

**Iowa City Transit**  
**Disadvantaged Business Enterprise**  
**(DBE) Program - 2025 Update**

**49 CFR PART 26**

**Prepared by:**  
**Metropolitan Planning Organization of Johnson County**  
**Transportation Planning Division**

**July 2024**

**Objectives/Policy Statement (26.1, 26.23)**

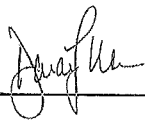
Iowa City Transit, a department within the City of Iowa City, has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. Iowa City Transit has received Federal financial assistance from the Department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

It is the policy of Iowa City Transit to ensure that DBEs, as defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the 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; and
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

The Director of Transportation Services 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 Iowa City Transit in its financial assistance agreements with the Department of Transportation.

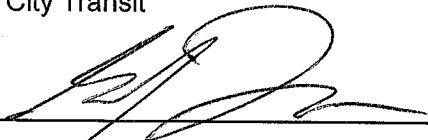
Iowa City Transit has disseminated this policy statement to the City of Iowa City Engineering Division, who administers facility construction and renovation contracts for facilities and all the components of the Iowa City Transit organization. Iowa City Transit has made this statement available to DBE and non-DBE business communities that perform work for Iowa City Transit on DOT-assisted contracts. This policy statement shall be published in a newspaper of general circulation in the community and through a press release posted on the City of Iowa City's website.



Darian Nagle-Gamm, Director of Transportation Services  
Iowa City Transit

07/26/2024

Date



Geoff Fruin, City Manager  
City of Iowa City

8/11/2024

Date

## **SUBPART A - General Requirements**

### **Objectives (26.1)**

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

### **Applicability (26.3)**

ICT is the recipient of federal transit funds authorized by Titles I, III, V and VI of ISTEA, Public Law 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, III, and V of the TEA-21, Pub. L. 105-178, or Titles I, III, and V of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), or Pub. L. 109-59, or 119 Stat. 1144; Divisions A and B of the Moving Ahead for Progress in the 21st Century Act (MAP-21), or Pub. L. 112-141, or 126 Stat. 405; Titles I, II, III, and VI of the Fixing America's Surface Transportation Act (FAST Act) Public Law 114-94; and Divisions A and C of the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (IIJA) (Pub. L. 117-58), or Pub. L. 117-58.

ICT, as a recipient of Federal Transit Administration (FTA) funds, administers the Disadvantaged Business Enterprise (DBE) program in compliance with all laws, regulations, Executive Orders and guidance.

### **Definitions of Terms (26.5)**

ICT has adopted the definitions contained in Section 26.5 for this program (49 CFR Part 26).

### **Non-discrimination Requirements (26.7)**

ICT 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, ICT will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

### **Record Keeping Requirements (26.11)**

#### Reporting to DOT (26.11b)

ICT will report DBE participation on a semi-annual basis, using Department of Transportation (DOT) Uniform Report of DBE Commitments/Awards and Payments. These reports will reflect payments actually made to DBEs on DOT-assisted contracts.

#### Bidders List (26.11c)

ICT will utilize the Iowa DOT Directory of Certified Disadvantaged Business Enterprises to create a bidders list. The Iowa DOT's directory consists of information about all DBE firms that are eligible to bid on DOT-assisted contracts.

The purpose of this list is to allow the use of the bidders list approach to calculate overall goals.

## **Assurances (26.13)**

### **Federal Financial Assistance Agreement**

ICT has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

#### Assurances (26.13a)

ICT 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 ICT 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 Assurances (26.13b)

ICT 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.

## **SUBPART B — Administrative Requirements**

### **DBE Program Updates (26.21)**

Per the current \$250,000 threshold, since ICT has received a grant and anticipates use of \$250,000 or more in FTA planning, capital, and/or operating assistance in a federal fiscal year, it will continue to carry out this program until all funds from DOT financial assistance that are eligible for contracting have been expended. ICT will provide updates to DOT representing significant changes in the program. The threshold will increase to \$670,000 in FFY20025, at which point, ICT will reassess.

### **Policy Statement (26.23)**

The Policy Statement can be found on the first page of this program.

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

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

Darian Nagle-Gamm, Director, Transportation Services  
1200 S. Riverside Drive  
Iowa City, IA 52246  
Phone: (319) 356-5156  
Email: dnaglegamm@iowa-city.org

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that ICT complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the City Manager, Geoff Fruin, 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 two to assist in the administration of the program. The DBELO will have the assistance of the ICT staff, Public Works Department staff, Finance Department staff, and staff of the Metropolitan Planning Organization of Johnson County — Transportation Planning Division to assist with the DBE program as needed. Duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by FTA.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with other City 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) and identifies ways to improve progress.
6. Analyzes ICT's progress toward goal attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the City's governing body on DBE matters and achievement.
9. Chairs the DBE Advisory Committee.
10. Participates with the legal counsel to determine contractor compliance with good faith efforts.
11. Provides DBEs with Iowa DOT contacts for information and assistance in preparing bids, obtaining bonding and insurance.
12. Participates in DBE training seminars.
13. Refers potential DBEs to Iowa DOT, Office of Contracts for possible certification according to the criteria set by Iowa DOT and acts as liaison to the Uniform Certification Process in Iowa.
14. Provides outreach as needed to DBEs and community organizations to advise them of opportunities.

15. Maintains ICT's updated directory on certified DBEs.
16. Oversees other personnel responsible for the DBE program implementation.

### **DBE Financial Institutions (26.27)**

It is the policy of ICT 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 contracts to make use of these institutions. ICT has utilized the Iowa DOT Directory of Certified Disadvantaged Business Enterprises to locate DBE financial institutions and have found none exist in this listing as of 5/30/2024. As an additional effort of good faith, ICT has also utilized the Iowa Economic Development Authority's certified Targeted Small Business (TSB) program to search for financial institutions firms and have found none exist in this listing as of 5/30/2024. The TSB program is a tool for race-neutral outreach, so a TSB is not necessarily a DBE. Businesses may be listed in the TSB but must be explicitly listed under the DBE directory. ICT will also re-evaluate the availability of DBE financial institutions at the beginning of each federal fiscal year.

Information on the availability, or lack thereof, of such institutions can be obtained from the DBE Liaison Officer.

### **Prompt Payment Mechanisms (26.29)**

#### Prompt Payment mechanisms (26.29a)

ICT will include the following clause in every US DOT-assisted construction contract:

The prime contractor agrees to pay each subcontractor under the prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contractor receives from ICT, unless otherwise specified in individual contract documents. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of ICT. This clause applies to both DBE and non-DBE subcontractors.

#### Retainage: (26.29b)

ICT deducts 5% of each progress estimate and holds as retainage. This retainage is held exclusively for claims filed in accordance with Chapter 573 of the Code of Iowa and shall not be considered as an encumbrance on the work performed by a subcontractor.

The prime contractor agrees to return retainage payments to each subcontractor within 30 days after the subcontractor 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 ICT. This clause applies to both DBE and non-DBE subcontractors.

#### Monitoring and Enforcement (26.29d)

ICT has established the following mechanisms to monitor and enforce that prompt payment and return of retainage is in fact occurring.

1. Requiring prime contractors (in sub-contracts in excess of \$10,000), to provide subcontractors with all contract provisions, including the prompt payment provision. Essentially, ensuring that subcontractors are knowledgeable of the prompt payment requirement.

2. Because our contract requires prompt payment by the prime contractor to the subcontractor, the subcontractor is entitled to prompt payment. Because subcontractors will be aware of this right, and it is in their greatest financial interest to assure that this right is respected, we believe it is reasonable to expect that subcontractors not receiving prompt payment will contact ICT.
3. If ICT is contacted by a subcontractor regarding possible violation of the prompt payment clause by the prime contractor, we will make inquiries to the prime contractor. Depending on the response from the prime contractor, ICT may implement the sanctions/consequences listed in the section below.

If prompt payment is not made, then ICT may enforce the following sanctions:

1. Requiring documentation of all payment to subcontractors for all previous payments from ICT to the prime contractor before any future payments from ICT to the prime contractor are made.
2. Termination of contract for Default. This termination clause is included in all DOT-assisted contracts.
3. Prohibiting prime contractor from bidding on any future ICT contracts.

Attachment 3 lists the regulation, provisions, and contract remedies available to ICT in the events of non-compliance with the DBE regulation by a participant in our procurement activities.

### **Directory (26.31)**

ICT will utilize the directory developed by the Iowa DOT that identifies all firms eligible to participate as DBEs. The DBE Directory lists the firm's name, address, phone number, fax number, email, website, and the type of work the firm has been certified to perform (NAICS Code) as a DBE. The Iowa DOT continually revises the Directory as changes in information are approved. ICT will keep a current copy of the Directory available locally. In addition, the IDOT's DBE Directory may be found at <https://secure.iowadot.gov/DBE/Home/Index/>.

### **Overconcentration (26.33)**

ICT has not identified that overconcentration exists in the types of work that DBEs perform in the Iowa City Urbanized Area. The ICT DBELO will, on a triannual basis, review the Iowa DOT Directory of Certified Disadvantaged Business Enterprises and the Iowa Economic Development Authority's Certified Targeted Small Business (TSB) program to identify overconcentration areas. If it is determined that DBE firms have an overconcentration in a particular type of work as to "unduly" burden the opportunity of non-DBE firms who participate in this type of work, then ICT will consult with the concerned DOT operating administration.

### **Business Development Programs (26.35)**

ICT has not established a business development program. ICT will reevaluate the need for such a program on the DBE goal setting schedule (every 3 years).

## **Monitoring and Enforcement Mechanisms (26.37)**

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

1. ICT will bring to the attention of the DOT any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
2. ICT will consider similar action under its own legal authorities, including responsibility determinations in future contracts. 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. ICT will monitor FTA-assisted contracts to ensure that work committed to DBEs (prime or subcontractor) when they are awarded, is actually performed by the DBE. ICT will verify that the DBE is performing the work tasks identified in the bid through on-site verification and/or phone conversation with the DBE owner. ICT will require contractors to provide documentation of payments (including retainage payments) to DBE and non-DBE firms with the date they are paid. Where feasible, ICT will verify that the supplies utilized by the DBE are provided exclusively by the DBE or another third-party contractor (i.e. the supplies are not provided by the prime contractor).
4. ICT will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

The contractor shall not perform any act, fail to perform any act, or refuse to comply with any ICT requests which would cause ICT to be in violation of the FTA terms and conditions of FTA Circular 4220.1F as amended.

## **Small Business Participation (26.39)**

### **Small Business Definition:**

1. Small Business — Small businesses must meet the definitions specified in the Small Business Act, Section 3, and the Small Business Administration regulations (13 CFR Part 121) and be certified as a targeted small business (TSB) by Iowa Economic Development .
2. Disadvantaged Business Enterprise — A for-profit small businesses that has been certified as a DBE by the Iowa DOT in accordance with 49 CFR Part 26. Only these firms will be counted towards DBE race-neutral participation on DOT-assisted contracts. This certification typically reviews the following criteria:
  - a. Business must be 51% owned by one/more individual who are socially/economically disadvantaged.
  - b. Management and daily business operations are controlled by the owner.



### **Small Business Certification/Verification Procedures:**

ICT will accept the following certifications for participation in the small business element of ICT's DBE Program

1. Iowa DOT DBE Certification — DBE Certification by the Iowa DOT which stipulates that a firm has been determined to meet all the requirements in accordance with 49 CFR Part 26.
2. Iowa Economic Development Authority (IEDA)'s Targeted Small Business (TSB) program — Those certified under the IEDA's TSB program (<https://www.iowaeda.com/small-business/targeted-small-business/>) are available to the public by going to the TSB website and downloading applicable businesses within Iowa. TSB firms must be a for profit business, be located in Iowa, have a gross income of less than \$4.0 million over the past three years and be owned/operated/actively managed by a female, minority, service-disabled veteran or person with disability.
3. Small Business Administration (SBA) Certification that business is an SBA as defined under 13 CFR Part 121.

**Small Business Element Strategies** — ICT's DBE Program is met primarily through race-neutral methods as identified in ICT's triennial DBE Goal calculations. DBE firms are, by definition, small businesses. As part of its race-neutral element of the DBE program, ICT will encourage small business participation in future contract opportunities through the following mechanisms:

1. **Unbundling Contracts to Foster Small Business Opportunities:** ICT will encourage its prime contractors or prime consultants to unbundle contracts to facilitate participation by small businesses. ICT staff will assist prime contractors or prime consultants in identifying portions of work which may be unbundled and performed by small businesses, as opposed to the prime contractor self-performing all the work involved. ICT will provide opportunities for small businesses to network with larger firms on larger DOT-assisted contracts to discuss these smaller opportunities within each project.
2. **Outreach:** ICT is committed to minimizing barriers to increase contract participation with small businesses. Therefore, to increase contracting opportunities with small businesses, ICT may do the following:
  - a. Send bid announcements directly to small business firms.
  - b. Notify small businesses of upcoming bid opportunities through postings on its website and email blasts to known small businesses concerns (i.e. small business development centers), minority business associations and other community organizations.
  - c. Search known Small Business databases (Iowa DOT Iowa DBEs: (<https://secure.iowadot.gov/DBE/Home/Index/>) and the IEDA's Certified TSB website (<https://www.iowaeda.com/small-business/targeted-small-business/>) for small businesses that could perform work on not only DOT-assisted contracts but also on smaller contracting opportunities that are not DOT-assisted.

- d. Notify any new vendor of the Iowa DOT DBE program by sending out the Iowa DOT's DBE and IEDA information to the new business to encourage participation, if applicable.
  - e. Conduct business opportunity meetings for larger projects with subcontracting opportunities to encourage networking between small businesses and large general contractors and explain the work types available that could be subcontracted out to small businesses.
  - f. Conduct pre-bid meetings for construction projects to help explain the project and answer questions.
  - g. Advertise all DOT-assisted contracting opportunities over \$50,000 through various outlets, including local newspapers, minority-based publications, and trade publications as well as on the City of Iowa City website.
  - h. ICT will keep records of registered prime contractors that request bidding documents.
3. **Implementation Schedule:** ICT will implement the small business elements within contracting opportunities no later than nine months following FTA approval of the ICT DBE Program. ICT will reevaluate the need for a more detailed business development program on the DBE goal-setting schedule (every 3 years).

## **SUBPART C - Goals, Good Faith Efforts, and Counting**

### **Quotas (26.43)**

ICT will not use quotas in any way in the administration of this DBE program.

### **Overall Goals (26.45)**

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 4 to this program. This section of the program will be reviewed annually and updated as needed if circumstances have changed.

In accordance with section 26.45(f), ICT will submit its overall DBE program and goal to FTA on August 1 of the year specified by FTA and every 3 years thereafter that ICT has contracting opportunities over \$250,000. ICT's goals are due August 1, 2025 and every three years thereafter.

Per the current \$250,000 threshold, since ICT has received a grant and anticipates use of \$250,000 or more in FTA planning, capital, and/or operating assistance in a federal fiscal year, it will continue to carry out this program until all funds from DOT financial assistance that are eligible for contracting have been expended. ICT will provide updates to DOT representing significant changes in the program. The threshold will increase to \$670,000 in FFY20025, at which point, ICT will reassess.

To determine the overall DBE Goal for FFY 2023-2025, a two-step process was used. Step 1 used base figures to determine the relative availability of DBEs in specific areas of anticipated contracting opportunities, using the Iowa DOT State of Iowa Directory of Certified Disadvantaged Business Enterprises. In Step 2, an assessment of known relevant evidence available to ICT, the data in the NAICS Codes was analyzed to determine what adjustments

were needed. ICT uses the majority of federal operating funds for wages and salaries and thus has not had a lot of contracting opportunities to gather DBE availability data. As a result, the goal was not adjusted for past DBE participation but was weighted for the portion of funds expected to go to respective NAICS codes.

Before establishing the overall goal each year, ICT will consult with minority, women's and general contractor groups, community organizations and other officials/organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and ICT's efforts to establish a level playing field for the participation of DBEs.

Following the consultation, ICT will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection electronically on the City's website or during normal business hours at the MPOJC office for 30 days following the date of the notice, and informing the public that ICT will accept comments on the goals for 30 days from the date of the notice. ICT will publish the notice in The Iowa City Press Citizen newspaper and on the City of Iowa City website. ICT still has not been successful in finding a local minority publication.

ICT will begin using this overall goal on October 1, 2024, unless otherwise instructed by DOT. This goal will remain effective for the duration of the three-year period established and approved by FTA.

The methodology to calculate the overall DBE goal and the goal calculations can be found in Attachment 4.

### **Goal Setting and Accountability (26.47)**

If the awards and commitments shown on ICT'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, ICT will identify any contracts for the next fiscal year and consider use of a contract goal (race conscious mean) to support meeting the overall 3 year goal.

### **Transit Vehicle Manufacturers (26.49)**

ICT will require each transit vehicle manufacturer (TVM), as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, ICT may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

### **Race Neutral Means of Meeting Goal (26.51 a-c)**

ICT will meet the maximum feasible portion of its overall goal using race-neutral means of facilitating DBE participation. The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 4 to this program. This section of the program will be updated every three years when the goal calculation is updated.

In order to focus on race neutral means, ICT will:

1. Arrange pre-bid meeting to facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under § 26.39 of this program.
2. Provide technical assistance regarding current contract opportunities.
3. Provide information on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidder/offers; ensuring the dissemination to bidder/offers on prime contracts of lists of potential subcontractors; provision of information in languages other than English, if requested).
4. Ensure distribution of the DBE directory, through electronic means, to potential prime contractors.

### **Race Conscious Means of Meeting Goal & Contract Goals (26.51 d-g)**

ICT will use contract goals to meet any portion of the overall goal it 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 ICT's overall goal that is not projected to be met through the use of race-neutral means.

ICT will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. ICT 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).

ICT will express its contract goals as a percentage of the total amount of a DOT-assisted contract.

### **Good Faith Efforts Procedures (26.53)**

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

In those instances where a contract-specific DBE goal is included in a procurement/solicitation, ICT will not award the contract to a bidder/offers 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/offers to demonstrate it has made sufficient good faith efforts prior to submission of its bid.

#### Demonstration of Good Faith Efforts (2d.53a & c)

The obligation of the bidder/offers is to make good faith efforts. The bidder/offers 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.

The following personnel are responsible for determining whether a bidder/offers who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive:

- Director of Transportation Services/DBELO

ICT will evaluate if any/all of the following good faith efforts were conducted by the bidder/offeror to achieve DBE participation on the project:

- A. Solicited the interest of all certified DBEs who have the capability to perform the work of the contract. The bidder/offeror must solicit this interest within sufficient time to allow the DBEs to respond to the solicitation. The bidder/offeror must determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations. (Solicitations include attending pre-bid meetings, attending small business networking meetings, phone calls, emails, advertising, etc.).
- B. Selected portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.
- C. Provided interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.
- D. (1) Negotiated in good faith with interested DBEs. It is the bidder/offeror's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBEs to perform the work.  
(2) A bidder/offeror using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder/offeror's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder/offeror of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.
- E. Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal.
- F. Made efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.
- G. Made efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
- H. Effectively used the services of available minority/women community organizations; minority/women contractors' groups; local, state, and Federal minority/women business

assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.

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

Information to be Submitted (26.53b)

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

Each solicitation for which a contract goal has been established will require the bidders/offerors 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 contractor's commitment; and
6. If the contract goal is not met, evidence of good faith efforts.

Administrative Reconsideration (26.53d)

Within 2 business days of being informed by ICT that it is not responsive 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 team:

Mark Dunn, Contracts Director, Email: mark.dunn@dot.iowa.gov  
Nicki Rainey, Civil Rights Administrator, Email: nikita.rainey@dot.iowa.gov  
Ed Kasper, Assistant Contracts Engineer, Email: edward.kasper@dot.iowa.gov

Iowa DOT, Office of Contracts  
800 Lincoln Way  
Ames, Iowa 50010,  
Phone: (515) 239-1414

Since the first determination of good faith effort is a comparison of the bidder/offeror's DBE commitment to the established goal and the second determination of good faith effort is a calculated value, the reconsideration officials play no role in the original determinations. The reconsideration officials 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 arguments 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 officials to discuss the issue of whether it made adequate good faith efforts to do so. We will send the bidder/offeror a written decision on reconsideration, explaining the basis

for finding that the bidder/offeror did or did not meet the goal or make adequate good faith efforts to do so.

Documentation required will include the following:

- Offering assistance in areas of interpreting plans, preparing proposals;
- Response to requests from any small businesses submitting quotes, concerning quantities, overtime, project scheduling, etc.;
- The bidder/offeror's past good faith efforts on the other projects bid with the Iowa DOT;
- Making portions of the work available for DBE subcontracting;
- Evidence of negotiations with DBE firms;
- DBE quotes obtained and non-DBE quotes used;
- Reason agreements were not reached;
- Follow-up after initial solicitations;
- Efforts to assist in obtaining bonding, lines of credit, or insurance; and
- Efforts to assist in obtaining equipment, supplies, and materials.

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

#### Good Faith Efforts When a DBE is Replaced on a Contract (26.53f&g)

ICT requires that prime contractors not terminate a DBE subcontractor listed on a bid/contract without ICT's prior written consent. Prior written consent will only be provided where there is "good cause" for termination of the DBE firm, as established by Section 26.53f(3) of Title 49 Part 26.

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

In those instances where "good cause" exists to terminate a DBE's subcontract, ICT 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. In this situation, ICT will require the prime contractor to obtain ICT's 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, ICT's 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 Iowa City Transit 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 \_\_\_\_ percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26, 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 (6) if the contract goal is not met, evidence of good faith efforts.*

### **Counting DBE Participation (26.55)**

ICT will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55 and will take reasonable steps to ensure contractors provide ICT with accurate information for counting. ICT will report data to FTA on a semi-annual basis.

## **Subpart D — Certification Standards**

### **Certification Process (26.61 – 26.73)**

The Iowa DOT certifies all DBEs in Iowa, ICT does not certify DBEs. For information about eligibility standards, the certification process, or to apply for certification, firms should contact the Iowa DOT:

Yareli Mendoza, DBE External Administrator  
Email: [yareli.mendoza@iowadot.us](mailto:yareli.mendoza@iowadot.us)  
Phone: 515-239-1427

Iowa DOT's certification application forms and documentation requirements are found on the Iowa DOT website here: <https://iowadot.gov/civilrights/Disadvantaged-business-enterprise-program-DBE/DBE-Program> and paper copies can be provided by reaching out to the ICT's DBE Liaison.

See 29.39 for TSB certification information.

## **Subpart E — Certification Procedures**

### **Unified Certification Programs (26.81)**

ICT is a member of a Unified Certification Program (UCP) administered by the Iowa DOT. The UCP will meet the requirements of this section. ICT will use and count for DBE credit only those DBE firms certified by the Iowa DOT. Refer to Subpart D for information on how to become a certified DBE.



The Iowa DOT's DBE UCP Directory may be found at <https://secure.iowadot.gov/DBE/directory>.

ICT will work with businesses that may qualify as Iowa DBEs but are not yet listed as a "certified" Iowa DBE, to forward paperwork from other states to the Iowa DOT's Office of Contracts. Facilitating this paperwork sharing may enable ICT to contract with more DBE firms with minimal work on behalf of the small business. One opportunity to target small businesses that are potential DBEs would be to encourage Iowa's TSB businesses that ICT works with (<https://dia.iowa.gov/tsb/index.php/home>) to apply for DBE certification.

ICT's DBELO will work on an annual outreach effort in this regard.

## **Procedures for Certification Decisions (26.83 a & c)**

### **Certification Appeals (26.89)**

ICT relies on the Iowa DOT to appropriately administer the DBE certification program.

A firm who has been denied certification as a DBE by the Iowa DOT or whose certification has been removed, will be provided an opportunity to appeal the decision to the Iowa DOT DBE appeal committee. Please contact the Iowa DOT's Office of Contracts, EEO section, at 515-239-1422 or via email [dot.contracts@iowadot.us](mailto:dot.contracts@iowadot.us) for more information regarding this appeal process. Any firm or complainant may also appeal the Iowa DOT's decision at any time in a certification matter to the DOT. Such appeals may be sent to:

U.S. Department of Transportation  
Office of Civil Rights  
External Policy & Program Development Division  
1200 New Jersey Avenue SE  
Room W76-101  
Washington, D.C. 20590  
Phone: (202) 366-4000

It is ICT's understanding that the Iowa DOT will promptly implement any DOT certification appeal decision affecting the eligibility of DBEs for DOT-assisted contracts as identified in the Iowa DBE Program (<https://iowadot.gov/civilrights/documents/DBEProgram.pdf>). ICT does not certify firms within the State of Iowa.

## **SUBPART F — Compliance and Enforcement**

### **Information, Confidentiality, Cooperation (26.109)**

ICT will safeguard from disclosure 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, ICT will not release personal financial information submitted by a DBE applicant to a third party (other than DOT) without the written consent of the submitter.

**Monitoring Payments to DBEs**

ICT will require prime contractors to maintain records and documents of payments to DBEs for five years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of ICT, Iowa DOT, or FTA. This reporting requirement also extends to any certified DBE subcontractor.

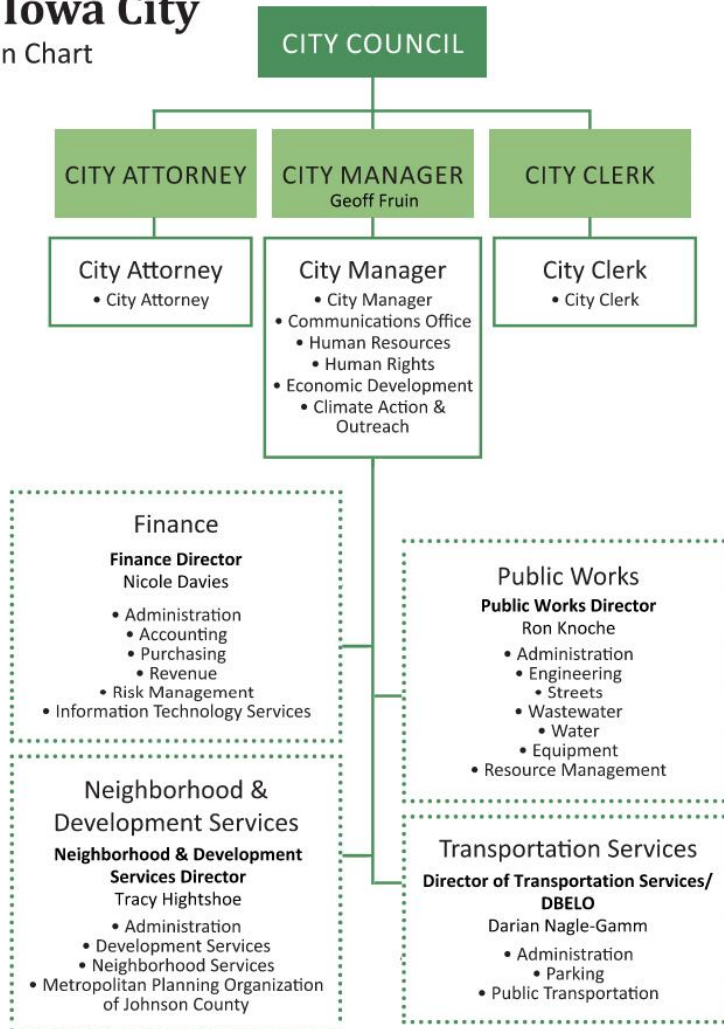
ICT will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

## **ATTACHMENTS**

- Attachment 1 Organizational Chart
- Attachment 2 DBE Directory
- Attachment 3 Monitoring and Enforcement Mechanisms
- Attachment 4 Overall Goal Calculation
- Attachment 5 Breakout of Estimated Race-Neutral & Race-Conscious Participation
- Attachment 6 Forms for DBE Reporting and Demonstration of Good Faith Efforts

# Attachment 1 – Organizational Chart

## City of Iowa City Organization Chart



**Note: The Iowa City Transportation Services Director is also the DBELO for ICT**

## **Attachment 2 — Iowa DOT Directory of Certified DBEs**

Link - <https://secure.iowadot.gov/DBE/Home/Index/>

Any questions concerning this Directory or the DBE program should be directed to:

External Civil Rights Team  
Iowa Department of Transportation  
800 Lincoln Way  
Ames, Iowa 50010  
Phone: 515-239-1422 or 515-239-1304  
Fax: 515-817-6502  
Email: [civil.rights@iowadot.us](mailto:civil.rights@iowadot.us)

### **Attachment 3 - Monitoring and Enforcement Mechanisms**

ICT has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

1. Breach of contract action, pursuant to the terms of the contract
2. Breach of contract action, pursuant to State Code

In addition, the federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE problem, 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 4 – Overall Goal Calculation

### Section 26.45: Overall Goal Calculation

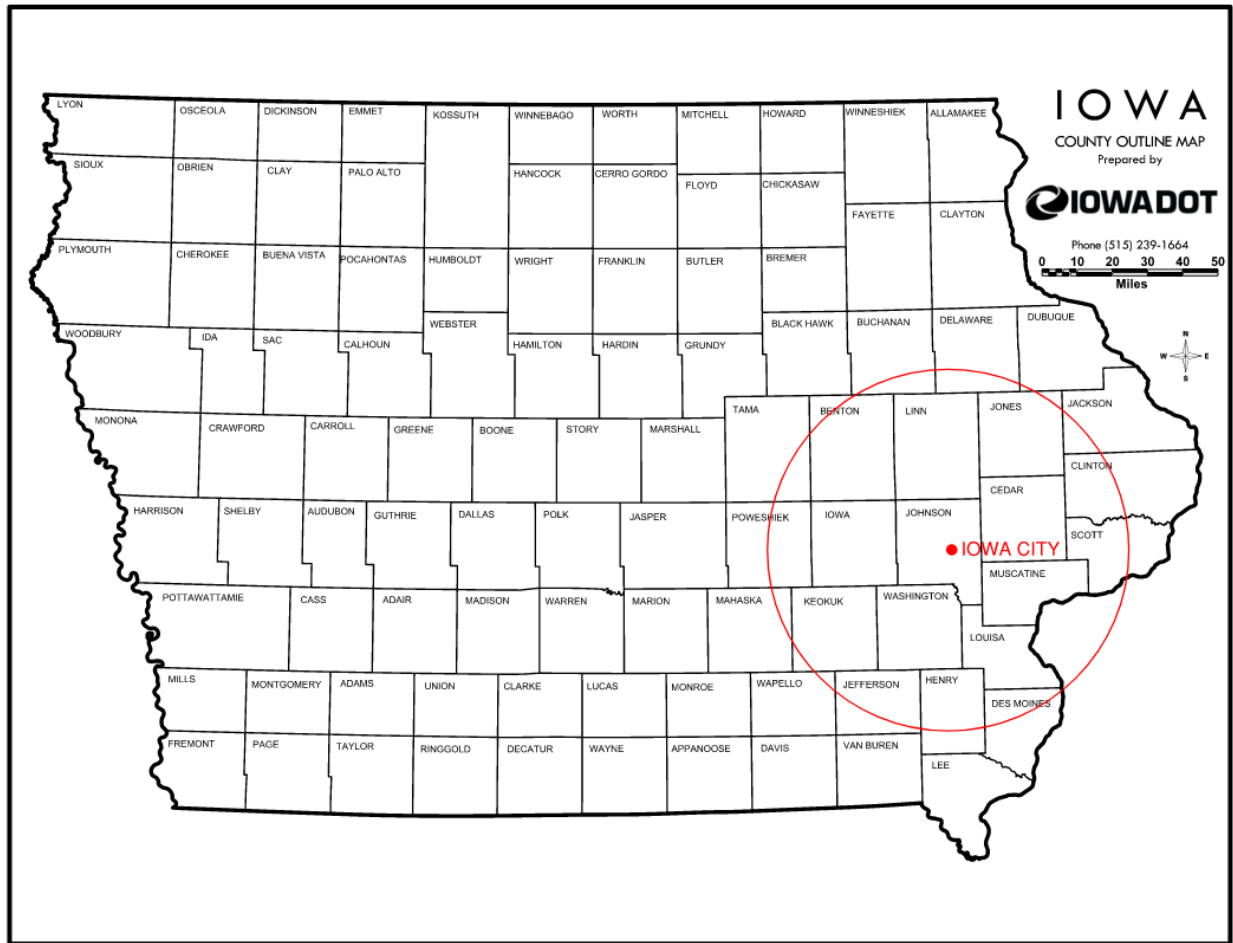
#### Amount of Goal

1. ICT's overall goal for the FFY2023-FFY2025 time period is: 3.4% of the Federal Financial assistance we will expend in DOT-assisted contracts exclusive of FTA funds to be used for the purchase of transit vehicles.
2. \$1,020,000 is the dollar amount of DOT-assisted contracts that expects to paid during FFY 2025. This means that ICT has set a goal of expending \$35,000 with DBEs during this fiscal year/project.

#### Methodology Used to Calculate Overall Goal

The data sources used to derive the denominator were: 2017 NAICS Codes and the US Census (Table: All Sectors: County Business Patterns, including ZIP Code Business Patterns, by Legal Form of Organization and Employment Size Class for the U.S., States, and Selected Geographies: 2021). Given that the most significant contracting opportunity anticipated for FFY 2023-2025 is the design and construction of the new Transit Facility, census data was limited to counties in Iowa within approximately 50 miles of Iowa City. Counties from which data was pulled include: Benton, Black Hawk, Buchanan, Cedar, Clinton, Delaware, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Linn, Louisa, Mahaska, Muscatine, Poweshiek, Scott, Tama, Wapello, Washington County. While Blackhawk County technically falls outside of that radius, contractors from Waterloo and other Blackhawk Counties have performed work in Iowa City before and thus were included. While the new transit facility is significant for the community of Iowa City, it is not anticipated to draw the attention of contractors outside of that approximate range.

The data source used to derive the numerator was the Iowa DOT DBE directory. DBE firms in the above listed counties were considered ready, willing and able to bid ICT work.



**Step 1: 26.45(c)**

Determine the base figure for the relative availability of DBEs.

The base figure for the relative availability of DBEs was calculated as follows:

- Base figure = (Ready, willing, and able DBEs) / (All firms ready, willing, and able)
- Base figure = 10 / 262 = .0382

**Step 2: 26.45(d)**

After calculating a base figure of the relative availability of DBEs, evidence was examined to determine what adjustment was needed to the base figure in order to arrive at the overall goal.

In order to reflect as accurately as possible the DBE participation expected in the absence of discrimination, the base figure has been decreased by 0.42%.

This was done by weighting for portion of funding expected to be subcontracted to various groups. The reason behind adjusting the figure using this data was because the largest portion of funding will go to an area in which few firms are DBEs:

From this data, the base figure is adjusted to 3.4%.



## Public Participation

ICT held a pre-publish meeting on May 30, 2024 prior to the publication of the Preliminary Iowa City Transit Disadvantaged Business Enterprise (DBE) Program FFY 2023-2025: 2024 Update document. DBEs in the area were invited to a meeting to learn about and give input on the ICT DBE Program before it was published for open public comment. The hybrid meeting was held at Emma J. Harvat Hall, located in Iowa City City Hall, 410 E. Washington Street, Iowa City, IA 52240 and via Zoom. Three DBEs were in attendance. Staff presented information regarding the ICT DBE Program, ICT's online bidding and RFQ solicitation platform, and where to find the published Program document, once available. In addition, staff answered questions pertaining to how the DBE goal was calculated and where ICT was at in the contract-awarding process. Staff answered both questions, and neither hearing nor receiving further questions or comments, concluded the meeting.

Federal regulations require that ICT publish a notice in general circulation media announcing ICT's proposed overall goals for FFY 2024-2026 contracts assisted by the US DOT. Such notice informs the public that the proposed goals and their rationale are available for inspection during normal business hours at the MPOJC office for 30 days from the date of the notice. ICT published its goal information in these publications: the Iowa City Press Citizen, the City of Iowa City website, and the notice was also published on the Iowa DOT's Public Transit website.

ICT received no comments from individuals or organizations during the public comment period.

Expected Federal Fund Expenditures		
FFY 23	No Contracting Opportunities	\$ -
FFY 24	Anticipate executing new Transit Facility design consultant contract in August/Septer 2024	\$ 24,000
FFY 25	Anticipate completion of 30% design and 60% design to be underway	\$ 1,020,000
Total Expected Federal Fund Expenditures for FFY 23-FFY25		<u>\$ 1,044,000</u>
FFY 26-	Anticipate completion of facility design	
FFY 28	Anticipate executing new Transit Facility construction contract.	\$ 16,880,000
FFY29-	Estimate the remaining design and full construction contracts will be paid within period.	
FFY 31		\$ 1,807,000
Total Expected Federal Fund Expenditures for New Transit Facility		<u>\$ 19,731,000</u>

NAICS Code and meaning	Number of establishments	DBE	Projected portion of FTA funds	% of Total DOT Funds (weight)	Relative Availability	Weighted Base Figure (Weight x Availability)
5413// Architectural, engineering, and related services	181	6	\$ 1,028,860	98.55%	<b>3.31%</b>	0.033
541620 Environmental consulting services	14	2	\$ 8,500.00	0.81%	<b>14.29%</b>	0.001
541690 Other scientific and technical consulting services	36	1	\$ 2,500.00	0.24%	<b>2.78%</b>	0.000
541990 All other professional, scientific, and technical services	31	1	\$ 2,500.00	0.24%	<b>3.23%</b>	0.000
	262	10	\$ 1,042,360			3.40%

Goal of Federal Funds expended on DBEs

FFY 23	\$	-
FFY 24	\$	1,000
FFY 25	\$	35,000

## **Attachment 5 – Breakout of Estimated Race-Neutral & Race-Conscious Participation**

ICT will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. ICT uses the following race-neutral means to increase DBE participation: making efforts to assure that bidding and contract requirements facilitate participation by DBEs and other small businesses; considering making large contracts into smaller contracts to make them more accessible to small businesses, encouraging prime contracts to subcontract portions of the work that they might otherwise perform themselves; providing technical assistance, communications programs, and other support services to facilitate consideration of DBEs and other small businesses.

Additionally, ICT will:

1. Arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under § 26.39 of this program.
2. Provide technical assistance regarding current contract opportunities.
3. Provide information on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidder/offers; ensuring the dissemination to bidder/offers on prime contracts of lists of potential subcontractors; provision of information in languages other than English, if requested).
4. Ensure distribution of the DBE directory, through electronic means, to potential prime contractors.

ICT will use contract goals to meet any portion of the overall goal it 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 ICT's overall goal that is not projected to be met through the use of race-neutral means.

ICT will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. ICT 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).

ICT will express its contract goals as a percentage of the total amount of a DOT-assisted contract.

ICT estimates that, in meeting its overall goal of 3.4%, it will obtain 100% from race-neutral participation and 0% through race-conscious measures for FFY 2023-2025.

The following is a summary of the basis of ICT's estimated breakout of race-neutral and race-conscious DBE participation: ICT has few contracting opportunities and for this period, does not have any contracts that are eligible for a contract goal.

In order to ensure that this DBE program will be narrowly tailored to overcome the effects of discrimination, if ICT uses contract goals it will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)) and it

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 a 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.

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

## **Attachment 6 – Forms for DBE Reporting and Demonstration of Good Faith Efforts**

Contractor to provide Iowa DOT form 020113 and 102115 under sealed bid procedures as a matter of responsiveness for projects which carry a contract goal.

Contractor to provide Iowa DOT form 103115 under sealed bid procedures as a matter of responsiveness for projects which do not carry a contract goal.

Consultants or Contractors that are procured via a qualifications-based procedure for a project which does not carry a contract goal are to provide Iowa DOT form 102115 with the contract for their scope of services.

At completion of any project, Iowa DOT form 102116 is to be completed by contractor or consultant. Iowa City Transit will designate Project Engineer to monitor DBE participation on contracts.

## DISADVANTAGED BUSINESS ENTERPRISE (DBE) INFORMATION STATEMENT OF DBE COMMITMENTS

**(To be completed in ink by ALL bidders as per the current DBE specification.)**  
 The submittal of this form with the signed proposal constitutes your DBE commitment.  
 The following work will be subcontracted to **certified** DBE firms.

Bid Order Number: \_\_\_\_\_  
 Letting Date: \_\_\_\_\_  
 County: \_\_\_\_\_  
 Proposal Identification Number: \_\_\_\_\_  
 Contractor: \_\_\_\_\_

1. DBE Firm* Date Contacted Person Contacted	2.  Work or Items to be Sub-contracted	3. Submit Quote Yes/No	4. Use Quote Yes/no	5. Amount to DBE (Dollars)	6. DBE Supplier Yes/No	7. DBE Commitment (Dollars)
Firm Date Contact		<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Firm Date Contact		<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Firm Date Contact		<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
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Firm Date Contact		<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	

\*For each DBE firm, **columns 1 (name of firm only), 4 and 5** must be completed to constitute a commitment to a DBE goal.  
 The total DBE participation dollar commitment will be based on 100 percent of the dollars in column 5, or 60 percent of the dollars in column 5 if column 6 is checked.

**CERTIFICATION OF DISADVANTAGED  
BUSINESS ENTERPRISE (DBE) PARTICIPATION**

The bidder must certify that it:

- A. Will meet the DBE goal for this project of \_\_\_\_\_ percent, or
- B. Will not meet the \_\_\_\_\_ percent goal, but has made good faith efforts to meet the goal consistent with 49 CFR Part 26 and as outlined in Category III, Section 23.

**A. Percent Goal Attainment Certification**

Date \_\_\_\_\_

Signature \_\_\_\_\_

Title \_\_\_\_\_

Company name \_\_\_\_\_

**B. Certification of inability to meet \_\_\_\_\_ percent of goal and good faith efforts.**

The bidder hereby certifies that it is unable to meet the \_\_\_\_\_ percent DBE participation goal for this project, described by the procurement administrator as \_\_\_\_\_, and that it has made a good faith effort to maximize the DBE participation that is consistent with 49 CFR Part 26 and with Category III, Section 23 of this document.

The bidder certifies that it is able to meet \_\_\_\_\_ percent DBE participation.

Date \_\_\_\_\_

Signature \_\_\_\_\_

Title \_\_\_\_\_

Company name \_\_\_\_\_

**CERTIFICATION OF DISADVANTAGED BUSINESS ENTERPRISE (DBE) ACCOMPLISHMENT**

(To be completed by the prime contractor and submitted with the final documents for all federal-aid contracts.)

County \_\_\_\_\_ Letting date \_\_\_\_\_

Contract identification number \_\_\_\_\_

Prime contractor \_\_\_\_\_

Total DBE commitment listed on Iowa DOT Form 102115 \_\_\_\_\_

DBE companies	Dollars committed (Form 102115) (1)	Dollar amount paid	Percent for goal (*60 or 100) *For suppliers only.	Dollars DBE credit
			Total	\$0.00

(1) If no DBE goal was established for the contract, enter 0.

I, \_\_\_\_\_ the \_\_\_\_\_  
(name) (corporate officer)

of \_\_\_\_\_ certify the DBE accomplishment to be  
(prime contractor)

true and accurate.

It is understood that the accomplishment will be compared to the commitment and may result in a penalty in accordance with Article 1102.17 of the Standard Specifications.

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(signature)

Comments

- Yes  No Form 102115 commitment (1)
- Yes  No Approved adjustments
- Yes  No Revised Form 102115 commitment
- Yes  No Contractor accomplishment
- Yes  No Reduction in prime contractor payment  
(Include a copy of change order for any reduction in prime contractor payment.)
- Yes  No Locally paid projects only
- Yes  No Federal dollars in contract

I have monitored the work performed by the DBE and certify that the work performed was done by the DBE listed above as required by Article 1102.17 F and G of the Standard Specifications.

\_\_\_\_\_  
(project engineer)

\_\_\_\_\_  
(office)