DBELO has a staff of 1 employee to assist in the administration of the program. 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 (both race-neutral methods and contract specific goals attainment and identifies ways to improve progress.
6. Analyzes *Lafayette Consolidated Government* progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO\governing body on DBE matters and achievement.
9. Chairs the DBE Advisory Committee.
10. Participates in pre-bid meetings.
11. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
12. Plans and participates in DBE training seminars.
13. Certifies DBEs according to the criteria set by DOT and acts as liaison to the Uniform Certification Process in Louisiana.
14. Provides outreach to DBEs and community organizations to advise them of opportunities.
15. Maintains the Lafayette Consolidated Government's updated directory on certified DBEs.

## **Section 26.27 DBE Financial Institutions**

It is the policy of the *Lafayette Consolidated Government* 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. We have made the following efforts to identify and use such institutions:

Research local banking organizations,  
Review of local business publications and  
Review of publications specifically discussing socially and economically disadvantaged businesses.

To date we have identified the following such institutions in New Orleans and the surrounding areas.

Liberty Bank and Trust Company  
Dryades Savings Bank, F.S.B.  
United Bank and Trust Company  
Lincoln Community Federal CU  
P.A. Federal Credit Union

We will also re-evaluate the availability of DBE financial institutions annually. Information on the availability of such institutions can be obtained from the DBELO.

## **Section 26.29 Prompt Payment Mechanisms**

The following procedures will be implemented to comply with 49C.F.R. Section 26.29.

### Prompt Payment: 26.29(a)

*Lafayette Consolidated Government* 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 ten (10) work days from the receipt of each payment the prime contractor receives from Lafayette Consolidated Government. The prime contractor agrees further to return retainage payments to each subcontractor within ten (10) work days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of Lafayette Consolidated Government. This provision applies to both DBE and non-DBE subcontractors.

The prime contractor must, in writing, request the delay or postponement at least five (5) work days in advance of the date that the payment in question is due to be made to the subcontractor(s) and must state the reasons upon which such request is made. In the event that a delay or postponement is approved, the prime contractor must include interest, at the prevailing rate, as a part of any such delayed or postponed payment to any subcontractor. A copy of any request for delay or postponement of any payment shall be provided by the prime contractor to any affected subcontractor at the same time that such request is submitted to Lafayette Consolidated Government for approval.

In the event that the prime contractor does not comply with the prompt payment contract clause, the Authority may impose one, or more, of the following penalties:

- Suspension of all payments to the prime contractor until such time that all subcontractors are fully paid, together with interest, at the prevailing rate, for a first offense.
- Suspension from participation in DOT-assisted Lafayette Consolidated Government contracts for a period of time to be determined by Lafayette Consolidated Government.

- Any other remedy deemed to be appropriated by Lafayette Consolidated Government, including holding in a reserve or escrow account those funds due to unpaid DBE and non-DBE subcontractors.

In the event that such violation of this provision shall continue after a first offense, Lafayette Consolidated Government may:

- Again suspend payment(s) to the prime contractor as set forth in this Section;
- Require the prime contractor to submit the third party administration of its payment disbursements involving DOT-assisted Lafayette Consolidated Government contracts; and/or
- Ban the prime contractor from all future participation on DOT-assisted Lafayette Consolidated Government contracts.

Prime contractors shall include in their contracts with subcontractors a provision that provides for the use, by prime contractors and subcontractors, of alternative dispute resolution mechanisms to resolve payments disputes. Such provisions shall be submitted to Lafayette Consolidated Government for written approval as a condition of responsiveness to the 49 CFR Part 26 requirements.

All DOT-assisted Lafayette Consolidated Government contracts shall also contain the following provision:

- No prime contractor shall be reimbursed by LCG for work performed by any subcontractor unless and until the prime contractor shall have ensured LCG that the subcontractors are promptly paid for the work that they have performed.

In its discretion, LCG will deposit payments to a third-party escrow account with a financial institution or other appropriate entity with instructions for the third party to make designated payments to both the prime contractor and subcontractors. The prime contractor shall bear the cost of any expense related to the third-party services pertaining hereto.

Retainage: 26.29(b)

Lafayette Consolidated Government will release retention for completed subcontractor work subject to the following conditions. When Contractor deems that a particular subcontractor's work is satisfactorily completed, Contractor must certify to Lafayette Consolidated Government in writing, with its next application for payment that the subcontractor's work is satisfactorily completed and must include in its Contractor's application for payment an invoice for partial release of retention withheld under the Contract to the extent of that portion of the subcontract not previously paid by Lafayette Consolidated Government to Contractor. Contractor's invoice must identify the full amount of the subcontract, less any progress payments previously made by Lafayette Consolidated Government for any portion of the subcontract. In addition, Contractor must submit, with each application for partial release of retention to a subcontractor, an unconditional waiver and release upon final payment, executed by the subcontractor that all their work is satisfactorily completed. Failure to submit such unconditional waivers with a request for partial release of retention will be the grounds to reject that payment application. The form of unconditional waiver and release will be provided by Lafayette Consolidated Government.

Monitoring and Enforcement: 26.29(d)

Lafayette Consolidated Government will establish the following procedure and contract language to monitor and enforce that prompt payment and return of retainage is in fact occurring.

**Prompt Payment**

With each application for payment, Contractor must submit to Lafayette Consolidated Government an unconditional waiver and release upon progress payment executed by the subcontractors that were due payment from the previous partial payment. Failure to submit such unconditional waivers with a payment application will be the grounds to reject that payment application.

**Return of Retainage**



Contractor must submit, with each application for partial release of retention to a subcontractor, an unconditional waiver and release upon final payment, executed by the subcontractor that all their work is satisfactorily completed. Failure to submit such unconditional waivers with a request for partial release of retention will be the grounds to reject that payment application. The form of unconditional waiver and release will be provided by Lafayette Consolidated Government.

The Lafayette Consolidated Government 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 or debarment of Program Fraud and Civil Penalties rules) provided in Section 26.107.

#### Section 26.31 Directory

Lafayette Consolidated Government is a Non-Certifying (NCM) of Louisiana's Unified Certification Program (UCP). LCG uses the Louisiana UCP DBE directory maintained by Louisiana Department of Transportation and Development which identifies all firms eligible to participate as DBE's. The directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. The UCP DBE directory is revised and updated daily by the Louisiana Department of Transportation and Development. The directory may be found at <http://www8.dotd.louisiana.gov/UCP/UCPSearch.aspx>

The directory may be found in Attachment 2 to this program document.

#### **Section 26.33 Overconcentration**

*Lafayette Consolidated Government* has not identified that over-concentration exists in the types of work that DBEs perform. LCG will reexamine whether overconcentration exists on an annual basis.

#### **Section 26.35 Business Development Programs**

Lafayette Consolidated Government's Small and Emerging Business Program was adopted by resolution on October 16, 2001 to increase the inclusion of Small and Emerging Businesses (SEB) in the government's purchase of goods and services. The objectives of this program are:

1. To utilize all Lafayette Consolidated Government's recognized Small and Emerging Businesses in all work, projects, and contracts.
2. To create a level playing field for all Lafayette Consolidated Government's recognized Small and Emerging Businesses in all work, projects, and contracts.
3. To insure non-discrimination in award of administration of work, projects, and contracts to Small and Emerging Businesses.
4. Promote Economic Development by increased tax revenues.
5. Increasing competition for Lafayette Consolidated Government's contracts by promoting the use of local businesses.

The requirement to enter Lafayette Consolidated Government's Small and Emerging Business is a small for-profit business that is 60% owned by an individual who is:

- 1, U.S. Citizen and Louisiana resident for 1 year
2. Principle place of business in Louisiana
3. Ability to compete in a free enterprise system has been impaired due to diminished capital and credit opportunities.
4. Personal net worth less than \$200,000
5. Business net worth less than \$750,000

In Lafayette Consolidated Government's Small and Emerging Program participants shall be certified with a government agency as small business that uses previous definition such as Louisiana Department of

Economic Development, Small Business Administration as Small Disadvantaged Business and the Department of Transportation as a Disadvantaged Business Enterprise. Lafayette Consolidated Government will keep a directory with certified businesses that is distributed to all departments and divisions responsible for making purchasing decisions. Lafayette Consolidated Government Small and Emerging Business Directory will also be included in all bid documents and mailed to winners of Lafayette Consolidated Government contracts to help them consider using Small and Emerging Businesses and gives their contact information.

Lafayette Consolidated Government will provide race-neutral and gender-neutral efforts to promote small business concerns including DBE's, Lafayette Consolidated Government contracting opportunities through business development programs. Each year the DBE Liaison Officer will facilitate at least two small business events. Small business will be invited to meet with Lafayette Consolidated Government DBE Programs, Purchasing and Project Management staff, and learn about Lafayette Consolidated Government's contracting opportunities. Lafayette Consolidated Government staff will have an opportunity to become acquainted with qualified business owners who are interested in supplying services and products to LCG. In addition, the DBE Liaison Officer will provide information on DBE certification and DBE Program requirements and procedures. These events will include procedures explaining how to do business with Lafayette Consolidated Government and explore business practices which may be used to market small businesses at LCG.

Any interested persons that would like to obtain information regarding the Small and Emerging Program should contact:

Shaun P. Williams, Title VI/ADA Coordinator  
Lafayette Consolidated Government  
P.O. Box 4017-C  
Lafayette, LA 70502  
337-291-8410  
Swilliams2@lafayettela.gov

### **Section 26.37 Monitoring and Enforcement Mechanisms**

The Lafayette Consolidated Government will monitor and provide written certification for every contract/project on which DBE's are in fact performing the work. LCG will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. LCG 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.
2. LCG will consider similar action under LCG's own legal authorities, including responsibility determinations in future contracts. LCG has available several contract remedies to enforce DBE compliance including suspension of any payment or part thereof until such time as the issues concerning compliance are resolved, work stoppage, liquidated damages for failure to meet DBE contract goals, termination, suspension, or cancellation or to the breach of contract actions, pursuant to the terms of the contract and applicable statutes. In addition, the federal government has available several enforcement mechanisms that it may apply to firms participation in DOT assisted procurements including, suspension or debarment proceedings pursuant to 49 CFR part 26, enforcement action pursuant to 49 CFR part 31, and prosecution pursuant to 18 USC 1001. LCG as appropriate will use the regulations, provisions, and contract remedies available in the event of non-compliance with the DBE regulation by a participant in LCG's procurement activities. Attachment 3 lists the regulation, provisions, and contract remedies available to us in the events of non-compliance with the DBE regulation by a participant in our procurement activities.
3. LCG 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 monthly field reviews and DBE contractor interviews. LCG will maintain written certifications that the contracting

records have been reviewed and the work sites have been monitored. DBE monitoring will also be done in conjunction with monitoring of contract performance for other purposes (e.g., close-out reviews for a contract) and may be at times performed by Project Managers, and engineering and construction management staff.

4. LCG will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award. With each application for payment the Contractor must submit monthly reports summarizing DBE activity and payments (Form – 6 Monthly Subcontractor Utilization Report). This report shows, for each DBE, the contract amount, the amount paid to the DBE, and the total amount paid to the DBE to date.

5. The DBELO 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 amount stated in the schedule of DBE participation.

### **Section 26.39 Small Business Provision**

Lafayette Consolidated Government will incorporate the State of Louisiana Hudson Initiative Directory into LCG's vendor list for current and future contracts. The State of Louisiana has unique procurement laws requiring capital item purchases to be awarded to the lowest responsible and responsive bidder. Every effort however will be made to keep the procurement on a level field so that small businesses may respond.

LCG's Purchasing Department will avoid unnecessary bundling of contract requirements. For procurements of \$1,000,000 and greater, 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 DBE's, can reasonably perform. The prime contractor will be required to document how the bid was structured to allow for small business, including DBE's to participate and how obstacles were eliminated to facilitate competition by small businesses. The DBELO and Purchasing Manager, as needed, will review procurements to determine if there are unbundling opportunities prior to procurement solicitation, and if opportunities are found, LCG will stratify the project to maximize the bid opportunity for small businesses, including DBE's in the procurement.

When and where appropriate opportunities exist, LCG will encourage bidders on large contracts to identify and/or provide specific structuring of procurements to facilitate bid and awards to small businesses and/or consortia and joint ventures, etc. LAC will look at all procurements for small business and DBE opportunities, not just unbundling \$1 Million plus procurements. LCG's small business provision will be an active part of the DBE program but will not replace or act as a substitute for other critical element of the DBE program, including use of contracts, good faith efforts, etc.

LCG is part of the State of Louisiana Department of Transportation and Development's Unified Certification Program (LAUCP). The method to verify business size utilizes the eligibility standards and guidelines set forth in the regulation (49 CFR 26 and updated regulations) and includes an application submitted with a notarized statement under penalty of perjury. Information on eligibility and documentation that meets the eligibility standards (business size, ownership and control) is included in the application. Each individual owner's personal net worth may not exceed \$1.32 million, and the business net worth at the time of application may not exceed \$22.41 million.

Applications for certification, along with accompanying documentation shall be examined and evaluated to determine if the applicant meets the eligibility standards. Decisions will be made within 90 days which may be extended for an additional 60 days upon written notice to the applicant, explaining fully and specifically the reason for the extension.

A desk audit will as be conducted and items that pertain to small businesses will be reviewed. An on-site review will be performed at the applicant's office and any job site which the applicant is working unless the LADOTD accepts the certification from another DOT recipient, who included an on-site visit.

The LADOTD or the other recognized certifying agencies are responsible for verifying that the applicant meets all the edibility standards of 49 CFR 26 and updated regulations. Those that are approved will be added to the LAUCP's directory of certified businesses, and if not, the applicant will be notified of the decision in writing with specific reasons for denial. LCG will solicit other programs through such entities to constantly review other program strategies and, when appropriate, incorporate them into LCG's DBE plan.

The specific timeframes include the LADOTD which is ongoing operationally now. LCG's timeframe is as follows:

November of Each Year – LCG's DBELO will work with LCG's various departments (Operations, Transit, Maintenance, and Administration) to develop Program of Projects and identify small business and DBE potential. Once identified, the LCG Purchasing Department will be made aware of any small business opportunities and asked to structure procurement so that small businesses and DBE's can participate in these identifies procurements. LCG's DBELO will actively interact with potential vendors once a procurement item or service has been identified during the Program of Projects process. Throughout the year, the DBELO will review the budget and monitor selected projects that have small business and DBE procurement opportunities.

Ongoing of Each Year – To demonstrate active, effective efforts to increase small business participation, the DBELO will look for existing and potential small business and DBE procurement opportunities.

LCG will network with other existing programs such as the Baton Rouge City-Parish "Fair Share Program for Equal Business Opportunity" which is administered by an independent contractor reporting to the Mayor's Office.

LCG will also network with Louisiana Department of Economic Development which as a Small and Emerging Business Development Program (SEBD). The program offers online training for professional development classes, performance support, technical skills training and more. This includes the Louisiana Initiative for Small Entrepreneurships (Hudson Initiative) and the Louisiana Initiative for Veteran and Service and Service-Connected Disabled Veteran-Owned Small Entrepreneurships (the Veteran Initiative).

LCG's DBELO will actively search and assist small business and DBE businesses in identifying and eliminating any barriers which may have an adverse impact upon their participation in LCG projects. LCG announces all procurements on its website and encourages DBE's and small businesses to participate in all procurements. LCG's website also includes an application for vendors to complete if they are interested in doing business with LCG. LCG makes special efforts to identify potential bidders and emails procurements to interested vendors via "blind" copy.

## **SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING**

### **Section 26.43 Set-asides or Quotas**

The *Lafayette Consolidated Government* does not use quotas in any way in the administration of this DBE program.

### **Section 26.45 Overall Goals**

In accordance with Section 26.45, the *Lafayette Consolidated Government* will submit its triennial overall DBE goal to *FHWA and/or FTA* on August 1 of the year specified *FHWA, and/or FTA*.

*Lafayette Consolidated Government* will also request use of project-specific DBE goals as appropriate, and/or will establish project-specific DBE goals as directed by *FHWA, and/or FTA*.

*Lafayette Consolidated Government* will establish triennial overall goals if we anticipate that we will award prime contracts exceeding \$250,000 if FTA and/or FHWA funds in a Federal fiscal year in accordance with the two-step process as specified in 49 CFR Part 26.45. If the *Lafayette Consolidated Government* does not anticipate awarding more than \$250,000 in FAA funds in prime contracts within the Federal fiscal year, we will not develop an overall goal; however the existing DBE program will remain in effect and the *Lafayette Consolidated Government* will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

*Lafayette Consolidated Government* will triennially establish overall goals in accordance with the 2-Step process as specified in 49 CFR Part 26.45. The first step is to determine the relative availability of DBEs in the market area, "base figure". The second step is to adjust the "base figure" percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination based on past participation, a disparity study and/or information about barriers to entry to past competitiveness of DBEs on projects.

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 4 to this program.

In accordance with Section 24.45(f) the *Lafayette Consolidated Government* will submit its overall goal to DOT on August 1 of the three-year period established and FHWA and/or FTA. In establishing the overall goal, *Lafayette Consolidated Government* will consult with minority, women's and general contractor groups, community organizations, and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the *Lafayette Consolidated Government's* efforts to establish a level playing field for the participation of DBEs.

Following this consultation, we will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at:

Lafayette Consolidated Government  
Community Development Department  
705 West University Avenue  
Lafayette, LA 70502

The proposed goals will be available for 30 days following date of the notice, and informing the public that *Lafayette Consolidated Government* and DOT will accept comments on the goals for 45 days from the date of the notice. Notice will be issued in general circulation media and available minority-focus media and trade publications, websites. Normally, we will issue this notice by June 1 of the three-year period established and FHWA and/or FTA. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

Lafayette Consolidated Government overall goal submission to DOT will include: the goal (including the breakout of estimated race-neutral and race-conscious participation, as appropriate); a copy of the methodology, worksheets, etc., used to develop the goal; a summary of information and comments received during this public participation process and our responses; and proof of publication of the goal in media outlets listed above.

Prior to publication of the overall goal, Lafayette Consolidated Government consults with the following agencies: City of Lake Charles, Lafayette Chamber of Commerce, Greater Southwest Louisiana Black Chamber of Commerce, Lafayette Economic Development Authority, Small Business Development Center at University of Louisiana at Lafayette, Women's Business Center, Acadiana Regional Development District, England Airpark in Alexandria, LA, Lafayette Regional Airport, Capital Area Transit System in Baton Rouge, LA and Louisiana Department of Transportation and Development.

Lafayette Consolidated Government will use the overall goal on October 1 of the specified year, unless other received other instructions from DOT. If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project. Our goal will remain effective for the duration of the three-year period established and approved by *FHWA and/or FTA*.

### **Section 26.47 Goal Setting and Accountability**

If the awards and commitments shown on Lafayette Consolidated Government'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. Submit the plan to *FHWA and/or* within 90 days of the end of the affected fiscal year.

### **Section 26.49 Transit Vehicle Manufacturers Goals**

LCG 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 requirement of 49 CFR 26.49(b).

LCG will not include FTA assistance used in transit vehicle procurements in the base amount from which its overall goal is calculated.

LCG may, with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of complying with the procedures set forth in 49 CFR 26.49.

Registrations and filings by DBE and non-DBE firms shall be considered filed or registered as of the date and time stamp affixed by the electronic service for purposes of determining whether a registration or filing is timely or within an applicable due date.

#### Policy

As a recipient of Federal Transit Administration grant funds, Public Works Transit Division is required to adhere to policies and procedures as outlined in the Code of Federal Regulations 2 CFR part 200. This rule applies to uniform administrative requirements, cost principles, and audit requirements for federal awards.

The Transit Division will adhere to the practices and policies as outlined herewith and in conjunction with other federal practices and guidance.

The Transit Vehicle Manufacturer Report shall be submitted to the FTA within 30 days of making an award (and exercising a control renewal/option), the name of the successful transit vehicle manufacturer and the total dollar value of the contract (49 CFR 26.49) using the Transit Vehicle Award Report form.

The FTA report form and instructions can be found at:

<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/eligible-transit-vehicle-manufacturers>

LCG sub-recipients shall contact LCG to assist with completion and submission of the Transit Vehicle Report form. Completed forms are to be kept in the procurement file.

### **Section 26.51 Meeting Overall Goals/Contract Goals**

Lafayette Consolidated Government will meet the maximum feasible portion of its overall goal using race-neutral means of facilitating DBE participation. DBE participation that is obtained on contracts that have no specific DBE goal, or where prime contractors use a strictly competitive bidding process or do not consider the DBE's status as a DBE in awarding a subcontract shall be considered race-neutral DBE participation. In addition, LCG will use the following measures as appropriate:

1. Will achieve race-neutral goals to increase DBE participation through community outreach and business development efforts.
2. Arrange solicitation, times for the presentation of bids, quantities and specifications in ways that will facilitate DBE, and other small business participation.
3. Un-bundle large contracts to make them more accessible to small businesses, in some cases, requiring and always encouraging prime contractors to subcontract portions of work that they may have otherwise performed with their own workforces.
4. Ensure that the LAUCP Directory is distributed to the widest feasible universe of potential prime contractors.

The *Lafayette Consolidated Government* will use contract goals to meet any portion of the overall goal *Lafayette Consolidated Government* does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

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

We will express our contract goals as a percentage of [*total amount of a DOT-assisted contract*] or [*the Federal share of a DOT-assisted contract*].

The following parameters apply to contract goals:

1. Goals can only be set on DOT-assisted contracts with subcontracting possibilities.
2. LCG need not establish a contract goal on every such contract, and the size of the contract goals will be adapted to the circumstances of each contract (e.g., type and location of work, availability of DBE's to perform the particular type of work).
3. The goal for a specific contract may be higher or lower than the percentage level of the overall goal, depending on such factors as the type of work involved, the location of the work, and the availability of DBEs for the work of the particular contract.
4. Contract goals will include participation by all certified DBEs and will not be subdivided into group-specific goals.

If *Lafayette Consolidated Government* uses race-conscious means to achieve DBE participation the following measures will be use;

1. Increase DBE participation through community outreach and business development efforts.
2. Arrange solicitation, times for the presentation of bids, quantities, and specifications in ways that will facilitate DBE participation.
3. Encourage the Purchasing Department to unbundle large contracts to make them more accessible to small businesses.
4. Encourage prime contractors to subcontract portions of work that they may have otherwise performed with their own workforces.
5. Providing information and communications programs on contracting procedures and specific contract opportunities.
6. Ensure inclusion of DBE's and small businesses list in bid documents and ensure lists regarding potential subcontractors are disseminated to prime bidders on contracts.
7. Ensure that the LAUCP Directory is distributed to the widest feasible universe of potential prime contractors.

To ensure that the DBE program is narrowly tailored to overcome the effects of discrimination, LCG will adjust its contract goals as follows:

- 1) If LCG projects that the entire overall goal can be accomplished for a given year through race-neutral means, no contract goals will be set for that year.
- 2) If during the course of any year in which contract goals are used LCG determines that it will exceed its overall goal, LCG will reduce or eliminate the use of contract goals to the extent necessary to ensure that the use of contract goals does not result in exceeding the overall goal. If LCG determines that it will fall short of its overall goal, appropriate modifications will be implemented in the use of race-neutral and –conscious measures to allow the overall goal to be met.
- 3) If the DBE participation obtained by race-neutral means alone meets the overall goals for two consecutive years, contract goals will not be set on any contracts during the next year. Only race-neutral means will continue to be used thereafter to meet overall goals unless and until such time as the overall goals are not met for a year.
- 4) If DBE participation through the use of contract goals exceeds LCG’s overall goal in two consecutive years, use of contract goals will be reduced proportionately in the following year; or
- 5) In any year the LCG projects meeting part of its goal of its goal through race-neutral means and the remainder through contract goals, data will b maintained separately on DBE achievements in those contracts with and without contract goals, respectively. This data will be reported to the FTA as required by 49 CFR 26.11.

**Section 26.53 Good Faith Efforts Procedures**

Award of Contracts with a DBE Contract Goal: 26.53(a)

In those instances where a contract-specific DBE goal is included in a procurement/solicitation, Lafayette *Consolidated Government* 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.

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

The obligation of each bidder/proposer on a DOT-assisted contract is to make good faith efforts to meet the contract goal. The bidder/proposer can demonstrate that it has done so by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26.

LCG will ensure that all good faith effort information supplied by each bidder/proposer is complete, accurate, and adequately documented before the award of any contract.

The DBE Liaison Officer is responsible for determining whether a bidder/proposer has made sufficient good faith efforts.

Information to be Submitted: 26.53(b)

LCG treats bidder/offersors’ compliance with good faith efforts requirements as a matter of responsibility. When a DBE Goal has been established for a proposed contract, the bidding contractor shall demonstrate a good faith effort to meet the DBE goal before LCG will accept their bid or proposal. Evidence of a good faith effort must be submitted by a bidder upon submission of their Proposal.

Each solicitation for which a contract goal has been established will require the bidders/offersors 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 will be required to be submitted to LCG within three business days of the due date of the bid or offer.

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

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

The Lafayette Consolidated Government DBELO, in collaboration with LCG staff, 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 responsive. LCG's evaluation of good faith efforts will be conducted in accordance with Appendix A to Part 26 – Guidance Concerning Good Faith Efforts

The processes used by Lafayette Consolidated Government to determine whether good faith efforts have been made by a bidder are as followed:

If bidder or proposer does not meet the established DBE goal, and is required to submit documentation of good faith effort, then a good faith efforts submission shall be provided within three business days from the bid/proposal submittal date, which shall include a signed DBE Good Faith Efforts Checklist (form provided by LCG) and supporting documentation that the bidder/proposer made a good faith effort to meet the goal. LCG may allow a longer period based on submittal of a request demonstration good cause for such extension. Good faith efforts at a minimum include, without limitation, the following where applicable:

- A. Attendance at the pre-bid meeting
- B. Advertisement in trade association newsletters and minority focused media within a reasonable time before bids are due for specific sub-bids that would be at least equal to the percentage goal for DBE utilization specified for the project.
- C. Notification in writing to minority contractor associations within a reasonable time before bids are due of a solicitation for specific sub-bids.
- D. Direct negotiation with DBE's for specific sub-bids.
- E. A report with:
- F.
  1. A detailed statement of the efforts made to negotiate with DBE's including at a minimum (a) the names, addresses, and telephone numbers of DBE's who were contacted; (b) a description of the information provided to DBE's regarding the plans and specifications for portions of the work to be performed; and (c) a detailed statement of the reasons why additional prospective agreements with DBE's, if needed to meet the stated goal were not reached.
  2. A detailed statement of the efforts made to select portions of the work proposed to be performed by the DBE's in order to increase the likelihood of achieving the stated goal.
  3. As to each DBE contacted which the bidder considers unqualified, a detailed statement of the reasons for the bidder's conclusion.
  4. As to each DBE contacted which the bidder considers to be unavailable, a statement from the bidder that the DBE refused to give such written certification after reasonable request, and a detailed statement from the bidder of the reasons for the bidder's conclusion.
  5. The name(s) of the certified DBE's whose bid(s) were rejected, the description of the work, price quote(s), and an explanation why they were rejected. Also provide the name(s), description of the work, and price quote(s) of the non-DBE subcontractors whose bids were accepted.

Lafayette Consolidated Government will ensure that all information is complete and accurate and adequately documents the bidders/offer's good faith efforts before LCG commits to the performance of the contract by the bidder/offeror.

Administrative Reconsideration: 26.53(d)

Within 10 days of being informed by Lafayette Consolidated Government that it is not [*responsive or responsible*] because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

Mark Dubroc  
Director of Public Works  
Lafayette Consolidated Government  
P.O. Box 4017-C  
Lafayette, LA 70502  
337-291-8502  
mdubroc@lafayettela.gov

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.

Good Faith Efforts when a DBE is Terminated/Replaced on a Contract with Contract Goals: 26.53(f)

*Lafayette Consolidated Government* requires that prime contractors not terminate a DBE subcontractor listed on a bid/contract with a DBE contract goal without *Lafayette Consolidated Government* 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.

Before transmitting to *Lafayette Consolidated Government* 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 Lafayette Consolidated Government prior to consideration of the request to terminate. The DBE will then have five (5) days to respond and advise *Lafayette Consolidated Government* of why it objects to the proposed termination

In those instances where "good cause" exists to terminate a DBE's contract, *Lafayette Consolidated Government* 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. We will require the prime contractor to notify the DBE Liaison officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, we will require the prime contractor to obtain our 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, 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.

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 the *Lafayette Consolidated Government* 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/offerors, including those who qualify as a DBE. A DBE contract goal of 3.0% percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 1), to meet the contract goal for DBE 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; (5) Written confirmation 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.

### **Section 26.55 Counting DBE Participation**

Lafayette Consolidated Government will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

### **Section 26.55 Commercially Useful Function**

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

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

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

When a DBE is presumed not to be performing a commercially useful function as provided in the Section, the DBE may present evidence to rebut this presumption. LCG may determine that the firm is performing a commercially useful function given the type of work involved and normal industry practices. LCG's decisions on commercially useful function matters are subject to review by the FTA but are not administratively appealable to USDOT.

## **SUBPARTS D & E- CERTIFICATION**

### **Section 26.61 – 26.73 Certification Process**

*Lafayette Consolidated Government* will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. We will make our certification decisions based on the facts as a whole.

For information about the certification process or to apply for certification, firms should contact:

Rhonda M. Wallace  
Louisiana Department of Transportation and Development  
DBE/SBE Program Manager  
P.O. Box 94245  
Baton Rouge, LA 70804-9245  
(225)379-1762

Our certification application forms and documentation requirements are found in Attachment 6 of this program.

### **Section 26.81 Unified Certification Programs**

*Lafayette Consolidated Government* is the member of a Unified Certification Program (UCP) administered by Louisiana Department of Transportation and Development. The UCP will meet all of the requirements of this section. *Lafayette Consolidated Government* will use and count for DBE credit only those DBE firms certified by the Louisiana Department of Transportation and Development.

The *Lafayette Consolidated Government* will follow all processes outlined by the Louisiana Unified Certification Program (LAUCP) administered by the Louisiana Department of Transportation and Development. The LAUCP can be found in Attachment 6 to this program.

### **Section 26.83-26.91 Procedures for Certification Decisions**

Any firm or complainant may appeal a [state UCP's] decision in a certification matter to DOT. Such appeals may be sent to:

U.S. Department of Transportation  
Office of Civil Rights Certification Appeals Branch  
1200 New Jersey Ave. SE  
West Building, 7<sup>th</sup> Floor  
Washington, D.C. 20590

## **SUBPART F – COMPLIANCE AND ENFORCEMENT**

### **Section 26.109 Information, Confidentiality, Cooperation**

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. 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) without the written consent of the submitter.

#### Monitoring Payments to DBEs

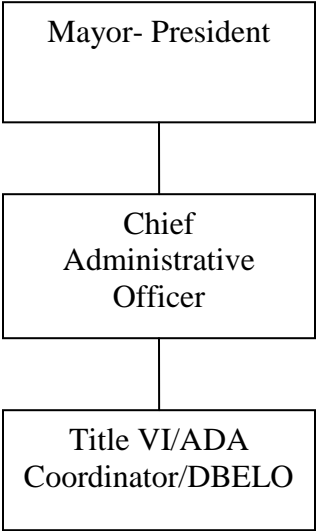
We will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the Lafayette Consolidated Government or DOT. This reporting 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.

## **ATTACHMENTS**

- A. Organizational Chart**
- B. DBE Directory**
- C. Goal Setting Timeline**
- D. FFY 2020-2022 Goal Setting Methodology**
- E. Breakout of Estimated Race-Neutral and Race-Conscious Participation**
- F. Monitoring and Enforcement**
- G. Good Faith Efforts Forms**

**Attachment A**  
**Organizational Chart**



## **Attachment B** **DBE Directory**

Lafayette Consolidated Government maintains a directory identifying vendor firms and notes those eligible to participate as DBE's. The directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. LCG uses the Unified Certification Program Directory from the Louisiana Department of Transportation and Development to identify all firms eligible to participate as DBE's. LADOTD directory is statewide/national and is continually updated. LCG DBELO maintains a copy of the directory at Lafayette Consolidated Government office at 705 W. University Avenue, Lafayette, LA 70502 (Phone 337-278-9907) or it can be seen on-line at the following web sites:

LA-DOTD DBE Program Info and Louisiana Certifying Agencies

<http://www8.dotd.la.gov/UCP/Home.aspx>

LA-DOTD DBE Directory Search

<http://www8.dotd.la.gov/UCP/UCPSearch.aspx>

Other Program Links:

Compliance Programs Sections, LADOTD, P.O. Box 94245, Baton Rouge, LA 70804, (225)-379-1382

DBE Program Specialist (225)379-1494; Compliance Program s Director (225)379-1363

[www.dotd.state.la.us](http://www.dotd.state.la.us)

LA-DOTD DBE Program Info and Louisiana Certifying Agencies

<http://www8.dotd.la.gov/UCP/Home.aspx>

LA-DOTD DBE Program Application

<http://www8.dotd.la.gov/UCPU/UniformCertifAppInstruction.pdf>

LA-DOTD DBE Uniform Certification Application Supporting Documents Checklist

<http://www8.dotd.la.gov/UCP/SupportingDocsChecklist.pdf>

DBE Applicant's Personal Financial Statement

<http://www8.dotd.la.gov/UCP/sba413-PersonalFinancialStatement.pdf>

LA-DOTD DBE Directory Search

<http://www8.dotd.la.gov/UCP/UCPSearch.aspx>

LA-DOTD DBE Directory Work Item Categories

<http://www8.dotd.la.gov/UCP/UCPWorkItems.aspx>

LA-DOTD DBE Certification Mailing Instructions

<http://www8.dotd.la.gov/UCP/MailingInstructions.pdf>

Lafayette Consolidated Government., 705 West University, Lafayette, LA 70502: (337)291-8400

<http://lafayettela.gov>

Louisiana Department of Economic Development

[Http://smallbiz.louisianaforward.com/sebdinformation.htm](http://smallbiz.louisianaforward.com/sebdinformation.htm)

**Attachment C**  
**DBE Goal Setting Procedure/Timeline**

LCG intends to use race and gender neutral methods to the maximum extent feasible to achieve its overall triennial goal. DBE participation that is obtained on contract that have no specific DBE goal, or where prime contractors use a strictly competitive bidding process or do not consider the DBE's status as a DBE in awarding a subcontract shall be considered race and gender neutral DBE participation. Additionally, LCG will use the following procedures as appropriate.

**Procedure**

1. Send traffic and transportation division a memo requesting the anticipated FTA-funded projects/contracts within the triennial period to determine work classifications.
2. Obtain list of DBE's and willing and able DBE's from economic development agencies with LCG's market area.
3. Calculate DBE Triennial goal using most current US Census data to
4. Hold Group Consult meeting with the economic development agencies within LCG's market area. Present the proposed DBE Goal and solicit feedback from the economic development agencies in the market area.
5. Collect DBE data from the consultations.
6. Send proposed DBE Goal to CAO for public notice approval.
7. Public DBE goal on LCG's website for 30 days comment period.
8. Collect and document DBE Goal comments within comment period.
9. Submit DBE Goal & Rational to FTA (letter only--unless major changes made to goal narrative) prior to August 1<sup>st</sup>.



**TENATIVE TIMELINE FOR TRIENNIAL DBE GOAL**

<b>DATE</b>	<b>TASK NAME</b>	<b>DURATION</b>	<b>START</b>	<b>FINISH</b>
2/24/21	Memo to Traffic & Transportation staff	2 Weeks	2/24/21	3/5/21
3/15/21	Obtain lists of DBEs from Capital Transit, Lake Charles, Baton Rouge, SBA, DOTD, and LCG Purchasing	3 Days	3/15/21	3/17/21
4/16/19	Group Consult Meeting with LEDA, WBC, Micro Business, Capital Transportation, City of Lake Charles Transit, City of Baton Rouge	1 Day	4/2/21	4/2/21
4/20/21	Begin collecting DBE data from Consultations	3 Days	4/5/21	4/7/21
4/21/21	Publish goal Public Notice on LCG Website and Public Notice approval by CAO	1 Day	4/21/21	4/21/21
4/25/10	Start Date for Comments on DBE Goal	30 Days	4/25/10	5/25/21
6/8/10	Deadline for Comments on DBE Goal	31 Days	4/25/21	5/26/21
Prior to Aug 1st, 2021	Submit DBE Goal & Rational to FTA (letter only--unless major changes made to goal narrative)			

## Attachment D

### FFY 2020-2022 Goal Setting Methodology Section 26.45: Overall Goal Calculation

Amount of Goal

1. Lafayette Consolidated Government’s overall goal for FY 2020-2022 is the following: 0.0 % of the Federal Financial assistance we will expend in DOT-assisted contracts. *[FTA recipients add: exclusive of FTA funds to be used for the purchase of transit vehicles.]*

**Introduction**

The Lafayette Consolidated Government submits this Disadvantaged Business Enterprise (DBE) goal methodology to the U.S. Department of Transportation’s Federal Transit Administration (FTA) for review and approval pursuant to 49 CFR 26.45 to establish the overall DBE goal for its federally-assisted transit projects.

During Fiscal years 2020 – 2022, Lafayette Consolidated Government’s schedule of Capital Improvements shall include construction and professional service contracts. It also includes items necessary for normal transit business operation. See table below.

#### Lafayette Consolidated Government’s 2020-2022 Anticipated DOTD Funded Transit Contracts

Table 1

FY 19/20		ratio	local	federal	total
	Operating		<b>\$ 3,000</b>	<b>\$ 3,000</b>	<b>\$ 6,000</b>
	Grounds Maintenance	50%	\$ 3,000	\$ 3,000	\$ 6,000
	Capital		<b>\$ 140,000</b>	<b>\$ 560,000</b>	<b>\$ 700,000</b>
	non fixed route paratransit ADA	80%	\$ 140,000	\$ 560,000	\$ 700,000

FY 20/21					
	Operating		<b>\$ 3,000</b>	<b>\$ 3,000</b>	<b>\$ 6,000</b>
	Grounds Maintenance	50%	\$ 3,000	\$ 3,000	\$ 6,000
	Capital		<b>\$ 140,000</b>	<b>\$ 560,000</b>	<b>\$ 700,000</b>
	non fixed route paratransit ADA	80%	\$ 140,000	\$ 560,000	\$ 700,000

FY 21/22							
	Operating			<b>\$ 3,000</b>	<b>\$ 3,000</b>	<b>\$ 6,000</b>	
	Grounds Maintenance	50%	\$ 3,000	\$ 3,000	\$ 6,000		
	Capital			<b>\$ 140,000</b>	<b>\$ 560,000</b>	<b>\$ 700,000</b>	
	non fixed route paratransit ADA	80%	\$ 140,000	\$ 560,000	\$ 700,000		

Table 2

NAICS Code	Project	Amount of DOT Assisted Funds on Project	% of Total DOT Funds (weight)
	Grounds Maintenance	\$ 9,000	0.0053
561730	Landscaping Services		
	Non-Fixed Route Paratransit ADA		
	Paratransit	\$ 1,680,000	0.9947
458999	Other Transit and Ground		
	Passenger transportation		
Total FTA Assisted	Contract Funds	\$ 1,689,000	

49 CFR Part 26.45 requires a two-step process for setting the overall DBE goal, which should reflect the expected level of DBE participation of Lafayette Consolidated Government’s contractors in the absence of discrimination. The Lafayette Consolidated Government proposes to establish its DBE overall goal for federal fiscal years 2020 through 2022 at 0.0% for new contracts, with all 0.0% to be obtained through race-neutral means.

This submission must include 1) A description of the methodology used to establish the goal, including the base figure and evidence with which it was calculated, and the evidence relied on for any adjustments, and 2) A projection of the portions of the overall goal expected to be met through race conscious measures, and 3) A summary listing of relevant available evidence of disparity and, where applicable, an explanation of why that evidence was not used to adjusted the base figure.

Triennial Goal Methodology: (Two-Step Process)

Step One: Determining the Base Figure – 49 CFR Part 26.45

As part of the goal setting process, Step 1 requires Lafayette Consolidated Government to begin with a base figure for the relative availability of DBEs. The base figure represents the number and relative availability of ready, willing and able DBE firms as compared to all firms ready, willing and able to perform work for the Lafayette Consolidated Government. This formula utilized to calculate this percentage is listed below:

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

Table 3

NAICS Code	Project	Number of DBE's Available to Perform Work	Number of All Firms Available (including DBE's)	Relative Availability
	Grounds Maintenance			
561730	Landscaping Services	1	121	0.0083
	Non-Fixed Route Paratransit ADA Paratransit			
458999	Other Transit and Ground Passenger transportation	0	11	0.0000
		1	132	0.76%
				Overall Availability of DBE's
			Total Expresses as A%(*100) Rounded, Weighted Base Figure 5%	

Table 4

2019 Certified DBE's					
NAICS Code	Project	Weight	x	Availability	Availability Base Figure
	Grounds Maintenance	0.0053		0.0083	0.00004404
561730	Landscaping Services				
	Non-Fixed Route Paratransit ADA Paratransit	0.9947		0.0000	0
458999	Other Transit and Ground Passenger transportation				
				Total	0.00004404
					0.004403799
			Total Expresses as A%(*100) Rounded, Weighted Base Figure 4%		

$$0.008\% = \frac{1 \text{ (Ready willing, and able DBE's)}}{132 \text{ (Total firms based on 2016 Census Data)}}$$

The formula and methodology, for triennial DBE goal preparation, was prepared comparing North American Industry Classification System (NAICS) that are associated with Construction and Pre Construction projects.

To establish the Base Figure, contractible items were identified. Then the Base Goal was calculated using the relative availability of DBEs in the Metropolitan areas of Lafayette, LA to perform contracts scheduled for fiscal years 2020-2022. The Louisiana Unified Certification Program's (LAUCP) list of certified DBE contractors is the basis for the Lafayette Consolidated Government DBE certified contracting pool. The list of certified DBE contractors is compare to a more global list of businesses, segregated by NAICS Code. The 2016 U.S. Census Bureau's County Business Pattern (USCBP) database is used to determine the availability of businesses – limited to the Metropolitan Statistical Area.

The Base figure calculation weighs the relative availability of DBE contractors to the relative amount of contracting dollars available for the total pool of contractors in the MSA. A calculation resulted in 0.00% of contracting work available for DBE-certified businesses and MBEs. Refer to Table 4 attached.

## **Step Two Adjustment**

The following data was considered in determining an adjustment to the Base Figure: 1) past DBE participation.

Base Figure Adjustments:

In the adjusting the Base Figure, the Lafayette Consolidated Government took into consideration the evidence of past performance on DOT assisted contracts, the new projects that will be available during Fiscal years 2020-2022, and the types of work DBEs are certified to perform. Thus, to determine past participation, the Lafayette Consolidated Government examined its overall DBE participation for fiscal years 2017, 2018, and 2019.

2017 – 0.00%

2018 – 0.00%

2019 – 0.00%

During the previous three years Lafayette Consolidated Government has a median DBE participation in FTA assisted contracts through community outreach efforts of 0.00%, as highlighted in Table 2. The median was then added to the step 1 base line goal and then averaged. The overall adjusted goal for Lafayette Consolidated Government projects is 0.0%.

Weighted Base Figures

$$(0.0002 + 0.00)/2 = 0.0002\% \text{ or } \underline{0.0\%}$$

## **Public Participation**

We published our goal information in these publications: The Daily Advertiser – Lafayette, LA

We received comments from these individuals or organizations: Lafayette Consolidated Government did not receive any comments during the 45 days of public participation.

Summaries of these comments are as follows: Lafayette Consolidated Government did not summarize any comments.

Our responses to these comments are: Lafayette Consolidated Government did not respond to any comments. No public comments were submitted.

## **Section 26.51: Breakout of Estimated Race-Neutral & Race Conscious Participation**

*Lafayette Consolidated Government* will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The Lafayette Consolidated Government uses the following race-neutral means to increase DBE participation:

1. Require and encourage prime contractors to subcontract portions of their work that they would normally do in-house.
2. Ensure equitable distribution of contracts that are limited by dollar value to subcontracting opportunities
3. Scrutinize grievance and substitution reports.
4. Conduct pre-bid seminars for DBE and small business firms on contracts that have a high degree of specialized technology.

We estimate that, in meeting our overall goal of 3.0 %, we will obtain 3.0 % from race-neutral participation and 0.0 % through race-conscious measures.

The following is a summary of the basis of our estimated breakout of race-neutral and race-conscious DBE participation: From private sector MBE/WBE participation, DBE participation of DBEs in local procurement programs in which there are no DBE contract goals.

In order to ensure that our DBE program will be narrowly tailored to overcome the effects of discrimination, if we use contract goals we will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)) and we will track and report race-neutral and race conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry DBE goal; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

We will maintain data separately on DBE achievements in those contracts with and without contract goals, respectively.

**Attachment E**  
**Breakout of Estimated Race-Neutral and Race-Conscious Participation**

LCG will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. LCG uses the following race-neutral means to increase DBE participation:

- Coordinate effectively with its internal offices to unbundle large contracts and present opportunities for DBEs to secure prime contracts;
- Use race-neutral small business set asides and unbundle large contracts;
- Work with other LCG departments to target contracting opportunities in technical areas;
- Conduct more effective outreach by providing training and partnering opportunities for DBE's and small businesses, such as training DBEs and small businesses on financing, banking, lending, and bonding;
- Conduct listening session to focus on receiving DBE input to address DBE concerns'
- Work with potential prime contractors to set up outreach events to network with DBE firms;
- Improve communication with DBEs by providing more advanced notice of upcoming contracting opportunities
- Create a DBE page on the lafayettela.org website
- Establish regularly-scheduled training for DBEs and potential DBEs (e.g. training on certification process, business management, recordkeeping, and financial and accounting capability; assistance in overcoming bonding and insurance requirements).

In order to ensure that our DBE program will be narrowly tailored to overcome the effects of discrimination, if we use contract goals we will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)) and we will track and report race-neutral and race conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry DBE goal; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

LCG will maintain data separately on DBE achievements in those contracts with and without contract goals, respectively.

**Attachment F**  
**Monitoring and Enforcement**

LCG 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 reporting to the Office of Inspector General;
3. Breach of contract reporting to the USDOT's Office of Civil Rights
4. Rescission of contract awards (in whole or in part;
5. Administrative fines;
6. Debarment from bidders lists; and
7. Suspensions from awards and other applicable sanctions.

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.



**Attachment G**  
**Demonstration of Good Faith Efforts**

DISADVANTAGED BUSINESS ENTERPRISES PARTICIPATION  
GOOD FAITH EFFORT REQUIREMENTS

1. PURPOSE OF THE PROGRAM

The Lafayette City-Parish Consolidated Government has implemented this program to ensure that Federal Transit Administration-funded contracts provide employment and growth opportunities for small disadvantaged businesses. Therefore, prime contractors are required to submit proof showing that good faith efforts have been made to contract with Disadvantaged Business Enterprise subcontractors. Please document all efforts.

2. PRE-BID EFFORTS REQUIRED REGARDING DISADVANTAGED BUSINESS ENTERPRISES

Bidders are required to make good faith efforts to contract with Disadvantaged Business Enterprise Firms for each division of work identified in these documents which will be performed by a subcontractor. **Lafayette City-Parish Consolidated Government has adopted the State of Louisiana, Department of Transportation and Development's list of Disadvantaged Business Enterprise Certified Contractors and Service Codes.** A list of Disadvantaged Business Enterprise contractors specializing in the divisions of work identified for subcontracting on this project will be provided by the Disadvantaged Business Coordinator, Shaun Williams (337-291-8410/ Fax 337-291-8415).

**These requirements are contractual obligations and are included in all transportation contracts.** Failure to comply may result in a finding of breach of the contract, disqualification of the bidder to bid on future contracts, or a claim for damages.

Who to Contact

**For each division of work identified in these documents that will be performed by a subcontractor, Bidders must contact:**

- Every Disadvantaged Business Enterprise firm that attended the pre-bid meeting (if one was held) which specializes in a division of work that will be subcontracted, and
- In addition to the above, a minimum of five (5) Disadvantaged Business Enterprise firms. If there are less than 5 firms listed for a particular division of work, all of the subcontractors in that division must be contacted.

**NOTE: The ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts (26.55).**

When to Contact

The First documented contact with each Disadvantaged Business Enterprise firm must be at least seven (7) working days before bid opening.

### *How to contact*

First contact: Bidders shall contact Disadvantaged Business Enterprise subcontractors by letter or fax to advise them of potential subcontracting opportunities.

Follow-Up: Bidders shall follow up with telephone calls to each Disadvantaged Business Enterprise firm contacted to determine if a bid will be submitted or if further information is required. A firm need not be contacted if that firm responds to the first contact with a statement that the firm will not bid on this project.

### What information must be provided?

The successful bidder must provide project information to Disadvantaged Business Enterprise firms sufficient to permit the firm to have an equal opportunity to compete for work that the successful bidder will subcontract together with the date and time that subcontractor's bids are due.

## 3. ADDITION/REPLACEMENT OF SUBCONTRACTORS AFTER BID SUBMISSION

The successful bidder will not be permitted to add or replace a subcontractor without the consent of the Disadvantaged Business Enterprise Liaison Officer and the Origination Department.

If any subcontractor is added or replaced after the contract award, the contractor shall make good faith efforts to contract with Disadvantaged Business Enterprise for the work to be performed by that subcontractor. Documentation of these efforts is required, and must be submitted to the Disadvantaged Business Enterprise Liaison Officer, Shaun Williams (337-291-8410), on forms 7 & 8.

## 4. DOCUMENTATION OF GOOD FAITH REPORTS

### a) Documents to be submitted by Bidders

1. **Compliance Form (FORM 1)** Submit signed Compliance Form
2. **Subcontractor Listing (FORM 2)** Submit Form 2 showing all subcontractors to be used on this contract.
3. **Sub-Subcontractor Listing (FORM 3)** Submit Form 3 showing all sub-subcontractors to be used on this contract.
4. **Log of contacts with Disadvantaged Business Enterprise firms (FORM 4)**  
Submit a completed log of contacts to Disadvantaged Business Enterprise firms on form 4.
5. **Copy of letter or fax sent to Disadvantaged Business Enterprise firms**  
Submit on copy of the letter or fax sent to Disadvantaged Business Enterprise firms to solicit bids for this project. If more than one form of letter or fax was sent, submit a copy of each form sent.
6. **List of Disadvantaged Business Enterprise Bids Received/Rejected (FORM 5)** Submit FORM 5 providing the requested information.

**Failure to submit these documents shall make a bid non-responsive and the successful bidder ineligible to receive an award of the contract. The Purchasing Agent and/or the Disadvantaged Business Coordinator shall have the right to seek clarification or additional documentation to assure good faith effort compliance.**

b.) Documents to be Submitted After Contract Award

- 1.) Monthly Subcontractor Payment Utilization Report (FORM 6)  
All subcontractors (including Disadvantaged Business Enterprise firms) and second tier subcontractors shall be reported on the form as well as contract amounts and payments.
- 2.) Subcontractor Change Request (FORM 7).
- 3.) Sub-Subcontractor Change Request (FORM 8).
- 4.) Project Close-Out Report (FORM 9). All certified Disadvantaged Business Enterprises subcontractors (including Disadvantaged Business Enterprise second tier subcontractors shall be reported on the form as well as total amounts paid through the duration of the project. This Form should also be sign by a Notary Public.

## 5. OPTIONAL GOOD FAITH EFFORTS

Bidders should consider efforts such as:

- Did contractor advertise in general circulation, trade association, and small disadvantaged focus media concerning subcontracting opportunities?
- Did contractor provide written notice to a reasonable number of specific Disadvantaged Business Enterprises that their interest in the contract was being solicited, in sufficient time to allow the Disadvantaged Business Enterprises to participate effectively? (*Note: it is recommended that certified mail be used to provide documentation*).
- Did the contractor follow up initial solicitations of interest by contacting Disadvantaged Business Enterprises to determine certainly whether the Disadvantaged Business Enterprises were interested?
- Did the contractor select portions of the work to be performed by Disadvantaged Business Enterprises, including, where appropriate, breaking down contracts into economically feasible units to facilitate participation?
- Did contractor negotiate in good faith with interested Disadvantaged Business Enterprises, not rejection them as unqualified without sound reasons based on a thorough investigation of their capabilities?
- Did the contractor make efforts to assist interested Disadvantaged Business Enterprises in obtaining bonding, lines of credit or insurance required by the recipient or contractor?
- Did the contractor effectively utilize the services of available community organizations; contractors' groups; local, state, and federal business assistance placement of Disadvantaged Business Enterprises?

**COMPLIANCE AGREEMENT**  
**(FORM 1)**

**By signing this document, Successful Bidder hereby certifies and understands that:**

1. It has not discriminated against any Disadvantaged Business Enterprise firms in awarding subcontracts for this project.
2. The good faith efforts requirements are contractual obligations that must be fulfilled whether or not listed on these forms.
3. **Bidders must submit forms One (1), Two (2), Three (3), Four (4), and Five (5) with bid documents or the bid shall be declared non-responsive.**
4. Failure to provide information may result in a loss of the bidder's bid bond.
5. Additional documentation to verify or clarify good faith efforts must be provided upon request.
6. Form 6, the monthly Subcontractor Utilization Report, shall be provided after contract award.
7. Replacement of a subcontractor before contract award or during contract performance without: a) obtaining the prior written consent of the Disadvantaged Business Enterprise Liaison Officer and the origination department; and b) subsequent good faith efforts in selection of a replacement; is prohibited and a breach of contract. See Subcontractor/Sub-Subcontractor Change Request Forms 7 & 8.
8. Consideration was given to waiving bonding requirements for Disadvantaged Business Enterprise subcontractors.

**And, Executes this Compliance Agreement as:**

Company Name: \_\_\_\_\_

Address \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

By: \_\_\_\_\_  
Signature of Authorized Owner or Representative

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**SUBCONTRACTOR DATA SHEET – (FORM 2)**

Contract/RFQ#: \_\_\_\_\_

Project: \_\_\_\_\_

Prime Contractor: \_\_\_\_\_

Prime Contract Amount: \_\_\_\_\_

**THIS FORM MUST BE SUBMITTED LISTING DBE & NON-DBE SUBS TO THE PURCHASING DIVISION WITH BID DOCUMENTS**

Subcontractor Name/Address/Phone Number	Sub Contract Amount	Sub Federal Tax ID Number	Type of Work	State License Number	State Class	* Business Status (Check as many as apply?)

\* As certified by the LCG's Disadvantaged Business Coordinator

**DBE** (Disadvantaged Business Enterprise), **LBE** (Large Business Enterprise), **MBE** (Minority Business Enterprise), **SBE** (Small Business Enterprise) **WBE** (Women Business Enterprise)

\*\* Indicate if the Subcontractor is going to hire other Subcontractors. If so, a Sub-Subcontractor data sheet must be attached.

---

I hereby certify that the above information is true and correct and that I will notify the Disadvantaged Business Coordinator, in writing, of any changes that occur prior to completion of the work.

Prime Contractor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Lafayette City-Parish Consolidated Government use only:  
\_\_\_\_\_%

DBE Participation Achieved:

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Disadvantaged Business Coordinator Use Only: Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

*Routing Order of Form:* (1) Purchasing (2) Disadvantaged Business Coordinator (3) Return to Purchasing

### SUB-SUBCONTRACTOR DATA SHEET – (FORM 3)

Contract/RFQ#: \_\_\_\_\_

Project: \_\_\_\_\_

Prime Contractor: \_\_\_\_\_

Prime Contract Amount: \_\_\_\_\_

THIS FORM MUST BE SUBMITTED LISTING DBE & NON-DBE SUBS TO THE PURCHASING DIVISION WITH BID DOCUMENTS

Sub-Subcontractor Name/Address/Phone Number	Sub Contract Amount	Sub-Sub Federal Tax ID Number	Type of Work	State License Number	State Class	* Business Status (Check as many as apply?)

\* As certified by the LCG’s Disadvantaged Business Coordinator

**DBE** (Disadvantaged Business Enterprise), **LBE** (Large Business Enterprise), **MBE** (Minority Business Enterprise), **SBE** (Small Business Enterprise) **WBE (Women Business Enterprise)**

\*\* Indicate if the Subcontractor is going to hire other Subcontractors. If so, a Sub-Subcontractor data sheet must be attached.

I hereby certify that the above information is true and correct and that I will notify the Disadvantaged Business Coordinator, in writing, of any changes that occur prior to completion of the work.

Prime Contractor’s Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Lafayette City-Parish Consolidated Government use only: DBE Participation Achieved: \_\_\_% Sub-Contractor Level: \_\_\_% Sub Sub-Contractor Level \_\_\_%

Disadvantaged Business Coordinator Use Only: Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

*Routing Order of Form:* (1) Purchasing (2) Disadvantaged Business Coordinator (3) Return to Purchasing

**DISADVANTAGED BUSINESS ENTERPRISE CONTACT LOG  
(FORM 4)**

Bidder Name: \_\_\_\_\_

Bid Number: \_\_\_\_\_

Bidders should record their contacts with potential Disadvantaged Business Enterprise subcontractors through use of this log. Additional forms may be copied if needed.

Name of Subcontractor	Date of FAX/Letter	Phone Contact				Able to Make Contact?		Submitting Quote		Quote Receive?		Notes
		Date of Call	Time of Call	Name of Person Placing Call	Name of Person Receiving Call	Yes	No	Yes	No	Yes	No	

**LIST OF DISADVANTAGED BUSINESS ENTERPRISE BIDS RECEIVED/REJECTED  
(FORM 5)**

Please list below all bids received from Disadvantaged Business Enterprise firms which were rejected and provide requested information.

Quote were received from the following Disadvantaged Enterprise firms:

Firm Name	Type of Work	Bid Amount	Bid to be Used		Reason for Rejection
			Yes	No	



**MONTHLY SUBCONTRACTOR PAYMENT AND UTILIZATION REPORT  
(FORM 6)**

1. Contract No: \_\_\_\_\_  
 3. Prime Contractor: \_\_\_\_\_  
 5. Report Dates (Beginning & End) \_\_\_\_\_

2. Progress Report No: \_\_\_\_\_  
 4. Prim Contract Amount: \_\_\_\_\_  
 6. Project Name: \_\_\_\_\_

**SECOND TIER PAYMENTS TO SUBCONTRACTORS MUST BE INCLUDED ON THIS REPORT**

7. All Sub-Contractors Names (List all Sub-Contractors)	8. Status WBE or DBE	9. Check If second Tier Sub	10. Nature of Work	11. Original Sub-Contract Amount (\$)	12. Changes to the Sub-Contract Amount (\$)	13. Total Sub-Contract Amount (\$)	14. Mid-Month Payment Amount/Date Made to Sub-Contractor (\$)	15. Actual Progress Payment Amount/Date Made to Sub-Contractor (\$)	15. Total (ALL) Mid-Month Amount/Date Made to Sub-Contractor (\$)	16. Total Retainage Held If Any (\$)

\* CHANGES TO CONTRACT: Replacement, substitution on addition of Disadvantaged Business Enterprise firms must be handled in conformance with the contract documents.

Please Note: Instructions for completing this report are on the next page.

IT IS HERBY CERTIFIED THAT THE ABOVE LISTED FIRMS HAVE BEEN UTILIZED BY OUR COMPANY IN THE AMOUNTS REPRESENTED ABOVE AND THAT THE INFORMATION CONTAINED HERIN IS COMPLETE AND ACCURATE

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

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Project Coordinator's Signature

\_\_\_\_\_  
 Date

Instructions: Submit with request for payment to Project Coordinator and send a copy to Lafayette City-Parish Consolidated Government, Shaun Williams Disadvantaged Business Coordinator, P.O. Box 4017-C, Lafayette, LA, 70502

## **INSTRUCTIONS FOR COMPLETING THE MONTHLY SUBCONTRACTOR PAYMENT AND UTILIZATION REPORT**

1. **CONTRACT NUMBER:** Enter the contract number for this project as assigned by the Purchasing Division.
2. **PROGRESS REPORT NUMBER:** Enter Report number 1 for the first report submitted and subsequent numbers for reports submitted hereafter.
3. **PRIME CONTRACTOR:** Indicate the name of the prime contractor.
4. **PRIME CONTRACT AMOUNT:** Indicate the total dollar amount of the prime contract.
5. **REPORT DATES:** Indicate the beginning and ending dates corresponding to the progress period or use calendar month.  
  
Example: 1/1/98 thru 1/31/98. Reports should be sequential and not overlap.
6. **PROJECT NAME:** Indicate the project name as indicated on the contract documents.
8. **STATUS:** Indicate the appropriate status of each contractor listed in item 7.  
Example: DBE
9. **LIST SECOND TIER SUBCONTRACTORS.**
10. **NATURE OF WORK:** Briefly describe subcontractors' work.  
Example: Landscaping, electrical suppliers, electrical contractor, remove and replace inlets, furnish and install catch basins, etc.
11. **ORIGINAL CONTRACT AMOUNT:** Indicate the dollar amount for each subcontract as time of award.
12. **CHANGES TO CONTRACT:** Indicate the cumulative dollar value of any changes to subcontracts. Additions to the contract should be shown using a plus (+) sign in front of the amount and reductions in contract amounts using the minus (-) sign. Examples: additions +\$3,050.50. Also please explain any changes in space provided below for comments.
13. **TOTAL SUBCONTRACTOR AMOUNT:** This amount should be the total dollar value (current contract amount) plus or minus changes indicated in column 11.
14. **MID-MONTH PAYMENT AMOUNT AND DATE MADE TO SUB:** Enter the date and amount of any mid-month payment made to the subcontractor.
15. **ACTUAL PROGRESS PAYMENT AMOUNT AND DATE MADE TO SUBCONTRACTOR:** Enter the date and amount the month end actual progress payment was made to the subcontractor.
16. **TOTAL PAYMENT AMOUNT TO DATE:** This amount should represent the amount of both mid-month and month-end amounts paid to the subcontractor. This amount should correspond to the amount the prime is requesting for work performed by the subcontractor for the same reporting period.
17. **RETAINAGE HELD, IF ANY:** If the prime is holding Retainage, enter the total amount of the Retainage held for the reporting period.

COMMENTS: (Include why any payment amounts made to the subcontractor are less than that requested by the subcontractor.)

### STANDARD ACTIONS TO BE TAKEN IN CASES OF NON-COMPLIANCE

This table shown below is intended to reflect actions taken in the case of noncompliance with the Lafayette City-Parish Consolidated Government's Disadvantaged Business Enterprise Program Policy. Multiple breach of contracts in different technical requirements are assumed to be cumulative. Any combination thereof may be grounds to request formal debarment action by the LCG through the City-Parish Attorney's Office.

Contract Execution-Acts of Non-Compliance	First Infraction	Second Infraction	Third Infraction
Good Faith Effort Program			
Deletion or replacement of a Disadvantaged Enterprise subcontractor without the consent of the Disadvantaged Business Enterprise Liaison Officer.	1. Phone Call/Fact finding; 2. Conference in DBE Liaison Officer office; 3. Formal letter noting first offense; 4. Offense reported in Contractor's file for contract award.	1. Phone Call/Fact finding; 2. Conference in DBE Liaison Officer office; 3. Formal letter noting multiple offenses; 4.Damages	1. Phone Call/Fact finding; 2. Conference in DBE Liaison Office; 3. Request for debarment.
Failure to Submit Monthly Subcontractor Payment Utilization Report (Form 6).	1. FAX notice; 2. Phone call/Fact finding; 3. If more than 30 days, stop progress payments.	1. FAX notice; 2. Phone call/Fact finding; 3. Stop progress payments.	1. FAX notice 2. Stop progress payments.
Substantial reduction in Disadvantaged Business Enterprise subcontract amounts	1. Phone Call/Fact finding; 2. Conference in DBE Liaison Officer office; 3. Formal letter noting first offense;	1. Phone Call/Fact finding; 2. Conference in DBE Liaison Officer office; 3. Formal letter noting multiple offenses;	1. Phone Call/Fact finding; 2. Conference in DBE Liaison Office; 3. Request for debarment
Failure to submit project closeout information as requested.	1. Phone call; 2. FAX/Letter requesting information; 3. Formal letter noting first offense.	1. Phone call; 2. FAX/Letter requesting information; 3. Formal letter noting multiple offenses.	1. Phone call; 2. FAX/Letter requesting information; 3. Stop Retainage payment.

## **AVAILABLE METHODOLOGIES FOR RESOLUTION OF COMPLIANCE ISSUES OF LCG STAFF**

- Fact-finding efforts with Project Manager, Prime, and/or subcontractors
- Fax asking for compliance
- Formal letter asking for explanation for noncompliance
- Conference in Disadvantaged Business Enterprise Liaison Officer's Office
- Formal letter noting first offense
- Damages-Cost to LCG resulting from noncompliance
- Formal letter noting multiple instances of noncompliance; Notice that additional breach of the contract will not be tolerated and may result in debarment consideration being referred to the City-Parish Attorney's office.
- Request formal debarment action by LCG through City-Parish Attorney's office
- Stop monthly progress payments
- Offense reporting in Purchasing contractor's file with notification to City-Parish Council that additional breach of the contract will not be tolerated and may result in debarment consideration being referred to the City-Parish Attorney's office.
- Close down the project; Stop work
- Termination of contract

**SUBCONTRACTOR DATA SHEET-ADD/CHANGE REQUEST FORM  
(FORM 7)**

Contract/RFQ#: \_\_\_\_\_

Project: \_\_\_\_\_

Prime Contractor: \_\_\_\_\_

Prime Contract Amount: \_\_\_\_\_

Original Subcontractor's Federal Tax ID: \_\_\_\_\_

Company Name: \_\_\_\_\_

ADD NEW SUBCONTRACTOR

CHANGE EXISTING SUBCONTRACTOR  
(Correct DBE % below)

Subcontractor's Federal Tax ID: \_\_\_\_\_

Company Name: \_\_\_\_\_

THIS FORM MUST BE SUBMITTED TO THE DBE LIASION OFFICER, SHAUN WILLIAMS 291-8410, ANYTIME A SUBCONTRACOR CHANGE IS REQUESTED  
New Subcontractor Information to be listed below:

Sub Federal Tax ID	Subcontractor Name/Address/Phone Number	Subcontract Amount	Type of Work	State License #	State Class	* Business Status (List as many as apply)

\* As certified by the LCG's Disadvantaged Business Coordinator **DBE** (Disadvantaged Business Enterprise), **LBE** (Large Business Enterprise), **MBE** (Minority Business Enterprise), **SBE** (Small Business Enterprise) **WBE** (Women Business Enterprise)

I hereby certify that the above information is true and correct and that I will notify the Disadvantaged Business Coordinator, in writing, of any changes that occur prior to completion of the work.

Prime Contractor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Lafayette City-Parish Consolidated Government use only:

Initial Disadvantaged Business Enterprise Participation Achieved: \_\_\_\_\_%      Disadvantaged Business Enterprise Participation achieved after any change: \_\_\_\_\_%

**Disadvantaged Business Coordinator Office Use Only:**

Approved By: \_\_\_\_\_

Date: \_\_\_\_\_

**SUB-SUBCONTRACTOR DATA SHEET-ADD/CHANGE REQUEST FORM  
(FORM 8)**

Contract/RFQ#: \_\_\_\_\_

Project: \_\_\_\_\_

Prime Contractor: \_\_\_\_\_

Prime Contract Amount: \_\_\_\_\_

Original Subcontractor's Federal Tax ID: \_\_\_\_\_

Company Name: \_\_\_\_\_

CHANGE EXISTING SUB-SUBCONTRACTOR  
(Correct DBE % below)

Sub-Subcontractor's Federal Tax ID: \_\_\_\_\_

Company Name: \_\_\_\_\_

THIS FORM MUST BE SUBMITTED TO THE DBE LIASION OFFICER, SHAUN WILLIAMS 291-8410, ANYTIME A SUBCONTRACOR CHANGE IS REQUESTED

New Subcontractor Information to be listed below:

Sub-Sub Federal Tax ID	Sub-Subcontractor Name/Address/Phone Number	Subcontract Amount	Type of Work	State License #	State Class	* Business Status (List as many as apply)

\* As certified by the LCG's Disadvantaged Business Coordinator **DBE** (Disadvantaged Business Enterprise), **LBE** (Large Business Enterprise), **MBE** (Minority Business Enterprise), **SBE** (Small Business Enterprise) **WBE** (Women Business Enterprise)

I hereby certify that the above information is true and correct and that I will notify the Disadvantaged Business Coordinator, in writing, of any changes that occur prior to completion of the work.

Prime Contractor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Lafayette City-Parish Consolidated Government use only:

Initial Disadvantaged Business Enterprise Participation Achieved: \_\_\_\_\_% Disadvantaged Business Enterprise Participation achieved after any change: \_\_\_\_\_%

**Disadvantaged Business Coordinator Office Use Only:**

Approved By: \_\_\_\_\_

Date: \_\_\_\_\_

**DISADVANTAGED BUSINESS ENTERPRISE PROJECT CLOSE-OUT REPORT  
(FORM 9)**

1. Contract No: \_\_\_\_\_  
 3. Prime Contractor: \_\_\_\_\_  
 5. Letting Date (Beginning & End) \_\_\_\_\_

2. DBE Goal Amount: \_\_\_\_\_  
 4. Prim Contract Amount: \_\_\_\_\_  
 6. Project Name: \_\_\_\_\_

LA DOTD Certified DBE Sub-contractor or Supplier	Type of Work Performed and Paid	Total Dollar Amount Paid to Sub-contractor or Supplier (60%)

This is to certify that \$ \_\_\_\_\_ has been paid to Disadvantaged Business Enterprise Subcontractors/Suppliers listed above.

Authorized Signature: \_\_\_\_\_

Typed of Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Parish or County \_\_\_\_\_ State of \_\_\_\_\_ Subscribed and sworn to, before me, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20 \_\_\_\_\_.

Notary Public: \_\_\_\_\_

My commission expires: \_\_\_\_\_

## CHECKLIST FOR GOOD FAITH EFFORT REQUIREMENTS

This Checklist helps identify documents that must be submitted with bid documents before bid opening by the Bidder to establish that Good Faith Efforts have been made. However, it remains the responsibility of the Successful Bidder to determine all documents that must be submitted. (For purposes of this document, "submitted" means "in the physical possession of the Purchasing Division.")

### DOCUMENTS THAT SHALL BE SUBMITTED BY THE SUCCESSFUL BIDDER:

- **Compliance Form (Form 1):** Submit with the following information:
  - Company Name/Address/Phone/Fax
  - Date when Form was signed
  - Authorized Representative Signature/Title
  - Printed or Typed Name of Authorized Representative
- **Subcontracting Plan (Form 2):** Submit with the following information:
  - Prime Contractor's Name, Bid Number, Bid Amount, and Project Name;
  - Subcontractor's information by division of work and business status as requested on form;
  - List of divisions of work not subcontracted and explanation of why not on the back of this form;
  - Sub-Subcontractor information by division of work and business status as requested on form.
- **Sub-Subcontracting Plan (Form 3):** Submit with the following information:
  - Prime Contractor's Name, Bid Number, Bid Amount, and Project Name;
  - Sub-Subcontractor information by division of work and business status as requested on form.
- **Copy of Letter or FAX sent to Disadvantaged Business Enterprise firms.**
- **List of Disadvantaged Business Enterprise Bids Received/Rejected (Form 5) Submit with the information requested.**

NOTE: **Failure to submit these documents shall make a bid non-responsive and the bidder ineligible to receive an award of the contract. The Disadvantaged Business Coordinator shall have the right to seek clarification or additional documentation to assure good faith effort compliance.**

### **POST AWARD:**

- **Monthly Subcontractor Payment and Utilization Report (Form 6)**
- **Subcontractor Changes (FORM 7):** Submit with the information requested when any change is made.
- **Sub-Sub Contractor Changes (FORM 8):** Submit the information requested when any change is made.
- **Disadvantaged Business Enterprise Project Close-Out Report (FORM 9):** Submit the information request and have the Form signed by a Notary Public.

Submit to: Lafayette City-Parish Consolidated Government  
Community Development  
C/O Shaun P. Williams  
P.O. Box 4017-C  
Lafayette, LA 70502

Please call Shaun Williams the Disadvantaged Business Enterprise Liaison Officer at (337) 291-8410 if you have additional questions.



