



City of Visalia

**Federal Transit Administration
DBE Program**

August 1, 2017
(Updated June 2019)

**Prepare by
City of Visalia Transit
425 E. Oak Ave., Ste. 301
Visalia, CA 93291
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City of Visalia

Policy Statement

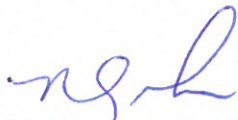
Section 26.1, 26.23 Objectives / Policy Statement

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

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

- To ensure nondiscrimination in the award and administration of DOT - assisted contracts;
- To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
- To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
- To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- To help remove barriers to the participation of DBEs in DOT assisted contracts;
- To assist the development of firms that can compete successfully in the market place outside the DBE Program.

Renee Nagel, Finance Director has been delegated as the DBE Liaison Officer. In that capacity, Renee Nagel 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 City of Visalia in its financial assistance agreements with the Department of Transportation. The City of Visalia has disseminated this policy statement to the City of Visalia City Council and all of the components of our organization. The City of Visalia has distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts. The City of Visalia will also distribute this statement and all DBE information in all public notices, the City of Visalia's website, and any other available media outlets.



Randy Groom, City Manager



Date

SUBPART A - General Requirements

Section 26.1 Objectives

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

Section 26.3 Applicability

The City of Visalia is the recipient of federal transit funds authorized by Titles I, III, V, and VI of ISTEA, Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, II, and V of the Teas-21, Pub. L. 105-178.

Section 26.5 Definitions

The City of Visalia will adopt the definitions contained in Section 26.5 for this program.

Section 26.7 Non-discrimination Requirements

The City of Visalia 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, the City of Visalia 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.

Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11(b)

We will report DBE participation to DOT as follows:

The City of Visalia will report DBE participation on a semi-annual basis, using the FTA Uniform Report of DBE Awards or Commitments and Payments, through the Transit Award Management System (TrAMS) web portal. These reports will reflect payments actually made to DBEs on DOT-assisted contracts.

Reports are due June 1 (for the period covering October 1 – March 31) and by December 1 (for the period covering April 1 – September 30).

Bidders List: 26.11(c)

The City of Visalia 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 bidders list approach to calculating overall goals. The bidder list will include the name, address, DBE non-DBE status, age, and annual gross receipts of firms.

The City of Visalia will collect this information in the following ways:

Options will include, but are not limited to, a contract clause requiring prime bidders to report the names/addresses, and possibly other information, of all firms who quote to them on subcontracts; a recipient-directed survey of a statistically sound sample of firms on a name/address list to get age/size information; a notice in all solicitations, and otherwise widely disseminated, request to firms quoting on subcontracts to report information directly to the recipient, etc.

Section 26.13 Federal Financial Assistance Agreement

City of Visalia has signed the following assurances, applicable to all DOT-assisted contracts and their administration, as part of the program supplement agreement for each project:

Assurance: 26.13(a)

City of Visalia 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 the City of Visalia 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 Assurance: 26.13b

We 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

Section 26.21 DBE Program Updates

Since the City of Visalia has received a grant of \$250,000 or more in FTA planning capital, and or operating assistance in a federal fiscal year, we will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program.

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

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

Renee Nagel
707 W. Acequia Ave.
Visalia, CA 93291
(559) 713-4375
Renee.Nagel@Visalia.City

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the City of Visalia complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the City Manager 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 seven to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Analyzes the City of Visalia's progress toward attainment and identifies ways to improve progress.
6. Participates in pre-bid meetings.
7. Advises the CEO\governing body on DBE matters and achievement.
8. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
9. Plans and participates in DBE training seminars.
10. Provides outreach to DBEs and community organizations to advise them of opportunities.

Section 26.27 DBE Financial Institutions

It is the policy of the City of Visalia to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the contractors on DOT-assisted contract to make use of these institutions.

Information on the availability of such institutions can be obtained from the DBELO. The Cal Trans Disadvantaged Business Enterprise Program may offer assistance to the DBELO.

Section 26.29 Prompt Payment Mechanisms

The City of Visalia 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 contract receives from City of Visalia. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractors 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 the City of Visalia. This clause applies to both DBE and non-DBE subcontracts.

Prompt Progress Payment to Subcontractors

A prime contractor or subcontractor shall pay to any subcontractor not later than 10-days of receipt of each progress payment, in accordance with the provision in Section 7108.5 of the California Business and Professions Code concerning prompt payment to subcontractors. The 10-days is applicable unless a longer period is agreed to in writing. Any delay or postponement of payment over 30-days may take place only for good cause and with the agency's prior written approval. Any violation of Section 7108.5 shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies of that Section. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

Prompt Payment of Withheld Funds to Subcontractors

The local agency shall include either (1), (2), or (3) of the following provisions [local agency equivalent will need Caltrans approval] in their federal-aid contracts to ensure prompt and full payment of retainage [withheld funds] to subcontractors in compliance with 49 CFR 26.29.

1. No retainage will be held by the agency from progress payments due to the prime contractor. Prime contractors and subcontractors are prohibited from holding retainage from subcontractors. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or

judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

2. No retainage will be held by the agency from progress payments due the prime contractor. Any retainage kept by the prime contractor or by a subcontractor must be paid in full to the earning subcontractor in 30-days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

Section 26.31 Directory

The City of Visalia will refer interested person the California Unified Certification Program DBE directory available from the program's web site at: http://www.dot.ca.gov/hq/bep/find_certified.htm

Section 26.33 Overconcentration

City of Visalia has not identified that overconcentration exists in the types of work that DBEs perform.

Section 26.35 Business Development Programs

City of Visalia has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

The City of Visalia will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. We 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.
2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. **Attachment 2** 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. We will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be

accomplished by direct observation, frequent site visits, review of contracting records, audits of payroll records, and verifying the title of the equipment used.

4. We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

Section 26.39 Small Business Participation

The City of Visalia has incorporated the following non-discriminatory element to its DBE program, in order to facilitate competition on FTA-assisted projects by small business concerns (both DBEs and non-DBE small businesses):

1. Definition

Small Business Enterprise:

For the purposes of this Program and in accordance with the State of California's definition of "microbusiness" as set forth in California Government Code Section 14837 and amended by the Director of General Services, "Small Business Enterprise" is defined as:

1. A small business which, together with affiliates, has average annual gross receipts of three million five hundred thousand dollars (\$3,500,000) or less over the previous three years, or
2. A small business manufacture with 25 or few employees.
3. A "Micro Business" is a small business which, together with affiliates, has an average annual gross receipts of one million dollars (\$1,000,000) or less over the previous three years or
4. A "Micro Business" manufacture with 9 or fewer employees.

Market Area:

The "Market Area" for this program will be the Counties of Kings, Fresno, and Tulare.

2. Compliance with State of California Small Business Eligibility Requirements:

The City of Visalia will utilize the State of California certification to verify the status as a small business for participation in the City of Visalia's Small Business Program. Contractors will only be eligible to benefit from the Program if they are a State of California Certified Microbusiness. Accordingly, the definition of a "Microbusiness" will be modified as necessary to remain consistent with the State of California's definition and certification eligibility of "microbusiness".

3. Small Business for Contracts <\$50,000:

The City of Visalia will establish a race-neutral small business set-aside contracts for Small Business Enterprises (SBEs), provided that an adequate number of qualified small businesses can compete for the work.

The State of California small business directory will be consulted to determine if there is an adequate pool of certified SBE vendors in the market area that are ready, willing and able to perform. The contract opportunity will be advertised in accordance with the purchasing policy, but only Small Businesses will be eligible for award. In those circumstances when only a single proposal or bid that has been solicited under this Program has been received, the contract will be re-solicited, unless there is a sound documented business reason to justify the lack of competition.

4. Contract with estimated cost >\$1,000,000

The City of Visalia will include language in bid documents to encourage prime contractor to use “Small Business Enterprise”. The Language will include the definition of a small business, where to find information on how to be certified as a small business, and direct them to the State of California Small Business Directory.

The City of Visalia will also require bidders to identify subcontractor that are certified as a “Small Business”. City staff will review, on an annual basis, the percentage of small business participation in subcontracts.

SUBPART C - GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

The City of Visalia does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

A description of the methodology to calculate the overall goal and the goal calculations can be found in **Attachment 3** to this program. This section of the program will be updated annually.

In accordance with Section 26.45(f) the City of Visalia will submit its overall goal to DOT on August 1 of each year. Before establishing the overall goal each year, City of Visalia will consult with the minority, women’s and general contractor groups. Community organizations, and disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the City of Visalia’s efforts to establish a level playing field for the participation of DBEs.

Following this consultation, we will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the Visalia Transit Center located at 425 E. Oak Ave. Visalia, CA 93291 for 30 days following the date of the notice, and informing the public that you and DOT will accept comments on the goals for 45 days from the date of the notice. The City of Visalia will also publish the advertisement in Visalia Times Delta newspapers and the City of Visalia’s website. Normally, we will issue this notice by June 1 of each year. The notice must include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

Our overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses.

We will begin using our overall goal on October 1 of each year, unless we have received other instructions from DOT. If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

Section 26.47(c) Goal Setting Accountability

If the awards and commitment shown on the City of Visalia's Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall applicable to that fiscal year, the following will be in place:

- Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments; and
- Establish specific steps and milestones to correct the problems identified in the analysis.

Section 26.49 Transit Vehicle Manufacturers Goals

City of Visalia 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, City of Visalia 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.

Section 26.49(a)(4) Reporting to FTA

DBE regulations require FTA recipients to report transit vehicle procurement awards within 30 days of making an award, the name of the successful bidder and the total dollar value of the contract. As a recipient of FTA, the City of Visalia will submit within 30 days of making an award, the name of the successful bidder, and the total dollar value of the contract in the manner prescribed in the grant agreement.

Section 26.51(a-c) Breakout of Estimated Race-Neutral & Race-Conscious Participation

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment **Attachment 4** to this program. This section of the program will be updated annually when the goal calculation is updated.

Section 26.51(d-g) Contract Goals

The City of Visalia will use contract goals to meet any portion of the overall goal City of Visalia 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 our overall goal that is not projected to be met through the use of race-neutral means.

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

We will express our contract goals as a percentage of the Federal share of a DOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures

Demonstration of good faith efforts (26.53(a) & (c))

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

The following personnel are 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

Renee Nagel
707 W. Acequia Ave.
Visalia, CA 93291
(559) 713-4375
Renee.Nagel@Visalia.City

Transit Manager
425 E. Oak Ave.
Visalia, CA 93291
Transit@Visalia.City

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

Information to be submitted (26.53(b))

City of Visalia treats bidder/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 contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts.

Administrative reconsideration (26.53(d))

Within 3 days of being informed by City of Visalia 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: Renee Nagel, Finance Director, 707 W. Acequia Ave., Visalia, CA 93291, (559) 713-4375, renee.nagel@visalia.city. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. We will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

Good Faith Efforts when a DBE is replace on a contract (26.53(f))

City of Visalia will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime contractor to notify the DBE Liaison officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

If the contractor fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

Sample Bid 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 the [Name of Recipient] to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of 1 percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR

Part 26 (**Attachment 1**), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/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 (5) if the contract goal is not met, evidence of good faith efforts.

Section 26.55 Counting DBE Participation

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

SUBPART D - CERTIFICATION STANDARDS

Section 26.61 - 26.73 Certification Process

The City of Visalia will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. We will make our certification decisions based on the facts as a whole.

For information about the certification process or to apply for certification, firms should contact: Renee Nagel, Finance Director, 707 W. Acequia Ave., Visalia, CA 93291, (559) 713-4375), renee.nagel@visalia.city

Our certification application forms and documentation requirements are found in **Attachment 6** to this program.

SUBPART E - CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

Caltrans is the member of a Unified Certification Program (UCP) administered by State of California. The UPC will meet all of the requirements of this section. The following is a description of the UCP:

The California Unified Certification Program (CUCP) provides “one-stop shopping” certification services to small, minority and women businesses seeking to participate in the United States Department of Transportation (USDOT) Disadvantaged Business Enterprise (DBE) Program.

Certification services are offered to businesses seeking to obtain either DBE or airport concessionaire disadvantaged business enterprise (ACDBE) status.

As mandated by USDOT in the DBE Program, Final Rule 49 Code of Federal Regulations (CFR), Parts 23 and 26, all public agencies that receive USDOT federal financial assistance must participate in a statewide unified certification program. These public agencies, commonly referred to as “recipients” of USDOT funds, include municipalities, counties, special districts, airports, transit agencies, and the State Department of Transportation (Caltrans).

The California Unified Certification Program (CUCP) went into effect on January 1, 2002. It is a “One-Stop Shopping” certification program that eliminates the need for a DBE or ACDBE firm to obtain certifications from multiple agencies within the State. A business certified as a DBE or ACDBE through the CUCP is automatically accepted by all USDOT recipients in California.

The CUCP is charged with the responsibility of overseeing the certification activities performed by various certifying agencies, and compiling and maintaining a single Statewide database of certified DBEs. The Database is intended to expand the use of DBE and ACDBE firms by maintaining complete and current information on those businesses and the products and services they can provide to all USDOT recipients in California. Select the “Directory” link on the top to access the Statewide database.

The CUCP certifying agencies are responsible for certifying DBE firms. You only need to apply for DBE certification at one agency. If your firm meets the General Criteria for DBE certification as provided on the Application Package, submit your completed application, along with the requested documentation, to one of the Certifying Agencies serving the geographical area where your firm has its principal place of business.

Section 26.83 Procedures for Certification Decisions

Re-certifications 26.83(a) & (c)

We will review the eligibility of DBEs that we certified under former part 23, to make sure that they will meet the standards of Subpart E of Part 26. We will complete this review no later than three years from the most recent certification date of each firm. Our schedule for this review process will be: [Include milestones; e.g., our {number} most active firms by {date}, our {number} next most active firms by {date}, etc.]

For firms that we have certified or reviewed and found eligible under part 26, we will again review their eligibility every three years. These reviews will include the following components: an on-site review or a filling out a new application.

"No Change" Affidavits and Notices of Change (26.83(j))

We require all DBEs to inform us, in a written affidavit, of any change in its circumstances affecting its 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 City of Visalia application for certification.

We also require all owners of all DBEs we have certified to submit, on the anniversary date of their certification, a "no change" affidavit meeting the requirements of 26.83(j). The test 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 City of Visalia under 26.83(j). [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.

We require DBEs to submit with this affidavit documentation of the firm's size and gross receipts.

We will notify 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.

Section 26.85 Denials of Initial Requests for Certification

If we deny a firm's application or decertify it, it may not reapply until six (6) months have passed from our action.

Section 26.86 (a) Written Explanation of Denial Availability

Pursuant to 49 CFR section 26.86(a), Upon Request, a written explanation will be available for the denial of a firm's application.

Section 26.87 Removal of a DBE's Eligibility

In the event we propose to remove a DBE's certification, we will follow procedures consistent with 26.87. Attachment 7 to this program sets forth these procedures in detail. To ensure separation of functions in a de-certification, we have determined that Purchasing Department will serve as the decision-maker in de-certification proceedings. We have established an administrative "firewall" to ensure that Purchasing Department will not have participated in any way in the de-certification proceeding against the firm (including in the decision to initiate such a proceeding).

Section 26.89 Certification Appeals

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

U.S. Department of Transportation
Departmental Office of Civil Rights
External Civil Rights Programs Division (S-33)
1200 New Jersey Ave., S.E.
Washington, DC 20590
Phone: (202) 366-4754
TTY: (202) 366-9696
Fax: (202) 366-5575

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

Pursuant to 49 CFR section 26.89(c), appeals must be made within 90 days of the City of Visalia's final decision.

SUBPART F - COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

We will safeguard from disclose 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, we will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

Monitoring Payments to DBEs

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

We 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 states in the schedule of DBE participation.

ATTACHMENTS

Attachment 1	Organizational Chart
Attachment 2	Monitoring and Enforcement Mechanisms

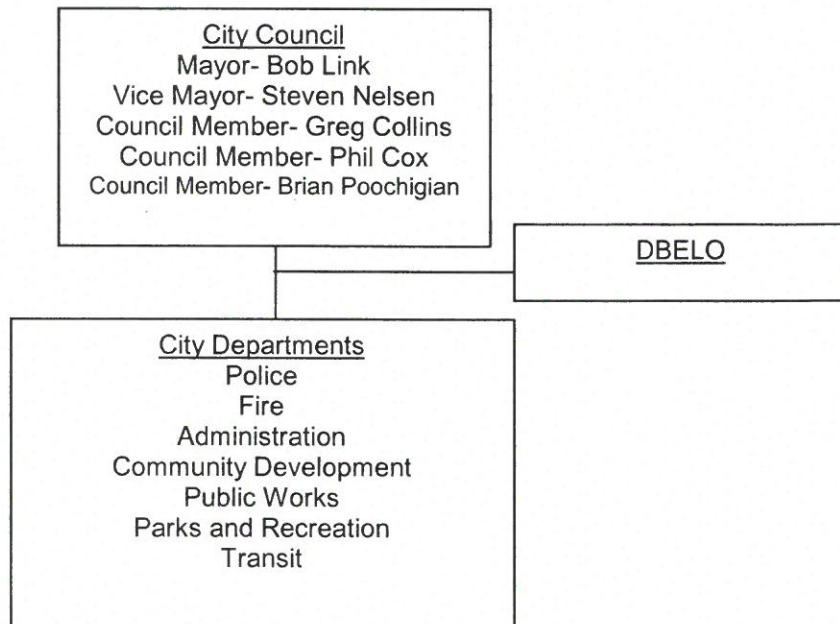
Attachment 3 Overall Goal Calculation
Attachment 4 Breakout of Estimated Race-Neutral & Race-Conscious Participation
Attachment 5 Form 1 & 2 for Demonstration of Good Faith Efforts
Attachment 6 Certification Application Forms
Attachment 7 Procedures for Removal of DBE's Eligibility
Attachment 8 Public Notice
Table 1 Methodology and Calculation Worksheet including the Federally Assisted Capital Projects
Table 2 Certificate of Publication

Attachment 1

Disadvantaged Business Enterprise Liason Officer

Renee Nagel
(559) 713-4375
renee.nagel@visalia.city
City of Visalia
707 W. Acequia
Visalia, CA 93291

Personnel resources available to the DBELO are designated employees that devote a portion of their time to the program in each department (at least one in each department) that receives Federal funding.



Attachment 2

Monitoring and Enforcement Mechanisms

In addition, the federal government has available several enforcement mechanisms that is 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 3

Section 26.45; Overall Goal Calculation

Introduction

The City of Visalia, Visalia Transit, herein referred to as VT, submits this Disadvantaged Business Enterprise (DBE) goal methodology to the U.S. Department of Transportation's Federal Transit Administration (FTA) for review and approval pursuant to 49 26.45 to establish the overall DBE goal for its federally-assisted transit projects.

During fiscal years 2018, 2019, 2020 the VT's schedule of Capital Projects shall include transit operations and management, fuel purchases, and CNG station management contracts.

49 CFR Part 26.45 requires a two-step process for setting the overall DBE goal, which should reflect the expected level of DBE participation on VT contracts in the absence of discrimination. The VT proposes to establish its DBE overall goal for federal fiscal years 2018 through 2020 at 1.00% for new contracts, with 100% to be obtained through race-neutral means.

This submission must include 1) A description of the methodology use to establish the goal, including the base figure and evidence with which it was calculated, and the evidence relied on for any adjustments; and 2) A projection of the portions of the overall goal expected to be met through race conscious measures; and 3) A summary listing of relevant available evidence of disparity and, where applicable, an explanation of why that evidence was not used to adjust the base figure.

Annual Goal Methodology: (Two-Step Process)

Step One: Determining the Base Figures – 49 CFR Part 26.45(C)

As part of the goal setting process, Step 1 requires VT to begin with a base figure for the relative availability of DBE's. As referenced on **Table 1**, projects that may be procured during this DBE plan are fuel purchases (diesel & CNG), CNG Station Management services, and bus operations management. The bus operations and management services contract is further broken down to subcontracting services of vehicle supplies, repairs, and maintenance, communication systems, tires, fuel systems, office supplies, heating/A/C, wheelchair lifts, and building maintenance and repair.

The base figure represents the number of relative availability of ready, willing, and able DBE firms as compared to all firms ready, willing and able to perform work for the VT. This formula utilized to calculate this percentage is listed below:

Step One Base Figure =

Ready, willing, and able DBE's

Base Figure = _____

All firms ready, willing and able

The formula and methodology, for annual DBE goal preparation, was prepared comparing North American Industry Classification System (NAICS) that are associated with category ___ type of project.

To establish the Base Figure, contractile items were identified. Then the Base Goal was calculated using the relative availability of DBEs in the Caltrans District 6 area to perform contracts scheduled for fiscal years 2018-2020. The California Unified Certification Program's (CUCP) list of certified DBE contractors is the basis for the PT's DBE certified contracting pool. This list of certified DBE contractors is compared to a more global list of business, segregated by NAICS Code. The 2015 U.S. Census Bureau's County Business Pattern (USCBP) database is used to determine the availability of business – limited to the Caltrans District 6 area.

A. Construction (BASE):

Filtered for NAICS category and Work Code category

1. Filtered for Contractors that operate within the five-county market area that generally serves the City of Visalia's contracting needs:

- Fresno
- Madera
- Kings
- Kern
- Tulare

Which results in 67 identified available DBE firms.

Denominator: The total number of construction companies within the City of Visalia's five-county market area (Fresno, Madera, Kings, Kern, Tulare) based on the U.S. Census Bureau "County Business Pattern" statistics for 2015 (NAICS/Work Codes in DBE Goal Worksheet), which is the most recent available year of data:

Total firms: 1,907

Ratio (Construction): $\frac{67}{1,907} = 1.00\%$

Step Two: Adjustment – 49 CFR Part 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 we would expect in the absence of discrimination we have adjusted our base figure by 0%.

It is the opinion of the City of Visalia that the current DBE program data is representative of the local market capacity.

The City of Visalia's bidder's list provides no additional data that appears to be relevant to the establishment of the base goal. However, the DBE participation during the recent race-conscious DBE program period is indicative of race and gender neutral effects on the bidding process in achieving DBE participation. City DBE contract participation has exceeded overall goals each year since the 2000 modifications were implemented.

It has been observed that DBE utilization by prime contractors tends to be primarily in certain types of construction such as: paving, minor concrete construction, reinforcing steel fabrication, traffic control, trucking and furnishing certain types of construction materials, and appears to be absent and difficult to attain in some types of subcontract work, such as storm water pollution prevention, rip rap, clearing and grubbing, pipe installation and materials, fencing, major concrete paving, pile driving and drilling, and cold planning.

The City of Visalia does not have any data that would provide a more accurate measurement of the "current capacity of DBE's" for the City of Visalia market area than that which is described. Therefore, no adjustment to the base figure is proposed.

Disparity Study Results

A State-wide disparity study has been completed by a consultant under contract to the State of California Department of Transportation (Caltrans). That study indicated that the State of California should consider a State-wide base figure of 13.5% for its DBE calculations. Based on published information by Caltrans for FY 2011/2012, we understand that the current Statewide Goal is 13.5% (6.75% race-neutral and 6.75% race-conscious). The City of Visalia, in reviewing data for its five-county market area, does not have any factual data to indicate that there are ready and available Underutilized Disadvantaged Business Enterprise firms in excess of the base figure calculated herein. Therefore, no adjustment to the base figure is proposed for this calculation.

Attachment 4

Section 26.51: Breakout of Estimated Race-Neutral & Race Conscious Participation

City of Visalia will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation.

We estimate that, in meeting our overall goal of 1.0%, we will obtain 100% from race-neutral participation.

The following is a summary of the basis of our estimated breakout of race-neutral and race-conscious DBE participation: Filtered for contractors that operate within the five-county market area that generally serves the City of Visalia's contracting needs, Filtered for Underutilized Disadvantaged Business Enterprises (UDBE's) Asian Pacific males, Black males, Native American males, and Women.

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

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

A. Construction (UDBE):

1. Filtered for NAICS category:
 - Identified in Step 1
2. Filtered for Contractors that operate within the five-county market area that generally serves the City of Visalia's contracting needs:
 - Fresno
 - Madera
 - Kings
 - Kern
 - Tulare
3. Filtered for Underutilized Disadvantaged Business Enterprises (UDBE's)
 - Asian Pacific males

- Black males
- Native American males
- Women

Which results in 4 identified available UDBE firms.

Denominator: The total number of construction companies within the City of Visalia’s five-county market area (Fresno, Madera, Kings, Kern, Tulare) based on the U.S. Census Bureau “County Business Pattern” statistics for 2015 (NAICS Code and Word Codes in Step 1), which is the most recent available year of data:

Number of firms - 67

Total Construction firms: 27,288

Ratio (Construction): $\frac{4}{67} = .06\%$

The City of Visalia believes achieving the DBE of 1% is achievable through Race Neutral goals and the 2012 Caltrans Disparity Study utilized as part of our analysis does not lead us to believe the Race Conscious goal is necessary. Considering the low % of UDBE firms available the City will look towards DBE goal achievement with 100% Race Neutral means.

Establishment of Annual Anticipated DBE Participation Level

Based on available data, as described above, the City of Visalia’s UDBE goal and Anticipated DBE Participation goals are summarized as follows:

DBE Participation Level	
July 1, 2018 through June 30, 2020	
DBE Goal	1.00%
UDBE Goal	+ ..00%
Total DBE Goal	1.0%

The City of Visalia hereby established an annual overall DBE Goal of 1% for Federal Fiscal Years 2018 through 2020, and anticipates approximately this level of actual participation through the continued utilization of race and gender-neutral methods.

NOTE: DBE and race-neutral goals are not submitted to Caltrans or any other entity. These calculations have been prepared for the sole purpose of establish contract specific goals.

Public Participation

We published our goal information in these publications: Visalia Times Delta, City of Visalia and Website. A meeting was held on Wednesday, July 19 from 6:30pm – 7:30pm. The meeting was held at the City of Visalia’s Administration Board Room. There were no attendants other than staff. There were no comments submitted during the public hearing period. The notice was also posted on the website www.VisaliaTransit.com as indicated the in local Visalia Times Delta newspaper on page 24 of this document **Table 2**.

We received comments from these individuals or organizations:0

Summaries of these comments are as follows:0

Our responses to these comments are:0

Visalia Newspapers, Inc.
P.O. Box 31, Visalia, CA 93278
389-735-3200 / Fax 659-735-3210

Certificate of Publication

402 L I 9NY

State Of California ss:
County of Tulare

Advertiser: CITY OF VISALIA LEGALS
707 W ACEQUIA AVE
VISALIA CA 93281
Order # 0002265691

RE: The City of Visalia, Transit Division has prepared a draft Disadvantaged Business

The City of Visalia, Transit Division has prepared a draft Disadvantaged Business Enterprise (DBE) goal in accordance with DBE governing regulations outlined in Title 48 of the Code of Federal Regulations Part 26 (99 CFR 26). Interested stakeholders are encouraged to attend a public participation meeting and review of this goal on Wednesday, July 19th from 5:00pm - 7:30pm at 220 S. Santa Fe, Visalia, CA 93282. City of Visalia staff will adjust goal based on comments, as appropriate. Additional information will be available on VisaliaTransit.com after 12am on Monday, July 17, 2017 and provided during the meeting.
Pub. July 12, 2017 42265691

I, Robert Callaway,
Accounting Clerk, for the below mentioned newspaper(s), am over the age of 18 years old, a citizen of the United States and not a party to, or have interest in, this matter. I hereby certify that the attached advertisement appeared in said newspaper on the following

Newspaper: Visalia Times Delta
7/12/2017

I acknowledge that I am a principal clerk of said paper which is printed and published in the City of Visalia, County of Tulare, State of California. The Visalia Times Delta was adjudicated a newspaper of general circulation on July 26, 2001 by Tulare County Superior Court Order No. 41-20576. The Tulare Advance Register was adjudicated a newspaper of general circulation on July 25 2001 by Superior Court Order No. 82-43276.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 12 day of July, 2017 in Visalia, California.

Robert Callaway
Declarant

Table 2

Attachment 5

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 specification in the following manner (please check the appropriate space):

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

_____ The bidder/offeror (if unable to meet the DBE goal of _____%) is committed to a minimum of _____% DBE utilization on this contract a 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 6

Certification Application Forms

The City of Visalia is the member of a Unified Certification Program (UCP) administered by California Department of Transportation (CALTRANS). The UPC will meet all of the requirements of this section. The following is a description of the UCP. CALTRANS has a web site with all DBE eligible companies listed.

Applications can be viewed at the CALTRANS website:
http://www.caltrans.ca.gov/hq/bep/business_forms.htm

BEFORE YOU COMPLETE THE DBE APPLICATION

In order to apply for certification as a Disadvantaged Business Enterprise (DBE), your firm *must* meet the following eligibility criteria stated in 49 CFR Part 26:

- The disadvantaged individual must be a U.S. citizen (or resident alien) and be a member of a socially or economically disadvantaged group.
- The disadvantaged individual must have a personal net-worth (PNW) of less than \$1,320,000. Items excluded from a person's net worth calculation include an individual's ownership interest in the applicant firm, and his or her equity in their primary residence.
- Depending upon the nature of work performed, a firm (including its affiliates) must not have average annual gross receipts over the firm's previous three fiscal years in excess of \$22,410,000 (\$52,470,000 for airport concessionaires in general with some exceptions). This size standard is for construction related work. Depending on the type of work the business performs, other lower size standards may apply.
- The firm must be a for-profit small business where socially and economically disadvantaged DBE owner(s) own at least a 51% interest, and have managerial and operational control of the business operations; the firm must not be tied to another firm in such a way as to compromise its independence and control.
- The socially and economically DBE owner(s) must possess the power to direct or cause the direction to the management and policies of the firm and to make day-to-day, as well as long-term decisions on matters of management, policy and operations.
- If state or local law requires the persons to have a particular license or other credential in order to own and/or control a certain type of firm, then the socially and economically disadvantaged persons who own and control a potential DBE firm of that type must possess the required license or credential.
- Regulatory details on certification standards.

If applying with Caltrans, submit application to:

**Office of Business & Economic Opportunity
Attn: Certification Unit
1823 14th Street,
Sacramento, CA 95811**

Questions? Call (916) 324-1700

[Apply with another agency](#)

**Downloadable California Unified Certification Program (CUCP) DBE Application Forms
The PDF forms are in fillable format**

DBE and ACDBE Forms		
CUCP DBE Certification Application Package	in Word[©]	in PDF
CUCP DBE Certification Application Instructions	in Word[©]	in PDF
Airport Concession DBE Application	in Word[©]	in PDF
Personal Financial Statement	in Word[©]	in PDF
UCP No Change Declaration	in Word[©]	in PDF
CUCP Out-of-State Application	in Word[©]	in PDF

Attachment 7

Procedures for Removal of DBE's Eligibility

a. Ineligibility complaints.

1. Any person may file with you a written complaint alleging that a currently-certified firm is ineligible and specifying the alleged reasons why the firm is ineligible. You are not required to accept a general allegation that a firm is ineligible or an anonymous complaint. The complaint may include any information or arguments supporting the complainant's assertion that the firm is ineligible and should not continue to be certified. Confidentiality of complainants' identities must be protected as provided in §26.109(b).

2. You must review your records concerning the firm, any material provided by the firm and the complainant, and other available information. You may request additional information from the firm or conduct any other investigation that you deem necessary.

3. If you determine, based on this review, that there is reasonable cause to believe that the firm is ineligible, you must provide written notice to the firm that you propose to find the firm ineligible, setting forth the reasons for the proposed determination. If you determine that such reasonable cause does not exist, you must notify the complainant and the firm in writing of this determination and the reasons for it. All statements of reasons for findings on the issue of reasonable cause must specifically reference the evidence in the record on which each reason is based.

b. Recipient-initiated proceedings. If, based on notification by the firm of a change in its circumstances or other information that comes to your attention, you determine that there is reasonable cause to believe that a currently certified firm is ineligible, you must provide written notice to the firm that you propose to find the firm ineligible, setting forth the reasons for the proposed determination. The statement of reasons for the finding of reasonable cause must specifically reference the evidence in the record on which each reason is based.

c. DOT directive to initiate proceeding.

1. If the concerned operating administration determines that information in your certification records, or other information available to the concerned operating administration, provides reasonable cause to believe that a firm you certified does not meet the eligibility criteria of this part, the concerned operating administration may direct you to initiate a proceeding to remove the firm's certification.

2. The concerned operating administration must provide you and the firm a notice setting forth the reasons for the directive, including any relevant documentation or other information.

3. You must immediately commence and prosecute a proceeding to remove eligibility as provided by paragraph (b) of this section.

d. Hearing. When you notify a firm that there is reasonable cause to remove its eligibility, as provided in paragraph (a), (b), or (c) of this section, you must give the firm an opportunity for an informal hearing, at which the firm may respond to the reasons for the proposal to remove its eligibility in person and provide information and arguments concerning why it should remain certified.

1. In such a proceeding, you bear the burden of proving, by a preponderance of the evidence, that the firm does not meet the certification standards of this part.

2. You must maintain a complete record of the hearing, by any means acceptable under state law for the retention of a verbatim record of an administrative hearing. If there is an appeal to DOT under §26.89, you must provide a transcript of the hearing to DOT and, on request, to the firm. You must retain the original record of the hearing. You may charge the firm only for the cost of copying the record.

3. The firm may elect to present information and arguments in writing, without going to a hearing. In such a situation, you bear the same burden of proving, by a preponderance of the evidence, that the firm does not meet the certification standards, as you would during a hearing.

e. Separation of functions. You must ensure that the decision in a proceeding to remove a firm's eligibility is made by an office and personnel that did not take part in actions leading to or seeking to implement the proposal to remove the firm's eligibility and are not subject, with respect to the matter, to direction from the office or personnel who did take part in these actions.

1. Your method of implementing this requirement must be made part of your DBE program.

2. The decision maker must be an individual who is knowledgeable about the certification requirements of your DBE program and this part.

3. Before a UCP is operational in its state, a small airport or small transit authority (i.e., an airport or transit authority serving an area with less than 250,000 population) is required to meet this requirement only to the extent feasible.

f. Grounds for decision. You must not base a decision to remove eligibility on a reinterpretation or changed opinion of information available to the recipient at the time of its certification of the firm. You may base such a decision only on one or more of the following:

1. Changes in the firm's circumstances since the certification of the firm by the recipient that render the firm unable to meet the eligibility standards of this part;

2. Information or evidence not available to you at the time the firm was certified;

3. Information that was concealed or misrepresented by the firm in previous certification actions by a recipient;
4. A change in the certification standards or requirements of the Department since you certified the firm; or
5. A documented finding that your determination to certify the firm was factually erroneous.

g. Notice of decision. Following your decision, you must provide the firm written notice of the decision and the reasons for it, including specific references to the evidence in the record that supports each reason for the decision. The notice must inform the firm of the consequences of your decision and of the availability of an appeal to the Department of Transportation under §26.89. You must send copies of the notice to the complainant in an ineligibility complaint or the concerned operating administration that had directed you to initiate the proceeding.

h. Status of firm during proceeding.

1. (1) A firm remains an eligible DBE during the pendency of your proceeding to remove its eligibility.
2. The firm does not become ineligible until the issuance of the notice provided for in paragraph (g) of this section.

i. Effects of removal of eligibility. When you remove a firm's eligibility, you must take the following action:

1. When a prime contractor has made a commitment to using the ineligible firm, or you have made a commitment to using a DBE prime contractor, but a subcontract or contract has not been executed before you issue the decertification notice provided for in paragraph (g) of this section, the ineligible firm does not count toward the contract goal or overall goal. You must direct the prime contractor to meet the contract goal with an eligible DBE firm or demonstrate to you that it has made a good faith effort to do so.
2. If a prime contractor has executed a subcontract with the firm before you have notified the firm of its ineligibility, the prime contractor may continue to use the firm on the contract and may continue to receive credit toward its DBE goal for the firm's work. In this case, or in a case where you have let a prime contract to the DBE that was later ruled ineligible, the portion of the ineligible firm's performance of the contract remaining after you issued the notice of its ineligibility shall not count toward your overall goal, but may count toward the contract goal.
3. Exception: If the DBE's ineligibility is caused solely by its having exceeded the size standard during the performance of the contract, you may continue to count its participation on that contract toward overall and contract goals.

j. Availability of appeal. When you make an administratively final removal of a firm's eligibility under this section, the firm may appeal the removal to the Department under 26.89.

City of Visalia
Visalia Transit

Public Notice

DISADVANTAGE BUSINESS ENTERPRISE (DBE)
GOAL FOR FISCAL YEARS 2018, 2019, 2020

The City of Visalia, Visalia Transit, in accordance with requirements of the U.S. Department of Transportation (DOT), 49 CFR Part 26, as amended, hereby notifies the public that it is recommending a 1% Disadvantaged Business Enterprise (DBE) goal for participation in Federal Transit Administration (FTA) – assisted contracts during the Fiscal Years 2018, 2019, 2020.

The proposed methodology and its rationale used to determine the level of DBE participation will be available for public review for 30 calendar days from the date of this notice from 8:30 a.m. to 5:30 p.m., PST, Monday – Friday, City of Visalia located at 425 E. Oak Ave., Visalia CA 93291. Written comments on this goal will be accepted for 45 days from the date of this notice. Comments are for informational purposes only and may be sent to the DBE Compliance Officer, at the above address or you may submit them to FTA’s Office of Civil Rights located at 201 Mission, Suite 1650, San Francisco CA 94105.

Carmen Quevedo
Financial Analyst
City of Visalia, Visalia Transit

Table 1

City of Visalia Transit Division		DBE Contract Goal Worksheet Fiscal Years 2017-19								TOTAL FIRMS PER CENSUS
Item Description	Projected Annual Cost	Likely to be Subcontracted (Y/N)?	Projected Annual Cost (Subcontractor)	DBE Work Category Code	NAICS CODE	# of Available DBEs	# of Available UDBEs	DBE Work Factor (Input % if # of available DBEs > 9)	DBE Work Dollar Amount	
Diesel fuel purchases	\$ 250,000.00	N		F5980	454310	0	0	0%	\$ -	14
CNG fuel purchases	\$ 750,000.00	N		F5980; E4920	454310	0	0	0%	\$ -	14
CNG station management	\$ 618,630.00	N		E4920	454310	0	0	0%	\$ -	14
Bus operations and management	\$ 6,000,000.00	Y		E4110	485113	5	2	0%	\$ -	5
<i>Subcontracts for Bus Operations</i>										
Vehicle supplies, repairs and maintenance		N	\$ 801,787.00	D3710; F5089; D3510	336322 421120	5	0	0%	\$ -	25
Communication systems (radios)		N	\$ 8,800.00	D3660	334220	9	0	12%	\$ 1,056.00	12
Tires		N	\$ 109,730.40	D3010	326211	2	0	0%	\$ -	3
Fuel systems		N	\$ 33,657.00	C9902; F5980	454310	1	0	0%	\$ -	308
Office supplies		N	\$ 19,782.00	F5044	421420 453210	7	0	0%	\$ -	37
Heating / AC		N	\$ 27,756.00	C9866	333415	18	1	12%	\$ 3,330.72	88
Wheelchair lifts		N	\$ 8,481.00	D3980	NA	0	0	0%	\$ -	NA
Building maintenance / repair		N	\$ 10,710.00	I7349	811	20	1	12%	\$ 1,285.20	1385
			\$ 1,020,703.40							
Total	\$ 7,618,630.00								Total \$ 5,671.92	
						DBE GOAL:			0.074%	
							Rounded DBE Goal		1%	

How Goal Was Set:

- Determine contracts with projected annual cost greater than \$250,000
- Determine DBE Work Category Code using NAICS database
- Search for all DBEs within each category on NAICS database (note, searched "District 6" and "Tulare County")
- Assign work factor using the following:
 - If available DBEs is less than 9, work factor = 0%
 - If DBE category is trucking related, work factor = 10%
 - For all other DBE categories, work factor = 12%

- Multiply DBE work factor by projected annual cost for each category
 - Divide total DBE work dollar amount by projected annual cost to determine annual DBE goal
- Note: DBE goal is for a three-year period and will be updated accordingly

Total UDBEs	4
Total DBEs	67
Total Firms	1907