

## POLICY STATEMENT

Adopted August 2019

### OBJECTIVES/POLICY STATEMENT

#### Section 26.1, 26.23

The Woodlands Township ("Township") has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the Federal Transit Administration (FTA). The Township has received federal financial assistance from the Department of Transportation (DOT), and as a condition of receiving this assistance, the Township has signed an assurance that it will comply with Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs, 49 CFR Part 26.

It is the policy of the Township to facilitate, and assure that each Prime or Subcontractor participating on Township DOT-assisted contracts, will facilitate DBE participation by:

1. Complying with Title 49 CFR Part 26 of Federal Regulation;
2. Not discriminating on the basis of race, color, religion, national origin, sex, disability, or age;
3. Implementing the Township's DBE program; and
4. Verifying DBE Certification.

The Deputy Director of Community Services has been delegated as the DBE Liaison Officer (DBELO). In that capacity, the Deputy Director of Community Services is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the Township in its financial assistance agreements with the DOT.

The Township has disseminated this policy statement to its Board of Directors and all transit-related components within the Township. The Township will distribute this statement to DBE and non-DBE business communities that perform work for the Township on DOT-assisted contracts. This statement shall be included in all DOT-funded solicitation packages and communicated to local business groups and governments, chambers of commerce, and community organizations.



Don Norrell  
President / General Manager  
The Woodlands Township

9.7.19  
Date

## **GENERAL REQUIREMENTS**

### **Objectives – Section 26.1**

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

### **Applicability – Section 26.3**

The Township is the recipient of FTA funds authorized by Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and all extensions; Moving Ahead for Progress in the 21st Century Act (MAP-21) and, Fixing America's Surface Transportation Act (FAST Act).

### **Definitions – Section 26.5**

The Township accepts the definitions contained in 49 CFR Section 26.5 for this program.

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

The Township 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, religion, national origin, sex, disability, or age.

In administering its DBE program, the Township 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, religion, national origin, sex, disability, or age.

### **Reporting and Record Keeping Requirements – Section 26.11**

#### Reporting to FTA : 26.11(b)

The Township will report DBE participation to DOT on a semi-annual basis using the Uniform Report of DBE Awards or Commitments and Payments Form.

#### Bidders List: 26.11(c)

The Township will create a bidders list, consisting of information about all DBE and non-DBE firms that wish to respond to, bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidders' list approach to calculating overall goals. The bidders' list will include the name, address, DBE or non-DBE status, age, and annual gross receipts of the firms.

The Township will collect this information either by electronic means via the internet for advertised solicitations, or by including a contract clause requiring prime bidders/offerors to all information of subcontractors as indicated above.

### **Assurances – Section 26.13**

Every financial assistance agreement the Township signs with the DOT will include the following assurance per 26.13(a):

The Township shall not discriminate on the basis of race, color, religion, national origin, sex, disability, or age in the award and performance of any FTA-assisted contract, in the administration of its DBE program, or the requirements of 49 CFR

Part 26. The Township shall take all necessary and reasonable steps under Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The Township's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR 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. ).

Each contract the Township signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) or sub-recipient must include the following assurance per 26.13(b):

The contractor, subcontractor or sub-recipient shall not discriminate on the basis of race, color, religion, national origin, sex, disability, or age 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, subcontractor or sub-recipient 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 Township deems appropriate.

## **ADMINISTRATIVE REQUIREMENTS**

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

Since the Township has received, or will receive, a grant of \$250,000 or more in DOT planning capital, and/or operating assistance, the Township will continue to carry out this program, until all funds from DOT financial assistance have been expended. The Township will provide updates to DOT representing significant changes in the program on an as needed basis and routinely every three (3) years.

### **Policy Statement – Section 26.23**

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

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

The DBELO is responsible for implementing all aspects of the Township's DBE program. The DBELO has direct, independent access to the Township's President/General Manager concerning DBE program matters. An organization chart showing the DBELO's position in the organization is found in **Attachment A**. The Township has designated the following individual as the Township's DBELO:

**Ruthanne Haut**  
Deputy Director – Community Services  
Transportation & Infrastructure Services Department  
2801 Technology Forest Blvd.  
The Woodlands, TX 77381  
281-210-3800  
[rhaut@thewoodlandstowship-tx.gov](mailto:rhaut@thewoodlandstowship-tx.gov)

### **DBE Financial Institutions – Section 26.27**

The DBELO will investigate the availability of financial institutions owned and controlled by socially and economically disadvantaged individuals in our community every three (3) years.

Additionally, the Township will make reasonable efforts to use these institutions and encourage prime contractors to use such institutions either through reference to the Township DBE Program or by including such language in solicitations.

**Prompt Payment Mechanisms – Section 26.29**

Prompt Payment: 26.29(a)

The Township will include the following clauses in each DOT-assisted prime contract:

The Contractor shall pay all subcontractors performing work related to this contract for satisfactory performance of that work no later than 30 days after the Contractor's receipt of payment from the Township for that work.

Retainage: 26.29(b)

Per the above referenced section, if retainage is utilized in a DOT-assisted contract, the Prime contractor shall return retainage payments to each subcontractor after the subcontractor's work is satisfactorily completed.

Reporting

Contractor shall report DBE participation on a monthly basis on the Contractor Payment Report Form, **Attachment F**.

Monitoring and Enforcement: 26.29(d)

See **Attachment C**, Monitoring and Enforcement.

**Directory – Section 26.31**

See **Attachment B**, regarding the Texas Uniform Certification Program Directory and other Certifying Agencies.

**Overconcentration – Section 26.33**

The Township has not identified that overconcentration exists in the types of work that DBEs perform. If such overconcentration is identified, the Township will employ mechanisms and approvals for remedy per 26.33(a) and (b).

**Business Development Programs – Section 26.35**

The Township has not established a business development program. The Township will re-evaluate the need for a business development program every three (3) years.

**Monitoring and Enforcement Mechanisms – Section 26.37**

The Township shall employ mechanisms of enforcement as may be accorded to by Federal, State, and Local laws. See **Attachment C**, Monitoring and Enforcement.

**Small Business Participation – Section 26.39**

Business Size

The Township will require prime bidders/offerors to verify that subcontractors participating as Small Business Enterprises meet the criteria as set forth by the Small Business Administration, and will independently verify such claims on a periodic basis.

#### Encouraging Participation

The Township will endeavor to facilitate competition on DOT-assisted projects by small business concerns (both DBEs and non-DBE small businesses) either by: unbundling large contracts; or, encouraging bidders on large contracts to identify and/or provide specific subcontracts appropriate for small business participation. Additionally, The Woodlands Township plans to award additional points for proposals or bids that show a viable DBE strategy that meets the Township's goal.

For contracts without DBE contract goals, the Township may require prime contractors to identify subcontracting opportunities that small businesses can reasonably perform, rather than self-performing all the work. During the procurement process and subsequent contract, and in order to meet the requirements of 26.39, the bidder/offeror may be required to:

- Identify work for small businesses and attempt to subcontract the work with small businesses. If the contractor cannot subcontract with a small business, then the contractor will be required to submit proof of their good faith efforts to find small businesses to perform the work;
- Verify the small business is eligible to participate as a small business.
- Submit Form 1: Disadvantaged Business Enterprise/Small Business Enterprise Utilization form (Attachment E) with the bid or proposal;
- Submit Form 2: Disadvantaged Business Enterprise/Small Business Enterprise Letter of Intent (Attachment E), which is completed by the small business, with the bid or proposal.

#### Identifying Certified Small Businesses

The Township recognizes, through reciprocity, the Small Business Certification process employed by the Harris County Metropolitan Transit Authority (METRO). METRO's Small Business Program and a listing of certified small businesses can be located at:

<http://www.ridemetro.org/Opportunities/BusDev.aspx>

### **GOALS, GOOD FAITH EFFORTS, AND COUNTING**

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

The Township does not use set-asides and/or quotas in the administration of the Township's DBE program.

#### **Overall Goals – Section 26.45**

##### General Policy

In accordance with Section 26.45(f) the Township will submit its overall goal to DOT by August 1<sup>st</sup> at three (3) year intervals based on a schedule as specified by DOT. The Township may adjust the three-year overall goal during the three-year period to reflect changed circumstance with FTA approval.

As part of establishing the overall goal every three (3) years, the Township will consult with local agencies and organizations, trade groups, and local contractors to determine the availability of DBEs and non-DBEs, the effects of discrimination on opportunities for DBEs, and Township's efforts to improve the participation of DBEs.

Township's website for a 30-day comment period. The notice will inform the public about the proposed goal, the rationale for establishing the goal and an address where comments can be sent. At the end of the 30-day period the Township will adopt the goal and submit an updated policy to the FTA. The Township's goal submission to FTA will include the comments received during the public comment process and the Township's responses, if needed. The Township will begin using the overall goal on October 1 of the year adopted unless the Township receives other instructions from FTA.

### Overall Goal

The Township has established an overall goal of six percent (6%) DBE participation on DOT-assisted contracts based on contracts anticipated and programmed to be solicited over the next three (3) years.

### Methodology

The Township's goal is based on the availability of DBEs ready, willing, and able to perform on contacts as indicated in the "Overall Goal" section above.

Specifically:

- The Township identified the total number of establishments (by NAICS code) from the U.S. Census County Business Patterns data;
- The Township identified a three-year forecast of contracts likely to be let, classified by work category (NAICS code), and each contract's percentage of the overall dollar-volume of work;
- The Township identified the relative availability of DBEs ready, willing, and able (by NAICS code) to perform the work anticipated to be let;
- A Base Figure was calculated using weighting;
- Adjustments were taken into consideration (based on previous goals); and,
- An adjusted overall goal was established.

Calculations for the Township's overall goal are detailed in **Attachment D**.

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

If the awards and commitments shown on the Township's Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal, the Township will conduct a DBE Shortfall Analysis which would include:

- Analyzing in detail the reasons for the difference between the overall goal and the actual awards/commitments; and,
- Establish specific steps and milestones for the next fiscal year to correct the problems identified.

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

The Township will require each transit vehicle manufacturer (TVM), as a condition of being authorized to propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of Section 26.49.

#### **Race-Neutral and Race-Conscious Participation – Section 26.51**

The Township anticipates meeting the overall goal of six percent (6%) through 100 percent race-neutral means.

However, if the Township through its yearly DBE utilization analysis should determine that using a race-conscious method in order to meet its overall goal becomes necessary, it shall, at its discretion and with guidance from the regional DOT Civil Rights coordinator, utilize contract goals.

#### **Good Faith Efforts Procedures – Section 26.53**

If the Township should decide to pursue meeting the overall goal by utilizing contract goals, the following shall apply:

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

The Township will deny award of a contract to a bidder/offeror that 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/offeror to demonstrate it has made sufficient good faith efforts prior to submission of its bid. The DBELO is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

##### Information to be Submitted (26.53(b))

For all DOT-assisted contracts for which a contract goal has been established, the Township will require the bidders/offerors to submit the following information:

- The names and addresses of subcontractors that will participate in the contract;
- A description of the work that each subcontractor will perform;
- Whether the firm is a DBE, non-DBE, or a Small Business;
- The ethnic code, as described in the form;
- The age of the firm;
- The annual gross receipts from the firm;
- 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 (**Attachment E, Form 1**);
- Written and signed confirmation from the DBE or Small Business subcontractor that it is participating in the contract as provided in the prime contractors commitment (**Attachment E, Form 2**) and
- If the contract goal is not met, evidence of good faith efforts by the Prime.

##### Administrative Reconsideration (26.53(d))

Within 15 days of being informed by the Township 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 official:

**Ms. Kellan Shaw**  
Administrative Reconsideration Official  
2801 Technology Forest Blvd.  
The Woodlands, TX 77381  
Phone 281-210-3800  
E-mail: [KShaw@thewoodlandstowship-tx.gov](mailto:KShaw@thewoodlandstowship-tx.gov)

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 the Township's reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. The Township 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 FTA or DOT.

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

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

The prime contractor must give notice in writing to the DBE subcontractor of its intent to terminate before transmitting its request to terminate the DBE or substitute a DBE subcontractor to the Township. A copy of this notice must be provided to the Township prior to consideration of the request to terminate or substitute. The DBE subcontractor will then have five (5) days to respond and advise the prime contractor of why it objects to the proposed termination.

In those instances where "good cause" exists to terminate a DBE's subcontract, the Township will require the prime contractor to make good faith efforts to replace a DBE subcontractor that is terminated or has otherwise failed to complete its work on a contract with another certified DBE subcontractor, to the extent needed to meet the contract goal. If the prime contractor is unable to find another DBE subcontractor to perform the work, the Township will require the prime contractor to obtain the Township's prior approval to substituting a non-DBE subcontractor and provide documentation of good faith efforts.

If the prime contractor fails or refuses to comply with the good faith efforts to terminate or replace a DBE subcontractor, then the Township may take action against the prime contractor as defined in **Attachment C, Monitoring and Enforcement**.

Sample Bid Specification:

The requirements of 49 CFR Part 26, Participation by Disadvantaged Business Enterprises in DOT Financial Assistance Programs, apply to this contract. It is the policy of the Township to practice nondiscrimination based on race, color, religion, national origin, sex, disability, or age 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 **six percent (6%)** has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26



(Attachment G), 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 subcontractors that will participate in the contract; (2) a description of the work that each subcontractor will perform; (3) whether the subcontractor is a DBE, non-DBE, or a Small Business; (4) the ethnic code, as described in the form; (5) the age of the firm; (6) the annual gross receipts from the firm; (7) the dollar amount of the participation of each DBE firm participating; (8) Written documentation of the bidder's/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal (Form 1); (9) Written confirmation from the DBE subcontractor that it is participating in the contract as provided in the commitment made under (8) (Form 2); and (10) if the contract goal is not met, evidence of good faith efforts.

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

The Township will count DBE participation toward overall and contract goals as provided in Section 26.55.

### **CERTIFICATION STANDARDS**

#### **Unified Certification Program: Section 26.81**

The Woodlands Township is NOT a certifying agency. A list of certifying agencies can be found in Attachment B. For DBE certification standards please refer to the Texas Unified Certification Program (TUCP).

### **COMPLIANCE AND ENFORCEMENT**

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

Consistent with Federal, state, and local law, the Township will safeguard third party information from disclosure that may reasonably be regarded as confidential business information. Pursuant to the Texas Public Information Act, none of the information that the prime contractor, DBE, and non-DBE subcontractors submits to the Township under the Township's DBE program is confidential.

#### **Monitoring Work / Payments to DBEs**

The Township will require prime contractors to maintain records and documents of payments to DBEs for three (3) years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the Township, FTA and/or DOT. This reporting requirement also extends to any certified DBE subcontractor.

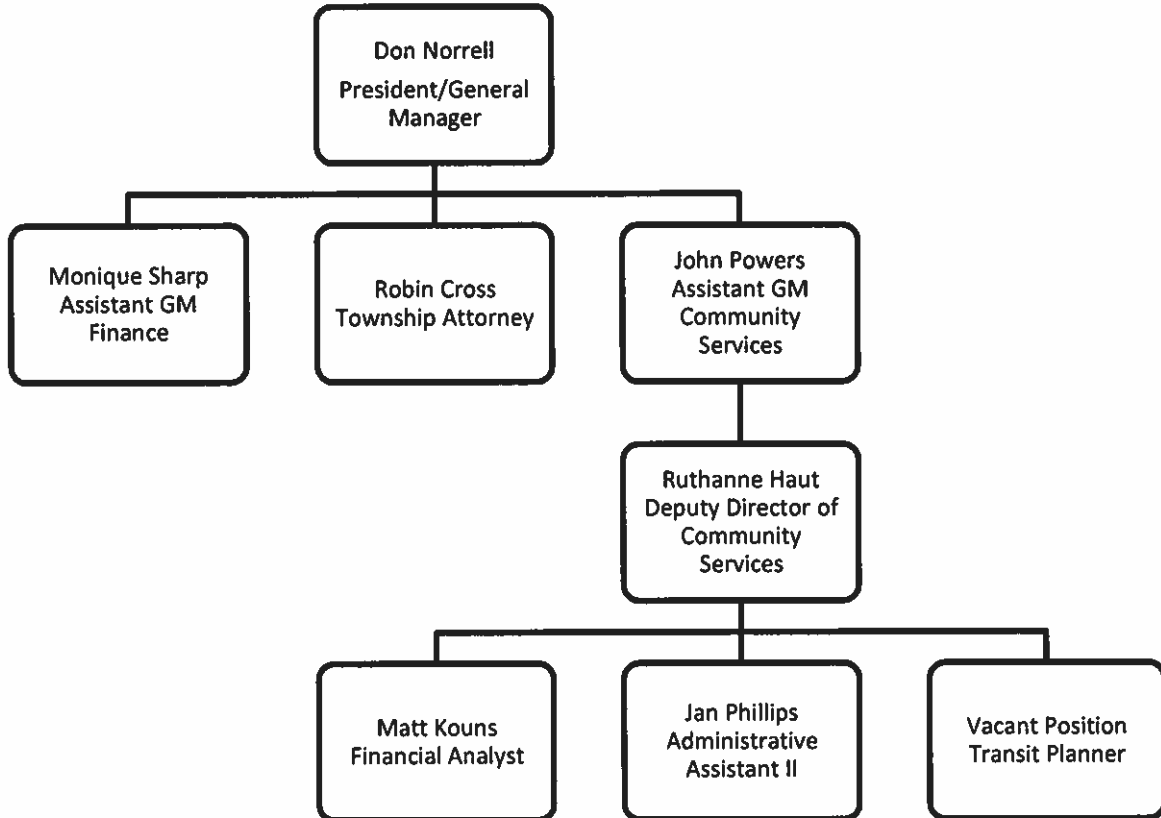
The Township will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the Contractor Payment Report Form.

## **ATTACHMENTS**

<b>Attachment A</b>	<b>The Woodlands Township Organizational Chart</b>
<b>Attachment B</b>	<b>Texas Unified Certification Program Directory and other Certifying Agencies</b>
<b>Attachment C</b>	<b>Monitoring and Enforcement Mechanisms</b>
<b>Attachment D</b>	<b>Overall Goal Setting Calculation</b>
<b>Attachment E</b>	<b>Form 1 &amp; 2 for Demonstration of Good Faith Efforts</b>
<b>Attachment F</b>	<b>Contractor Payment Report Form</b>
<b>Attachment G</b>	<b>49 CFR Part 26, Participation by Disadvantaged Business Enterprises in Department Of Transportation Financial Assistance Programs</b>

## Attachment A

### The Woodlands Township Organizational Chart



## **Attachment B**

### **Texas Uniform Certification Program Directory and other Certifying Agencies**

The Woodlands Township is NOT a certifying agency.

Prime offerors/bidders may obtain the latest version of the Texas Unified Certification Program DBE Information Directory on the Texas Department of Transportation website at:

<https://www.txdot.gov/inside-txdot/division/civil-rights/tucp.html>

#### **Additional DBE Certifying Agencies**

City of Houston

<http://www.houstontx.gov/obo/index.html>

City of Austin

<http://www.austintexas.gov/department/small-and-minority-business/about>

Corpus Christi Regional Transportation Authority

<https://www.ccrta.org/news-opportunities/dbe-certifications/>

North Central Texas Certification Agency

<http://www.nctrca.org/>

South Central Texas Certification Agency

<https://sctrca.org/>

## **Attachment C**

### **Monitoring and Enforcement Mechanisms**

The Township will use the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

#### **Monitoring**

The Township will conduct and document periodic field reviews of DBE activities and DBE subcontractor interviews to verify that work committed to DBEs at contract award is performed by the DBEs and that the Contractor's monthly Contractor Payment Report Form (**Attachment F**) is accurate.

The Township will keep a running tally of payments made to DBE firms for work committed to them at the time of contract award by reviewing the Contractor's monthly Contractor Payment Report Form (**Attachment F**) and recording the payments.

The Township will monitor the Contractor's compliance with the Township's DBE program and provide electronic certification in the Transportation Award Management System (TrAMS) system (or such system as shall supersede the TrAMS system) for every contract/project in which DBEs are participating.

The Township will bring to the attention of the DOT any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can investigate the alleged conduct. The Township may consider similar action under the Township's legal authorities.

#### **Enforcement**

The Township may enforce contractual DBE requirements by:

- Suspending payment, or part thereof, until issues concerning compliance are resolved;
- Stopping contractor work; and/or Terminating the contract.

The federal government may enforce DBE requirements under any applicable United States code or regulation.

# Attachment D

## Overall Goal Calculations

Attachment D

US Census 2015 County Business Patterns

TX Metropolitan Statistical Area: Houston-Sugar Land-Baytown

NAICS	Industry Code Description	Fed Employees (Number)	First-quarter Payroll (\$1,000)	Annual Payroll (\$1,000)	Total Establishments
34131/	Architecture Services	3,833	\$ 69,276.00	\$ 326,210.00	348
34132/	Engineering Services	33,080	\$ 1,396,372.00	\$ 6,297,481.00	1,974
34137/	Surveying and Mapping (except geophysical) Services	2,439	\$ 38,817.00	\$ 161,930.00	157
34142/	Environmental Consulting Services	1,399	\$ 38,348.00	\$ 304,425.00	140
34262/	Other Scientific and Technical Consulting Services	3,813	\$ 140,768.00	\$ 360,339.00	753
34292/	Translations and Interpretation Services	1,189	\$ 11,220.00	\$ 39,192.00	31
422820	Rare books, public domain works, manuscript wholesalers	261	\$ 7,814.00	\$ 33,116.00	71
482113	Taxis and Other Motor Vehicle Transportation	0	\$ -	\$ -	17
23792	Highway, Street, and Bridge Construction	8,419	\$ 184,816.00	\$ 472,323.00	122
238220	Air Conditioning (except Windows) Installation	12,848	\$ 291,889.00	\$ 1,206,018.00	1,513
36372/	Janitorial Services	23,829	\$ 104,812.00	\$ 412,432.00	647
36373/	Landscaping Services	17,067	\$ 113,796.00	\$ 379,911.00	976
361613	Security Guards and Patrol Services	17,539	\$ 93,634.00	\$ 387,182.00	239
<b>TOTALS</b>		<b>161,845</b>	<b>\$ 2,674,254.00</b>	<b>\$ 11,256,364.00</b>	<b>7,058</b>

Three-Year Forecast of FTA-funded Projects/Contracts (Non-Rolling Stock Procurement)

NAICS	Work Item	Amount (2019)	Amount (2020)	Amount (2021)	TOTAL 2019-2021	Percent of Total
36172	Janitorial Services for Port & Side Facilities	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 90,000.00	1.83%
36173	Landscaping Services for Port & Side Facilities	\$ 48,000.00	\$ 48,000.00	\$ 48,000.00	\$ 120,000.00	2.47%
361613	Security Guards and Patrol Services	\$ 190,000.00	\$ 190,000.00	\$ 190,000.00	\$ 570,000.00	11.72%
238220	HVAC System Replacement	\$ -	\$ -	\$ -	\$ -	0.00%
423830	On-Board Surveillance System - The Woodlands Express	\$ -	\$ -	\$ -	\$ -	0.00%
423830	Announcers for Trolleys	\$ -	\$ -	\$ -	\$ -	0.00%
423830	APCs for The Woodlands Express	\$ -	\$ -	\$ -	\$ -	0.00%
482113	Trolley Operations	\$ 900,000.00	\$ 900,000.00	\$ 900,000.00	\$ 2,700,000.00	55.36%
34133	Trolley Route Stop Improvements (Design)	\$ 30,000.00	\$ -	\$ -	\$ 30,000.00	1.03%
23791	Trolley Route Stop Improvements (Const.)	\$ 310,000.00	\$ -	\$ -	\$ 310,000.00	18.48%
23791	Pedestrian Connector - Sterling Ridge	\$ -	\$ -	\$ -	\$ -	0.00%
34131	Trench Consulting Services Contract	\$ 273,000.00	\$ 273,000.00	\$ 273,000.00	\$ 819,000.00	18.96%
<b>YEARLY TOTAL</b>		<b>\$ 1,993,000.00</b>	<b>\$ 1,433,000.00</b>	<b>\$ 1,433,000.00</b>	<b>\$ 4,859,000.00</b>	<b>100%</b>

Relative Availability of DBEs

NAICS	Work Item	Number of DBEs <sup>1</sup>	Number of All Firms <sup>2,3</sup>	Relative Availability	Weight	Weighted Availability
36172	Janitorial Services for Port & Side Facilities	87	744	11%	0.0183	0.24%
36173	Landscaping Services for Port & Side Facilities	129	1,103	12%	0.0347	0.25%
361613	Security Guards and Patrol Services	11	170	6%	0.1172	0.46%
238220	HVAC System Replacement	4	1,538	0%	0.0000	0.00%
482113	Trolley Operations	1	28	4%	0.5336	1.98%
423830	On-Board Surveillance System - The Woodlands Express	0	71	0%	0.0000	0.00%
423830	Announcers for Trolleys	0	71	0%	0.0000	0.00%
423830	APCs for The Woodlands Express	0	71	0%	0.0000	0.00%
34133	Trolley Route Stop Improvements (Design)	62	2,036	3%	0.0103	0.03%
23791	Trolley Route Stop Improvements (Const.)	43	183	24%	0.1848	2.73%
23791	Pedestrian Connector - Sterling Ridge	43	1,578	3%	0.0000	0.00%
34131	Trench Consulting Services Contract	76	444	17%	0.1896	2.93%
		<b>466</b>	<b>8,122</b>	<b>6%</b>	<b>100%</b>	<b>9%</b>

<sup>1</sup>Estimated to be Qualified for Trench Contracts (based on 2019 Census)

<sup>2</sup>Small Firms - DBE Firm Ready, WDBE and Able to Perform Work

Base Figure Determination <sup>4</sup> (Weighted)	9%
Standard to meet needs number	
Adjustment <sup>5</sup> (Previous policy goal)	3%
Adjusted Overall Goal <sup>6</sup>	6%

<sup>6</sup>Base + Adjustment

DBE Goal Breakdown	
Overall DBE Goal	6%
Race-Neutral	100%
Race-Conscious	0%
Overall Contract Value (\$)	\$ 281,486.81

**Attachment E**

**Forms 1 & 2 for Demonstration of Good Faith Efforts**

**FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION**

The undersigned bidder/offeror has satisfied the requirements of the bid specifications in the following manner (please check the appropriate space):

\_\_\_ The bidder/offeror is committed to a minimum of \_\_\_ % DBE utilization of this contract.

\_\_\_ The bidder/offeror (if unable to meet the DBE goal of \_\_\_ %) is committed to a minimum of \_\_\_ % DBE utilization on this contract and submits documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: \_\_\_\_\_

State Registration No.: \_\_\_\_\_

By: \_\_\_\_\_  
(Signature) Title

**FORM 2: LETTER OF INTENT**

Name of bidder/offeror's firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Name of DBE firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Description of work to be performed by DBE firm:

.....  
.....  
.....  
.....

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is \$ \_\_\_\_\_.

**Affirmation**

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By \_\_\_\_\_  
(Signature) (Title)

If the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.

(Submit this page for each DBE subcontractor.)



**Attachment F  
Contractor Payment Report**

<b>CONTRACTOR PAYMENT REPORT FORM</b> <small>The Woodlands Township, The Woodlands, TX (Fill in Areas in White Only)</small>	
<b>Contract / Project Name:</b>	
<b>Name of Prime Contractor:</b>	
<b>Project No.:</b>	
<b>Date:</b>	
<b>Period Covered:</b>	
Payments to Subcontractors: Sub 1	
<b>Subcontractor Name</b>	<input style="width: 90%;" type="text"/>
	DBE? (Check One) Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Payments</b>	
Total Commitment (\$Dollars)	\$ <input style="width: 50px;" type="text" value="-"/>
Paid Last 30 Days	\$ <input style="width: 50px;" type="text" value="-"/>
Previous Payments	\$ <input style="width: 50px;" type="text" value="-"/>
Total Payments to Date	\$ <input style="width: 50px;" type="text" value="-"/>
Change Orders	
Description: (attach additional pages if necessary)	
Total Value of New/Add'l Task(s) (\$Dollars)	\$ <input style="width: 50px;" type="text" value="-"/>
Total Value of New Commitment (\$Dollars)	\$ <input style="width: 50px;" type="text" value="-"/>
Payments to Subcontractors: Sub 2	
<b>Subcontractor Name</b>	<input style="width: 90%;" type="text"/>
	DBE? (check One) Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Payments</b>	
Total Commitment (\$Dollars)	\$ <input style="width: 50px;" type="text" value="-"/>
Paid Last 30 Days	\$ <input style="width: 50px;" type="text" value="-"/>
Previous Payments	\$ <input style="width: 50px;" type="text" value="-"/>
Total Payments to Date	\$ <input style="width: 50px;" type="text" value="-"/>
Change Orders	
Description: (attach additional pages if necessary)	
Total Value of New/Add'l Task(s) (\$Dollars)	\$ <input style="width: 50px;" type="text" value="-"/>
Total Value of New Commitment (\$Dollars)	\$ <input style="width: 50px;" type="text" value="-"/>

The Woodlands Township

**Attachment F  
Contractor Payment Report**

<b>Payments to Subcontractors: Sub 3</b>	
Subcontractor Name	<input style="width: 90%;" type="text"/>
	DBE? (Check One) Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Payments</b>	
Total Commitment (\$Dollars)	\$ -
Paid Last 30 Days	\$ -
Previous Payments	\$ -
Total Payments to Date	\$ -
<b>Change Orders</b>	
Description: (attach additional pages if necessary)	
Total Value of New/Add'l Task(s) (\$Dollars)	\$ -
Total Value of New Commitment (\$Dollars)	\$ -
<b>Payments to Subcontractors: Sub 4</b>	
Subcontractor Name	<input style="width: 90%;" type="text"/>
	DBE? (Check One) Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Payments</b>	
Total Commitment (\$Dollars)	\$ -
Paid Last 30 Days	\$ -
Previous Payments	\$ -
Total Payments to Date	\$ -
<b>Change Orders</b>	
Description: (attach additional pages if necessary)	
Total Value of New/Add'l Task(s) (\$Dollars)	\$ -
Total Value of New Commitment (\$Dollars)	\$ -
<b>Payments to Subcontractors: Sub 5</b>	
Subcontractor Name	<input style="width: 90%;" type="text"/>
	DBE? (Check One) Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Payments</b>	
Total Commitment (\$Dollars)	\$ -
Paid Last 30 Days	\$ -
Previous Payments	\$ -
Total Payments to Date	\$ -
<b>Change Orders</b>	
Description: (attach additional pages if necessary)	
Total Value of New/Add'l Task(s) (\$Dollars)	\$ -
Total Value of New Commitment (\$Dollars)	\$ -

The Woodlands Township

## **Attachment G**

### **49 CFR Part 26**

A copy of Title 49 Code of Federal Regulation, Part 26, Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs, can be viewed at:

<http://www.ecfr.gov/cgi-bin/text-idx?SID=0de0a5414b51f9a2781420c93ceebf88&node=49:1.0.1.1.20.2.18.9&rgn=div8>

Or, the latest revision of the guidance can be requested from the DBELO.