

Jefferson Parish, Louisiana  
Department of Transit Administration (JPDOTA)



Submitted to:  
Civil Rights Office  
Federal Transit Administration  
Region VI

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Submitted by:  
Sharon W. Leader  
Department of Transit Administration  
Jefferson Parish, Louisiana

**Disadvantage Business  
Enterprise (DBE) Program,  
FY2017- 2019**



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**JEFFERSON PARISH, LOUISIANA**  
**DEPARTMENT OF TRANSIT ADMINISTRATION (JPDOT)**  
**Disadvantaged Business Enterprise (DBE) PROGRAM**

**Definitions of Terms**

The terms used in this program are defined as in 49 CFR §26.5.

**Objectives/Policy Statement**

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

It is the policy of JPDOT to ensure that DBEs, as defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also JPDOT's policy –

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

The Contract Monitor for JPDOT has been delegated as the DBE Liaison Officer. In that capacity, the Contract Monitor 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 JPDOT in its financial assistance agreements with the Department of Transportation.

JPDOT has disseminated this policy statement to the Jefferson Parish Council and all components of the JPDOT. This statement has been distributed to DBE and non-DBE business communities that perform work for JPDOT on DOT-assisted contracts. Distribution of this DBE Program will include the following: Jefferson Parish President's Office, Jefferson Parish Purchasing Division of General Services and Procurement, Jefferson Parish Human Resource Management, the Jefferson Parish Economic Development Commission (JEDCO), Louisiana Department of Transportation and Development (LADOTD), Regional Transit Authority, the Regional Planning Commission, Jefferson Parish Transit Advisory Board, Jefferson Parish Office for Citizens Affairs, New Orleans Chamber of Commerce, National Association of Women Business Owners Association - Louisiana, Louisiana Hispanic Chamber of Commerce, Associated Builders and Contractors, Asian Chamber of Commerce of Louisiana, New Orleans Chamber of Commerce, French-American Chamber of Commerce, Jefferson Parish Chamber of Commerce, St. Tammany West Chamber of Commerce, East St. Tammany Chamber of Commerce, St. James Parish Economic Development Board, St.

Charles Parish Department of Economic Development, St. John the Baptist Parish Economic Development, and the Plaquemines Parish Department of Economic Development. The program will also be advertised on JPDOT's website at [www.jeffersontransit.org](http://www.jeffersontransit.org) and will be referenced in all RFPs, RFQs, and bids released from the Jefferson Parish Purchasing Division.

## **Nondiscrimination**

JPDOT 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, national origin, or disability.

In administering its DBE program, JPDOT 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, national origin, or disability.

## **DBE Program Updates**

This DBE program will be implemented continually until all funds from DOT financial assistance have been expended. DOT will be updated upon any significant changes made in the program, in addition to triennial reviews made to the FTA.

## **Quotas**

JPDOT does not use quotas in any way in the administration of this DBE program.

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

JPDOT has designated the following individual as our DBE Liaison Officer:

Mr. Benjamin Francois, III  
Contract Monitor, Jefferson Parish  
21 Westbank Expressway  
Gretna, LA 70053  
504 364-3450 (phone)  
504 364-3453 (fax)

In that capacity, Mr. Francois is responsible for implementing all aspects of the DBE program and ensuring that JPDOT complies with all provisions of 49 CFR Part 26. Mr. Francois has direct, independent access to the Jefferson Parish Council Chair concerning DBE program matters. The assigned DBELO is a staff member of JPDOT; support personnel for the DBELO include the Administrative Assistant in JPDOT office, Ms. Patricia Lyons, and the Jefferson Parish Human Resource Management staff.

The DBELO is responsible for developing, implementing, and monitoring the DBE program in coordination with other appropriate officials. Duties and responsibilities include the following

1. Gathering and reporting statistical data and other information as required by DOT.

2. Reviewing third party contracts and purchase requisitions for compliance with this program.
3. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
4. Analyzes JPDOT's progress toward goal attainment and identifies ways to improve progress.
5. Participates in pre-bid meetings.
6. Advises the CEO and Jefferson Parish Council on DBE matters and achievement.
7. Maintains the updated directory of DBEs certified by the State of Louisiana Department of Transportation and Development and by the Regional Transit Authority, New Orleans, Louisiana.
8. Sends a list of certified DBE contractors to Jefferson Parish Purchasing Department to include in potential bidders' lists.
9. Participates with the legal counsel and project director to determine contractor compliance with good faith efforts.

## **Federal Financial Assistance Agreement Assurance**

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

JPDOT shall not discriminate on the basis of race, color, national origin, sex, or disability 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 JPDOT of its failure to carry out its approved program, the Department may impose sanctions as provided for under part 26 and may in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

## **Directory**

The State of Louisiana maintains the Louisiana Unified Certification Program (LA UCP) identifying all firms eligible to participate as DBEs. This online directory includes firms certified by the Louisiana Department of Transportation and Development (DOTD), the New Orleans Regional Transit Authority (RTA), the Louis Armstrong New Orleans International Airport, and the Orleans Levee District. The directory lists the firm's name, address, phone/fax number, certification expiration date, and the type of work the firm has been certified to perform as a DBE. This combined directory can be accessed at <http://www8.dotd.louisiana.gov/ucp/>.

## **Required Contract Clauses**

### Contract Assurance

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

The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, sex, or disability 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.

### Prompt Payment

JPDOT will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contractor receives from JPDOT. The prime contractor agrees further to return retainage payments to each subcontractor within 60 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of JPDOT. This clause applies to both DBE and non-DBE subcontractors.

### **Monitoring and Enforcement Mechanisms**

JPDOT will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in §26.109. Similar action will be considered under JPDOT's own legal authorities, including responsibility determinations in future contracts.

### **Overall Goals**

JPDOT will update its overall goals triennially. However, the JPDOT may make adjustments to the goals sooner if circumstances change, including, but not limited to, the collection of new data, a significant change in the DOT's assisted contracting program (e.g., new contracting opportunities presented by the availability of new or different grant opportunities), a marked increase or decrease in the availability of DBEs in the recipient's contracting market, or a significant change in the legal standards governing the DBE program.

### Goal Amount

JPDOT's overall goal for FY 2017-2019 consists of 14% of the combined Federal/local financial assistance planned for DOT-assisted contracts, exclusive of FTA funds to be used for the purchase of transit vehicles and for purchase of items for which there are no local certified DBEs.

JPDOT expects to execute DOT-assisted contracts totaling \$801,000 during fiscal years 2017-19, with an anticipated DBE share of \$112,140 based on the below methodology.

### Methodology

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

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For FY 2017-2019, JPDOT has planned for capital projects including Bus Shelter/Bus Stop Improvements, ADA Access Improvements, and purchase and installation of security cameras and real-time voice annunciators. Using the Louisiana Unified Certification Program portal to identify certified DBE contractors qualified to complete work in these fields.

DBE contractors were identified from within the geographic boundaries of the New Orleans Metropolitan Statistical Area (MSA), including Jefferson, Orleans, St. Tammany, St. Bernard, St. Charles, St. John the Baptist, and Plaquemines Parishes. Within this area, 75 certified DBEs were registered to work in the commercial and institutional building construction (bus shelters/bus stop improvements and ADA access improvements); 15 registered for computer systems design services (real-time voice annunciators); and 6 registered for security system services (security cameras).

Each capital project task was assigned one of the following NAICS codes:

- 236220 - Commercial & Institutional Building Construction
- 423690 – Other Electronic Parts & Equipment Wholesalers
- 541512 - Computer Systems Design Services
- 561621 – Security System Services

The U.S. Bureau of Census, County Business Pattern database was used to identify the number of firms within the New Orleans MSA available in each NAICS category. For 2014, the most recent year for which data were available, there were 398 firms in the New Orleans MSA in all of the above NAICS codes, including DBE firms.

The following tables show the base figure calculations for determining the DBE participation goal for FY 2017-2019.

**DBE Goal Analysis for JPDTA Capital Projects, 2017-2019**

Project	Associated NAICS Code	Amount of FTA Funds for Projects	% of Total FTA Funds (Weight)	
Bus Shelter/Bus Stop Improvements	236220	\$50,000	.0624	
ADA Access Improvements	236220	\$100,000	.1248	
Radios & Equipment	423690	\$15,000	.0187	
Phone Systems	423690	\$87,000	.1086	
Real-Time Voice Annunciators	541512	\$400,000	.4994	
Security Cameras	561621	\$149,000	.1860	
<b>Total FTA-Assisted Contract Funds</b>		<b>\$801,000</b>	<b>1</b>	
Project	NAICS Code	Number of DBEs in MSA*	Number of Firms Available**	Relative Availability

Bus Shelter/Bus Stop Improvements	236220	75		228	.3289
ADA Access Improvements	236220	75		228	.3289
Radios & Equipment	423690	0		30	.0000
Phone Systems	423690	0		30	.0000
Real-Time Voice Annunciators	541512	15		128	.1172
Security Cameras	561621	6		52	.1154
<b>Total FTA-Assisted Contract Funds</b>		<b>171</b>		<b>644</b>	<b>.8904</b>
<b>Project</b>	<b>NAICS Code</b>	<b>Weight</b>	<b>x</b>	<b>Availability</b>	<b>Weighted Base Figure</b>
Bus Shelter/Bus Stop Improvements	236220	.0624	x	.3289	.0205
ADA Access Improvements	236220	.1248	x	.3289	.0411
Radios & Equipment	423690	.0187	x	.0000	.0000
Phone System	423690	.1086	x	.0000	.0000
Real-Time Voice Annunciators	541512	.4994	x	.1172	.0585
Security Cameras	561621	.1860	x	.1154	.0215
<b>Total</b>					<b>.1416</b>
<b>Expressed as a %</b>					<b>14.16%</b>
<b>Rounded Base Figure</b>					<b>14%</b>

It is anticipated that in FY 2017-2019, all of the DBE eligible funding will be spent on commercial and institutional building construction, computer systems design and security system services.

#### **Final Figure for DBE GOAL – 14%**

##### Transit Vehicle Manufacturers

JPDOT will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, JPDOT 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.

## Process

This year, JPDOT will submit its overall goal to DOT in April of 2017.

Before establishing the overall goal each year, JPDOT will consult with Jefferson Parish Administration, Jefferson Parish Transportation Advisory Board, The Chamber, JEDCO, Jefferson Parish Human Resource Management, Women Business Owners Association, Louisiana Hispanic Chamber of Commerce, Associated Builders and Contractors, and other appropriate groups to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and JPDOT's efforts to establish a level playing field for the participation of DBEs.

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

Jefferson Parish Department of Transit Administration  
21 Westbank Expressway  
Gretna, Louisiana 70053

for 30 days following the date of the notice, and informing the public that Jefferson Transit JPDOT and DOT will accept comments on the goals for 45 days from the date of the notice. JPDOT will publish this notice in the *Times Picayune*, the local newspaper, the *Louisiana Weekly*, a weekly African-American newspaper, *City Business*, a daily trade publication, and *Jambalaya News*, a Hispanic publication. In addition, the goal will be published on the Jefferson Transit website: <http://www.jeffersontransit.org>. This year, notice will be made in November; and will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

The final goal submission to DOT will include a summary of information and comments received during this public participation process and our responses. Implementation of this goal will begin in January 2017, unless other instructions are received from DOT

### Breakout of Estimated Race-Neutral and Race-Conscious Participation

JPDOT will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. JPDOT uses the following race-neutral means to increase DBE participation: small business outreach and prompt payment clauses in request for bids.

It is estimated that, in meeting the 14% goal, 100% will be obtained from race-neutral participation and none through race-conscious measures.

The following is a summary of the basis of the estimated breakout of race-neutral and race-conscious DBE participation: In the past JPDOT has achieved its DBE participation using only race-neutral means. Although JPDOT remains confident that the proposed goal can continue to be achieved this way, increased small business outreach and the development of an ongoing relationship with JEDCO to provide technical assistance and revised language in bidding materials will further enhance DBE participation.

The estimated breakout of race-neutral and race-conscious participation will be adjusted as needed to reflect actual DBE participation, and will be tracked with race-neutral and race-conscious participation reported 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.

## **Contract Goals**

JPDOT will use contract goals to meet any portion of the overall goal that may not be met using race-neutral means. Contract goals are designed to establish a compliance period, during which the contractor is required to utilize DBE subcontractors or employees, improving JPDOT's overall DBE share. Contract goals will only be established for DOT-assisted contracts that require subcontractors, 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).

Contract goals will be expressed as a percentage of the total amount of a DOT-assisted contract.

## **Good Faith Efforts**

### Information to be Submitted

JPDOT treats bidder compliance with good faith efforts requirements a matter of responsiveness. If a bidder fails to address this requirement, the bid will be rejected.

Each solicitation, for which a contract goal has been established, will require the bidders to submit the following information when bids are submitted.

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 assigned to each DBE firm participating.
4. Written and signed commitment to use a DBE subcontractor needed to meet a contract goal.
5. Written and signed confirmation from each DBE acknowledging their participation.
6. If the contract goal is not met, evidence of good faith effort.

### Demonstration of Good Faith Efforts

The obligation of the bidder is to make good faith efforts. The bidder can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts.

The following personnel are responsible for determining whether a bidder who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive: The DBE Review Committee, which will include the Contract Monitor/DBELO Officer, the Transit Director, the transit planning consultant, Purchasing Buyer I, and Parish Attorney.

This committee will ensure that all information is complete, accurate, and adequately documents the bidder's good faith efforts before the contract performance can be confirmed.

#### Administrative Reconsideration

Within 10 days of being informed by JPDOT that a bid is not responsive because it has not documented sufficient good faith efforts, a bidder may request administrative reconsideration. The bidder should make this request in writing to the following reconsideration official:

Chairman of the Bid Disqualification Committee  
Jefferson Parish Research and Budget Office  
7<sup>th</sup> Floor New Courthouse  
Gretna, La 70053  
364-2711 (phone)  
364-2648 (fax)

The reconsideration official will not have participated in the original responsiveness determination.

As part of this reconsideration, the bidder 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 will have the opportunity to meet in person with the reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. The bidder will be sent 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 reconsideration process is not administratively appealable to the Department of Transportation.

#### Good Faith Efforts when a DBE is Replaced on a Contract

JPDOT will require contractors to make good faith efforts to replace a DBE subcontractor that is terminated or has otherwise failed to complete its work with another certified DBE, to the extent needed to meet the contract goal. The prime contractor will be required to notify the DBE Liaison Officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, the prime contractor will be required to obtain prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts to JPDOT. If the contractor fails or refuses to comply in the time specified, the DBELO 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.

### **Counting DBE Participation**

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

### **Certification**

JPDOT does not certify DBEs; however, will ensure that the certification standards used by the Louisiana DOTD and the New Orleans RTA meet the standards of Subpart D of part 26 and the certification procedures of Subpart E of part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts.

### Process

In the event JPDOT identifies a DBE which requires a removal proposal, contact will be established with the Louisiana DOTD and/or the Regional Transit Authority (RTA). Any decision to remove a DBE certification would be the decision of the Louisiana DOTD and/or RTA. Jefferson Transit JPDOT will obtain and review copies of the procedures established by these two agencies to ensure the procedures are consistent with 49 CFR part 26, section 26.87.

### Certification Appeals

Any firm or complainant may appeal the decision of the Louisiana DOTD and/or RTA in a certification matter to DOT. Such appeals may be sent to:

Department of Transportation  
Office of Civil Rights  
Certification Appeals Branch  
400 7<sup>th</sup> St., SW, Room 2104  
Washington, DC 20590

JPDOT will work with Louisiana DOTD and/or RTA, if needed, to promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for DOT-assisted contracting (e.g., certify a firm if DOT has determined that denial of its application was erroneous).

### Recertification

JPDOT will work with the Louisiana DOTD and the RTA to ensure that both agencies review the eligibility of DBEs certified under former part 23, to make sure that they meet the standards of Subpart D of part 26. Constant communication with the Louisiana DOTD and the RTA will ensure that this review is completed no later than three years from the most recent certification date of each firm.

For firms certified or reviewed and found eligible under part 26, JPDOT will partner with the Louisiana DOTD and RTA to ensure that their eligibility is reviewed in the interval and according to procedures established by these two agencies.

### “No Change” Affidavits and Notices of Change

JPDOT requires all DBEs to submit a written affidavit in the event of any change in their circumstances affecting their ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR part 26 or of any material changes in the information provided with the DBE’s application for certification.

JPDOT will work with the Louisiana DOTD and the RTA to require all owners of all DBEs certified to submit, on the anniversary date of their certification, a “no change” affidavit meeting the requirements of §26.83(j). The text of this affidavit is the following:

I swear (or affirm) that there have been no changes in the circumstances of [name of DBE firm] affecting its ability to meet the size, disadvantaged status, ownership, or control requirements of 49 CFR part 26. There have been no material changes in the information provided with [name of DBE's application for certification, except for any changes about which you have provided written notice to the Louisiana DOTD and/or the Regional Transit Authority, as appropriate, under §26.83(i). [Name of firm] meets Small Business Administration (SBA) criteria for being a small business concern and its average annual gross receipts (as defined by SBA rules) over the firm's previous three fiscal years do not exceed \$16.6 million.

JPDOT will work with the Louisiana DOTD and the RTA, as needed, to require DBEs to submit with this affidavit documentation of the firm's size and gross receipts.

Contact will be made with the Louisiana DOTD and the RTA to verify that both agencies have notified all currently certified DBE firms of these obligations. This notification will inform DBEs that to submit the "no change" affidavit, their owners must swear or affirm that they meet all regulatory requirements of part 26, including personal net worth. Likewise, if a firm's owner knows or should know that he or she, or the firm, fails to meet a part 26 eligibility requirement (e.g., personal net worth), the obligation to submit a notice of change applies.

#### Personal Net Worth

JPDOT will work with the Louisiana DOTD and the RTA to verify that these agencies require all disadvantaged owners of applicants and of currently-certified DBEs whose eligibility under part 26 we review, to submit a statement of personal net worth.

### **Information Collection and Reporting**

#### Bidders List

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

This information will be collected in the following ways:

- Include a contract clause requiring prime bidders to report the names/addresses, and possibly other information, of all firms who quote to them on subcontracts.
- Include a notice in all solicitations.
- Request firms who quote on subcontracts to report information directly to the recipient, etc.

#### Monitoring Payments to DBEs

Prime contractors will be required to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of JPDOT or DOT. This reporting requirement also extends to any certified DBE subcontractor.

A running tally will be kept of actual payments to DBE firms for work committed to them at the time of contract award.

Internal audits will be performed 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.

### Reporting to DOT

JPDOT will report DBE participation to DOT as follows:

DBE participation will be reported on a semi-annual basis, using DOT Form 4630. These reports will reflect payments actually made to DBEs on DOT-assisted contracts.

### Confidentiality

Information that may be reasonable be regarded as confidential business information, consistent with Federal, State, and local law will be safeguarded from disclosure to third parties.

Notwithstanding any contrary provisions of state or local law, JPDOT will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

## **Financial Institutions**

The Jefferson Parish Department of Transit Administration (JPDOT) has no control over the selection of financial institutions used by the Jefferson Parish government. However, a listing of local minority-owned financial institutions will be included in all requests for bids and proposals issued by the JPDOT, and contractors will be encouraged to use a minority-owned institution.

The minority-owned financial institution located in our service area is:

Liberty Bank and Trust Company  
PO Box 60131  
New Orleans, LA 70160-0131  
504 240-5161

## **Over-Concentration**

The Jefferson Parish Department of Transit Administration (JPDOT) has not identified an over-concentration of DBE's within the service area; however, the Department will use the following on-going review process to determine whether there is an over-concentration of DBE's in any particular type of work.

- Before the JPDOT advertises for any particular type of work, the Contract Monitor will review the DBE Directory and compare the number of available firms with those non-DBE firms available in the service area for the particular type of work to be requested.



- Should the JPDOT determine that there is an over-concentration of DBE's for a particular type of work, the JPDOT will contact the Federal Transit Administration and provide an explanation for the determination and recommend measures to address the over-concentration.

If FTA agrees with the JPDOT that there is an over-concentration of DBE's in any particular field of work, the Contract Monitor shall be responsible for implementing recommended measures to ensure that non-DBE's are not unfairly prevented from competing for contracts or subcontracts. Such measures may include:

- the use of incentives, technical assistance, business development programs, mentor/protégé programs, and other appropriate measures designed to assist DBEs in performing work outside of the specific field which the recipient has determined that non-DBEs are unduly burdened.
- varying its use of contract goals to insure that non-DBEs are not unfairly prevented from competing for subcontracts.

The recipient *must* obtain Federal Transit Administration approval for its determination of over-concentration and the measures it intends to devise to address it. This process will be completed prior to initiating the bid process.

## **Public Participation Process**

JPDOT solicited views with the following groups in establishing its DBE goal:

- Jefferson Parish Administration
- Jefferson Parish Transit Advisory Board
- Jefferson Parish Office for Citizens with Disabilities
- New Orleans Chamber of Commerce
- New Orleans Regional Black Chamber of Commerce
- JEDCO
- Greater New Orleans Inc.
- New Orleans Business Alliance
- Associated Builders and Contractors
- Jefferson Parish Human Resource Management
- Hispanic Chamber of Commerce of Louisiana
- Asian Chamber of Commerce of Louisiana
- National Association of Women Business Owners – New Orleans
- Jefferson Parish Purchasing Division of General Services and Procurement
- French-American Chamber of Commerce
- Jefferson Parish Chamber of Commerce
- Louisiana Department of Transportation and Development
- St. Tammany West Chamber of Commerce
- East St. Tammany Chamber of Commerce
- St. Bernard Chamber of Commerce

- New Orleans Regional Transit Authority
- Regional Planning Commission
- St James Parish Economic Development Board
- St. Charles Parish Department of Economic Development
- St. John the Baptist Parish Economic Development
- Plaquemines Parish Economic Development

Legal notices were published in the *Times Picayune*, the local newspaper; the *Louisiana Weekly*, a weekly African-American newspaper; *City Business*, a weekly publication, and *Jambalaya News*, a biweekly Spanish-language publication between March 3 and March 13, 2017. The proposed DBE Program was made available for inspection March 13–March 24, 2017 between 8:30 AM and 4:30 PM, Monday through Friday at JPDOT office, 21 Westbank Expressway, Gretna, Louisiana 70053.

Comments were accepted through March 27, 2017 at the JPDOT office; however no comments were received. Following the public review period, the JPDOT prepared a resolution to the Jefferson Parish Council to accept the DBE goal. The Jefferson Parish Council adopted the DBE goal at its April 5, 2017 meeting.

The DBE goal public notice was also published on the Jefferson Parish Department of Transit Administration’s web site at: [www.jeffersontransit.org](http://www.jeffersontransit.org).

## **Small Business Element**

JPDOT, as an FTA recipient, created this element of the DBE program to increase small business participation in procurements. JPDOT proposes to accomplish this through eliminating obstacles to small business participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontracts in direct response to regulatory requirements.

JPDOT has historically used race and gender neutral strategies to promote and advance small business participation efforts through its DBE program. This element of the program serves to clarify and expand upon these efforts.

### Certification

JPDOT will adhere to the definitions set forth by the Louisiana Department of Transportation and Development (LADOTD) of what constitutes a small business enterprise (SBE). An SBE refers to a for-profit business that is at least 51% owned by an economically disadvantaged individual and whose company meets the small business concern definition. Economically disadvantaged is to mean that a business owner’s personal net worth (PNW), excluding the primary residence and ownership interest in the applicant business, cannot exceed \$1.32 million in accordance with 49 CFR 26.67. A small business concern is defined pursuant to 13 CFR Part 121 and also does not exceed the cap on average annual gross receipts of \$22.4 million as specified in 49 CFR 26.65 (b).

To determine if a contractor is a SBE, JPDOT will request state certification from all successful bidders on procurements. JPDOT will also check the SBE directory on the LADOTD website when it is made available.

## Strategy

As a smaller agency, JPDOT does not often engage in large-scale capital projects. As such, JPDOT's main avenue for small business participation is by providing procurement opportunities of various sizes throughout the year. Most of JPDOT's procurements are of a size that SBEs can reasonably compete for and perform. This will continue to be the main strategy to increase small business contract opportunities.

However, to encourage further participation, JPDOT will examine all upcoming and future procurements to see if they are unnecessarily bundled together. JPDOT will modify future procurements to the extent possible to prevent unnecessary bundling of contract elements to continue to encourage small business participation. This will take place during an internal review of future procurements.

JPDOT will actively implement these elements to foster small business participation as a requirement of good faith implementation of the Jefferson Parish DBE program.

## Implementation Schedule

JPDOT will continue to offer procurements of various sizes, including those that a SBE could reasonably perform effective immediately. By the end of 2019, JPDOT will implement regular internal reviews of upcoming procurements to determine if contract elements are unnecessarily bundled together.

Beginning in 2020 or as soon as LADOTD implements their small business element, JPDOT will request state certification of all successful bidders to determine if they are a SBE. JPDOT will conduct outreach for specific small contracts using the LADOTD directory of certified SBEs once it is available online.

## **Attachments**

- A – Organizational Chart
- B – DBE Directory Used by JPDOT
- C – Jefferson Parish General Specifications and Conditions
- D – Guidance for Bidders to Demonstrate Good Faith Efforts
- E – Legal Notices for DBE Goal
- F – Jefferson Parish Council Resolution Adopting DBE Goal