

POCATELLO



REGIONAL TRANSIT

Disadvantaged Business Enterprise Program

Effective October 2023 through September 2026

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1 GENERAL REQUIREMENTS

1.1 OBJECTIVES / POLICY STATEMENT (§26.1, §26.23)

The City of Pocatello, dba Pocatello Regional Transit (PRT), has established a Tier II Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26.


PRT receives Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, PRT has signed certification and assurances that it will comply with 49 CFR Part 26.

It is the policy of PRT to ensure that DBEs, as defined in part 26, have an equal opportunity to receive and participate in DOT assisted contracts. The following are our objectives and policies:

- To ensure nondiscrimination in the award and administration of DOT assisted contracts;
- To create a level playing field on which DBEs can compete fairly for DOT assisted contracts;
- To ensure that the DBE Program is tailored in accordance with applicable law;
- To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- To help remove barriers to the participation of DBEs in DOT-assisted contracts; and
- To support small businesses to ensure free and open access to Pocatello Regional Transit contracting opportunities.

The City of Pocatello Public Transit Director has been delegated as the DBE Liaison Officer. In that capacity the director 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 PRT in its financial assistance agreements with the Department of Transportation.

PRT has disseminated this policy statement to the Mayor and City Council members and all pertinent employees. Upon significant changes to the DBE Program, PRT will notify the Federal Transit Administration’s Regional Civil Rights Officer and publicize the revised DBE Program on PRT’s website which is available to DBE and non-DBE firms. The DBE Program emphasizes PRT’s commitment to providing maximum opportunity to all DBE businesses, including Small Business Enterprises, in accordance with 49 CFR Part 26 as amended.



Brian Blad, Mayor

12-4-2023

Date

1.2 APPLICABILITY (§26.3)

PRT 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

1.3 DEFINITIONS OF TERMS (§26.5)

PRT will adopt the definitions contained in 49 CFR §26.5 for this program.

1.4 NON-DISCRIMINATION (§26.7)

PRT will not exclude any person, business, firm or enterprise from participation in, or deny any person, business, firm or enterprise 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, PRT will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

1.5 RECORD KEEPING REQUIREMENTS (§26.11)

PRT will report DBE participation to DOT on a semi-annually basis using the Uniform Report of DBE Commitments/Awards and Payments, found in Appendix B to the DBE regulations as required by 49 CFR Part 26. These reports will reflect payments actually made to DBEs upon the completion of the DOT assisted contracts.

PRT will also maintain a bidders' list, consisting of information about the DBE and non-DBE firms that bid on DOT-assisted contracts for calculating Overall Goals in accordance with 49 CFR Part 26.11(c). These reports will reflect payments actually made to DBEs upon the completion of the DOT assisted contracts.

1.6 FEDERAL FINANCIAL ASSISTANCE AGREEMENT ASSURANCE (§26.13)

1.6.1 ASSURANCE (§26.13a)

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

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

1.6.2 CONTRACT ASSURANCE (§26.13b)

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

The contractor 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.

2 ADMINISTRATIVE REQUIREMENTS

2.1 DBE PROGRAM UPDATES (§26.21)

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

2.2 DBE LIAISON OFFICER (DEBELO) (§26.25)

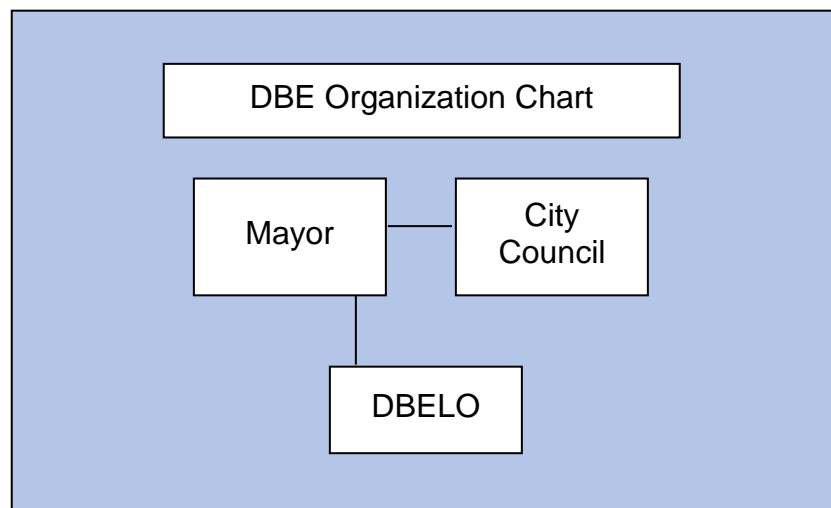
PRT's Director, Skyler Beebe, (PRT Director, PO Box 4169, Pocatello ID 83205, 208-232-5057, sbeebe@pocatello.gov), has been designated as the DBE Liaison Officer (DEBELO). The Director is responsible for implementing all aspects of the DBE program and ensuring that PRT complies with all provisions of 49 CFR Part 26. The DEBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate employees.

The oversight, duties, and responsibilities of the DEBELO include the following:

- Gathers and reports statistical data and other information as required by DOT.
- Reviews third party contracts and purchase requisitions for compliance with this Program.
- Development of Overall Goals.
- Preparation of the Uniform Report of DBE Commitments/Awards and Payments as required by the DOT.

- Communicates commitment of the DBE Program within the agency.
- Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
- Identifies contracts and procurements opportunities to increase DBE participation.
- Analyzes progress toward goal attainment and identifies ways to improve progress.
- Participates in pre-bid meetings when applicable.
- When applicable, assists DBEs in understanding specifications and bid documents.
- Reviews and determines appropriate and reasonable contractor compliance.
- Obtains and reviews the DBE directory listings from the Idaho Transportation Department – Office of Civil Rights.
- Provides outreach to DBEs and attends community events that support DBE businesses.
- Participates in DBE training opportunities.
- Maintains a bidder list in accordance with 49 CFR Part 26.11(c).

The DBE Organizational Chart below displays the DBELO’s position in the organization:



2.3 DBE FINANCIAL INSTITUTIONS (§26.27)

PRT is a municipal department within the City of Pocatello. As such, PRT is restricted to utilizing the City of Pocatello Finance Department as its Financial Institution. In an effort to foster participation, PRT encourages prime contractors to utilize financial institutions that are owned and controlled by social and economically disadvantaged individuals in the community.

2.4 PROMPT PAYMENT (§26.29)

PRT 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 30 days from the receipt of each payment the prime contractor receives from PRT. The prime contractor agrees further to return retainage payments to each subcontractor within 30 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 PRT. This clause applies to both DBE and non-DBE subcontractors.

PRT will require contractors to submit evidence on a regular basis of the actual payments made to DBE firms for work that was committed to them at the time of contract award. PRT will review the reports submitted by the prime contractor and seek confirmation, as needed, that payment was made to the DBE firm.

If a prime contractor is found to be out of compliance with its DBE commitment, it shall be so notified by PRT and directed to cure the problem with an appropriate time. Failure by the prime contractor to comply may result in monetary penalties and partial or total termination with re-solicitation cost to be borne by the prime contractor or its bond. In addition, PRT may consider a contractors' non-compliance when evaluating contractor responsibility in future bids or proposals.

2.5 DBE DIRECTORY (§26.31)

PRT relies on Idaho Transportation Department (ITD) – Office of Civil Rights to perform DBE certification and can view real-time data as well as download a static version of the DBE directory. This is utilized in the development of bidder' lists and other methods of procurement. In addition, the directory is used to assist potential prime contractors in the identification of available DBE sub-contractors. Interested persons may obtain access to the directory by contacting the ITD Office of Civil Rights or visiting their website.

2.6 OVERCONCENTRATION (§26.33)

PRT has not identified that overconcentration exists in the types of work that DBEs perform. If PRT should determine there is an over-concentration of DBE's in certain business areas to the extent that small non-DBE businesses can no longer effectively participate in PRT's contracting opportunities, the agency will contact the FTA Regional Civil Rights Officer for approval of the over-concentration determination and to request assistance in devising measures to address the over-concentration.

2.7 BUSINESS DEVELOPMENT PROGRAMS (§26.35)

PRT has not have an established Business Development program; however, PRT will re-evaluate the need for such a program in future revisions.

2.8 MONITORING AND ENFORCEMENT MECHANISMS (§26.37)

A PRT project manager or representative will monitor the work performed by a DBE to

verify the work committed to a DBE firm is performed by the DBE named in the Contract. If a DBE contractor is unable to perform the work contracted for, the prime contractor must either replace the subcontractor with another DBE, or show PRT that good faith efforts to do so have been made. DBE findings and actions (if required) will be noted in the project file as needed.

PRT will require contractors to submit evidence on a regular basis of the actual payments made to DBE firms for work that was committed to them at the time of contract award. PRT will review the reports submitted by the prime contractor and seek confirmation, as needed, that payment was made to the DBE firm.

If a prime contractor is found to be out of compliance with its DBE commitment, it shall be so notified by PRT and directed to cure the problem with an appropriate time. Failure by the prime contractor to comply may result in monetary penalties and partial or total termination with re-solicitation cost to be borne by the prime contractor or its bond. In addition, PRT may consider a contractors' non-compliance when evaluating contractor responsibility in future bids or proposals.

PRT will bring to the attention of the Department of Transportation (ITD) – Office of Civil Rights and the DOT any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in §26.109. PRT also will consider similar action under our own legal authorities, including responsibility determinations in future contracts.

2.9 SMALL BUSINESS PARTICIPATION (§26.39)

PRT is committed to providing equal and open access for small businesses and ensuring that all small businesses designations receive adequate opportunities to participate in contracting and procuring activities. This includes participation with both DEB and non-DBE small businesses. PRT generally utilizes the ITD Office of Civil Rights website to identify small businesses who are registered on its DBE directory when soliciting quotes for small projects. However, as previously mentioned, PRT welcomes non-DBE participants.

In an effort to support all small businesses, PRT will carefully review future contracting opportunities and to take reasonable steps to eliminate barriers faced by small businesses including unnecessary contract requirements that may preclude their participation. For multi-year design-build contracts or other large contracts, PRT may require the project manager or prime contractors to specify elements of the contract or specific subcontracts that are of a reasonable size the that small business firms may perform.

In an effort to foster participation, PRT encourages participation in Small Business support programs and resources such as:

- The Idaho Small Business Development Center which empowers small business success by providing no-cost, confidential consulting and low-cost training to

- entrepreneurs throughout Idaho. <https://idahosbdc.org/>
- The Idaho Transportation - Office of Civil Rights is committed to serving as a point of reference for internal and external customers regarding Title VI and Title VII compliance, and Disadvantage Business Enterprise (DBE) program eligibility and certification. <https://itd.idaho.gov/civilrights/>
 - The Business Impact NW which is a nonprofit Community Development Financial Institution (CDFI) dedicated to serving underbanked entrepreneurs. They provide coaching, classes, and access to capital to community small businesses, with an emphasis on working with traditionally underserved populations – entrepreneurial low/moderate income earners, women, BIPOC, veterans, immigrants, etc. <https://businessimpactnw.org/>
 - The United States Department of Transportation (USDOT), Office of Small and Disadvantaged Business Utilization's (OSDBU). Their mission is to ensure Small Business policies and goals of the Secretary of Transportation are implemented in a fair, efficient and effective manner. <https://www.transportation.gov/osdbu>
 - The Procurement Technical Assistance Centers (PTACs) which is dedicated to helping businesses succeed in public sector marketplaces. Funded, in part, by the US Department of Defense, the PTACs provide no-cost advising on all aspects of selling to the federal, state, and local governments. <https://www.aptac-us.org/>

3 GOALS, GOOD FAITH EFFORTS, AND COUNTING

3.1 SET-ASIDES OR QUOTAS (§26.43)

PRT does not use set-asides or quotas in any way in the administration of this DBE program.

3.2 OVERALL GOALS (§26.45)

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment A to this program. This section of the program will be updated annually.

PRT'S overall goal for FY 2024 is 0.01% of the Federal financial assistance PRT will expend in DOT assisted contracts.

PRT anticipates that FY 2024 DOT-assisted contracts will total \$1,262,650, so the goal is to spend \$12,626 with DBEs during this fiscal year.

Method

The following is a summary of the method PRT used to calculate this goal:

- The method used to calculate the relative availability of DBEs ("base figure") for "Step 1" of the process was to divide the number of DBEs listed in the Idaho Transportation Departments – Office of Civil Rights DBE directory by all available firms in Idaho.

- The DBE directory was used as the data source to derive the numerator and the 2022 NAICS provided the denominator in the calculation, 17 DBEs in the Directory and 15,124 total firms in the 2022 NAICS for Idaho.
- The relative availability percentage that was arrived at was less than 1%.
- While PRT considered adjusting the base figure under Step Two, it was determined that past experience and participation does not suggest that such an adjustment is necessary. Therefore, no adjustment was made. PRT is a small urban provider in southeastern Idaho in a rural setting and the need for adjustments is unlikely. PRT assumes that the Step One percentage is as accurate as possible.

Outreach Process

In accordance with Section 26.45(f), PRT will submit its overall goal to DOT on August 1 every three (3) years. Before establishing the overall goal each year, PRT will consult with the Bannock Transportation Planning Organization (MPO for PRT) to analyze the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and PRT's efforts to establish a level playing field for the participation of DBEs.

Additionally, PRT may 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, and the effects of discrimination on opportunities for DBEs, to evaluate PRT'S efforts to establish a level playing field for the participation of DBEs.

Following this consultation, PRT 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 5815 S 5th, Pocatello, ID for 30 days following the date of the notice, and informing the public that PRT and DOT will accept comments on the goals for 30 days from the date of the notice. Normally, this notice will be issued by June 1st prior to the submittal date. This notice will include the mailing and email addresses to which comments may be sent, as well as an internet link where the proposal may be reviewed.

Our overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses. PRT will begin using our overall goal on October 1 of each year, unless PRT has received other instructions from DOT, or, if the goal is established on a project basis, by the time of the first solicitation for a DOT assisted contract for the project.

Goal Setting and Accountability

If the awards and commitments shown on PRT's Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the Overall Goal applicable to that fiscal year, PRT will analyze the reason for the difference between the Overall Goal and the actual awards/commitments.

PRT will establish specific steps to correct the obstacles identified in the analysis, establish a corrective plan, conduct a short-fall analysis and maintain information and records

regarding the analysis and efforts made. If PRT is a top 50 recipient as determined annually by the FTA, the short-fall analysis is required to be submitted to the FTA Regional Civil Rights Officer.

3.3 TRANSIT VEHICLE MANUFACTURERS (§26.49)

PRT will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA assisted transit vehicle procurements, to certify that it has complied with the requirements of 49 CFR Part 26.

3.4 RACE-NEUTRAL AND RACE-CONCIOUS PARTICIPATION (§26.51)

PRT will meet the maximum feasible portion of its overall goal by using race neutral means of facilitating DBE participation. PRT will may use the following race-neutral methods to meet its goal and facilitate DBE participation:

- Use the Idaho Transportation Department – Office of Civil Rights DBE directory and invite firms to participate in formal and informal procurements.
- Encourage prime contractors to subcontract portions of work to DBEs.
- Consider (subject to state law and PRT needs) alternatives to stated specifications, such as bonding, insurance limits, and financing, which may limit DBE participation.
- Provide technical assistance as needed.
- Provide information regarding Idaho Transportation Department – Office of Civil Rights.
- Upon request, provide prime contractor with potential DBE subcontractors.
- Provide information about PRT’s contracting opportunities and procedures to DBE’s and post on PRT’s website open solicitations and contract award information.
- Participate in regional governmental procurement outreach events that support all small business designations.
- Use contract language that supports small business participation.
- Assist firms to contact local agencies who provide service to help small businesses.

All bid solicitations and contracts shall be race-neutral. Race-conscious references shall be limited to general language required under Title VI of the Civil Rights Act. Prevailing demographic and cultural conditions in the region do not warrant targeted outreach beyond the standard non-discrimination provisions.

3.5 CONTRACT GOALS (§26.51)

PRT will use contract goals to meet any portion of the overall goal PRT does not project being able to meet using race-neutral means. PRT will establish contract goals only on those DOT assisted contracts that have subcontracting possibilities. PRT 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). PRT will express its contract goals as a percentage of the total amount of a DOT assisted contract.

3.6 GOOD FAITH EFFORTS (§26.53)

Procedures

Good faith effort procedures regarding contract goal-setting do not apply because PRT's DEB Program is race-neutral; however, PRT has adopted the following good faith efforts when obtaining information from bidders/proposers:

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

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

PRT will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

Administrative reconsideration

Within 30 days of being informed by PRT that it is not 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: Skyler Beebe, P.O. Box 4169, Pocatello, Idaho 83205. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. PRT 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

PRT will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. PRT 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, PRT 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

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 [Name of Recipient] 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/offers, including those who qualify as a DBE. A DBE contract goal of less than 1 percent has been established for this contract. The bidder/offers 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/offers 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/offers' 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.

Counting DBE Participation (§26.55)

PRT will count DBE participation toward overall and contract goals as provided in 49 CFR §26.55.

4 CERTIFICATION STANDARDS

4.1 CERTIFICATION (§26.61 - §26.73)

PRT does not certify DBEs at this time, however, if PRT should begin, it will use the certification standards of Subpart D of part 26 and the certification procedures of Subpart E 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. PRT will make our certification decisions based on the facts as a whole.

5 CERTIFICATION PROCEDURES

5.1 UNIFIED CERTIFICATION PROGRAM (§26.81)

PRT relies on Idaho Transportation Department (ITD) – Office of Civil Rights to perform DBE certification and can view real-time data as well as download a static version of the DBE directory. This is utilized in the development of bidder' lists and other methods of procurement.

In addition, the directory is used to assist potential prime contractors in the identification of available DBE sub-contractors. Interested persons may obtain access to the directory by contacting the ITD Office of Civil Rights or visiting their website. PRT additionally participates under the Section 5311 DBE Program.

Certification Appeals

Any firm or complainant may appeal our decision in a certification matter to DOT. Such appeals may be sent to:

Department of Transportation
Departmental Office of Civil Rights
Certification Appeals Branch
1200 New Jersey Ave. S.E.
Washington, DC 20590

PRT will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT assisted contracting (e.g., certify a firm if DOT has determined that our denial of its application was erroneous).

Decertification

In addition to the performance of the certification function, the Idaho Transportation Department – Office of Civil Rights, is responsible for the decertification for DBE's that no longer qualify for the program under 49 CFR 26. PRT will cooperate with this office as need to assist in the decertification process. Once decertified, a DBE contractor will no longer be counted towards the agency's Overall Goal.

6 COMPLIANCE AND ENFORCEMENT

6.1 RECORDS, CONFIDENTIALITY, AND MONITORING (§26.109)

Availability of Records

Pocatello Regional Transit 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 bidders list will include the name, address, DBE/non-DBE status, age, and annual gross receipts of firms.

PRT 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; PRT will also require a notice in all solicitations, and otherwise widely disseminated, request to firms quoting on subcontracts to report information directly to the recipient.

Confidentiality

PRT will safeguard from disclosure to third party information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law [refer to Idaho Code]. Notwithstanding any contrary provisions of state or local law, PRT 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

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

PRT will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award. PRT 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 stated in the schedule of DBE participation.

7 ATTACHMENT A

Step 1 - Determine the weight of each type of work by NAICS Code:

* Enter all the FTA assisted projects below. Project amounts should be assigned relevant NAICS Code(s)

	NAICS Code	Project	Amount of DOT funds on project	% of total DOT funds (weight)
1)	455219	General Supplies	\$20,000	0.0158
2)	336390	Motor Vehicle Repair & Parts	\$91,000	0.0721
3)	423130	Tire	\$35,000	0.0277
4)	221118	Utilities	\$18,150	0.0144
5)	423850	Janitorial	\$2,000	0.0016
6)	424120	Office Supplies	\$1,500	0.0012
7)	336320	Fuel	\$350,000	0.2772
8)	517112	Communication	\$15,000	0.0119
9)	236220	Shelter	\$20,000	0.0158
10)	238110	Cement work	\$345,000	0.2732
11)	561730	Landscape	\$90,000	0.0713
12)	237310	Construction	\$275,000	0.2178
Total FTA-Assisted Contract Funds			\$1,262,650	1

Step 2 - Determine the relative availability of DBE's by NAICAS Code:

DBE

	NAICS Code	Project	Number of DBEs available to perform project	Number of all firms available (including DBEs)	Relative Availability
1)	455219	General Supplies	0	6,176	0.0000
2)	336390	Motor Vehicle Repair & Parts	0	2,025	0.0000
3)	423130	Tire	0	1,291	0.0000
4)	221118	Utilities	0	219	0.0000
5)	423850	Janitorial	0	373	0.0000
6)	424120	Office Supplies	0	737	0.0000
7)	336320	Fuel	0	2,025	0.0000
8)	517112	Communication	0	403	0.0000
9)	236220	Shelter	8	2,708	0.0030
10)	238110	Cement work	2	9,311	0.0002
11)	561730	Landscape	1	3,105	0.0003
12)	237310	Construction	6	9,311	0.0006
Combined Totals			17	37684	0.0005
				Overall availability of DBEs	

Step 3 - (Weight) X (Availability) = Weighted Base Figure

	NAICS Code	Project	Weight	Availability	Weighted Base Figure
1)	455219	General Supplies	0.0158	0.0000	0.0000
2)	336390	Motor Vehicle Repair & Parts	0.0721	0.0000	0.0000
3)	423130	Tire	0.0277	0.0000	0.0000
4)	221118	Utilities	0.0144	0.0000	0.0000
5)	423850	Janitorial	0.0016	0.0000	0.0000
6)	424120	Office Supplies	0.0012	0.0000	0.0000
7)	336320	Fuel	0.2772	0.0000	0.0000
8)	517112	Communication	0.0119	0.0000	0.0000
9)	236220	Shelter	0.0158	0.0030	0.0000
10)	238110	Cement work	0.2732	0.0002	0.0001
11)	561730	Landscape	0.0713	0.0003	0.0000
12)	237310	Construction	0.2178	0.0006	0.0001
Total					0.00
Expressed as a % (*100)					0.03%
Rounded, Weighted, Base Figure:					0%