

# **XYZ Transit DBE Policy**

May 2017

## **DBE Goal**

XYZ Transit DBE goal for 2017 is 1 percent (1%).

## **DBE Policy Statement**

XYZ Transit Board of Commissioners is committed to a policy of nondiscrimination in the conduct of its business, including the procurement of goods and services. XYZ Transit government recognizes its responsibilities to the society it serves and reaffirms that commitment through adoption of this Disadvantaged Business Enterprise ("DBE") Policy Statement. XYZ Transit Board of Commissioners has established a DBE Program in accordance with the regulations of the U.S. Department of Transportation ("DOT"), 49 CFR Part 26. The DBE Program applies to all DOT-assisted projects.

XYZ Transit's policy is to encourage disadvantaged business enterprises, including both minority-owned and women-owned businesses, to fully participate in Pace's procurement process. The DBE Program goals are as follows:

1. To create a level playing field on which DBEs can compete fairly and participate fully in the performance of all DOT-assisted contracts and subcontracts;
2. To help remove barriers in the participation of DBEs in DOT-assisted contracts and subcontracts;
3. To ensure nondiscrimination on the basis of race, color, national origin or sex in the award and administration of DOT-assisted contracts and subcontracts;
4. To ensure that the DBE Program is narrowly tailored in accordance with applicable laws;
5. To assist the development of firms that can compete successfully in the marketplace outside the DBE Program; and
6. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs.
7. To utilize the directory prepared and maintained by the State of Washington Office of Women and Minority Business Enterprises.

The responsibility for carrying out XYZ Transit's commitment to this program is delegated by the XYZ Transit Board of Commissioners. However, all Department Managers, Division Managers Section Managers, and other employees share in the responsibility for making XYZ Transit's DBE Program a success. Implementation of the DBE Program is accorded the same priority as compliance with all other legal obligations incurred by XYZ Transit in its financial assistance agreements.

Copies of this policy statement shall be circulated to the XYZ Transit employees, and distributed to the DBE and non-DBE business communities that perform work for XYZ Transit.

### **Challenge procedure**

1. Within thirty (30) days of bid opening, any third party may challenge the socially and economically disadvantaged status of any individual (except an individual who has a current 8(a) certification from the Small Business Administration) presumed to be socially and economically disadvantaged if that individual is an owner of a firm certified by or seeking certification from XYZ Transit as a disadvantaged business.
2. With its letter, the challenging party shall include all information available to it relevant to a determination of whether the challenged party is in fact socially and economically disadvantaged.
3. The General Manager shall determine, on the basis of the information provided by the challenging party, whether there is reason to believe that the challenged party is in fact not socially and economically disadvantaged.
4. If the General Manager determined that there is not reason to believe that the challenged party is not socially and economically disadvantaged, he/she shall so inform the challenging party in writing. This terminates the proceeding.
5. If the General Manager determines that there is reason to believe that the challenged party is not socially and economically disadvantaged, he/she shall notify the challenged party in writing that his or her status as a socially and economically disadvantaged individual has been challenged. The notice shall identify the challenging party and summarize the grounds for the challenge. The notice shall also require the challenged party to provide XYZ Transit within a reasonable time, information sufficient to permit XYZ Transit to evaluate his or her status as a socially and economically disadvantaged individual.
6. The General Manager shall make a final determination and shall inform the parties in writing of the final determination, setting forth the reasons for the decision.