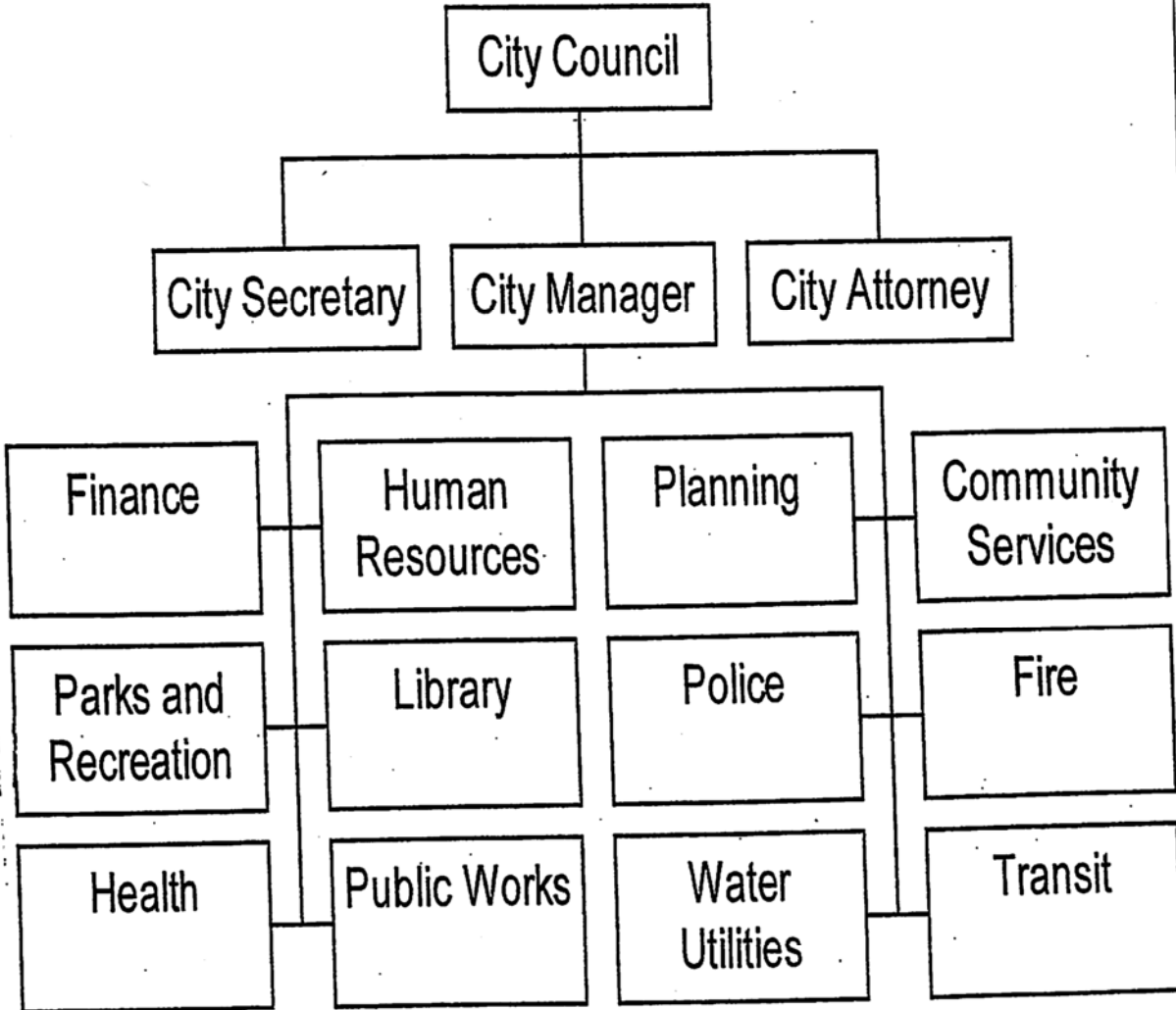


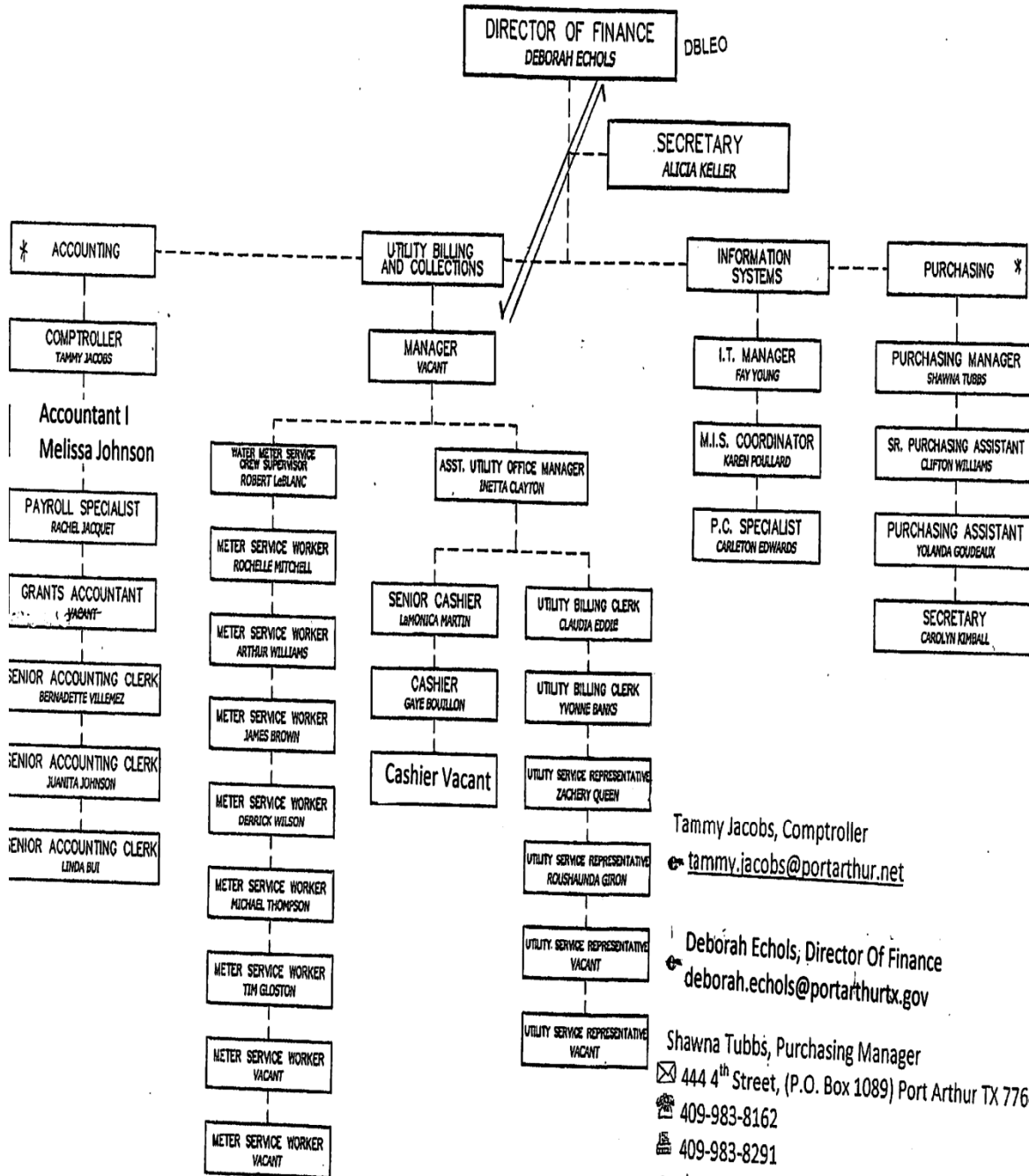
# City of Port Arthur



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444 4<sup>th</sup> Street, (P.O. Box 1089) Port Arthur, TX 77641  
Phone: (409) 983-8101  
Fax: (409) 982-6743  
Email: john.comeaux@portarthurtx.gov

DBELO CHART WITH FINANCE SETTING TO INCLUDE PURCHASING

# CITY OF PORT ARTHUR - FINANCE DEPARTMENT



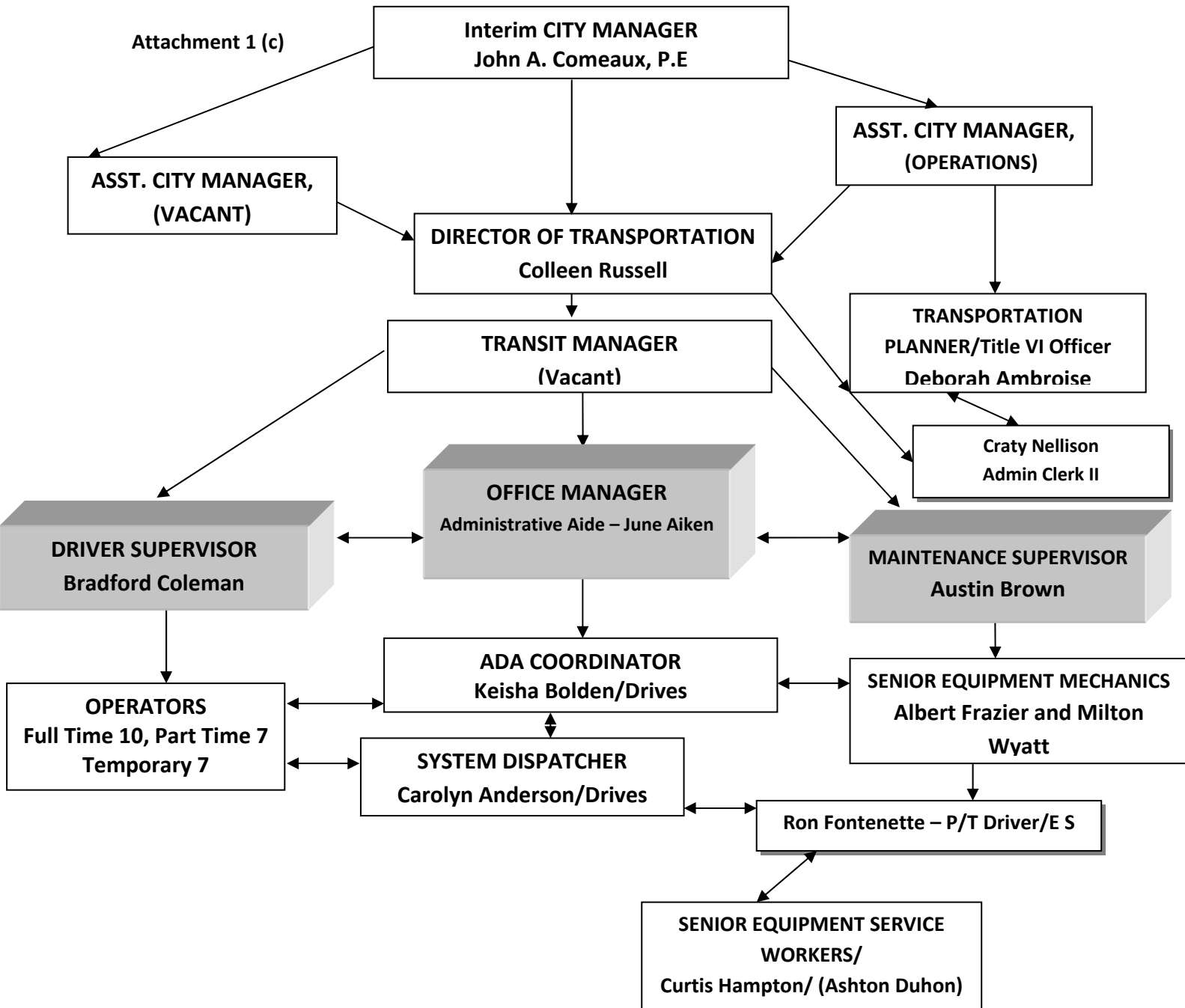
Tammy Jacobs, Comptroller  
 tammy.jacobs@portarthur.net

Deborah Echols, Director Of Finance  
 deborah.echols@portarthurtx.gov

Shawna Tubbs, Purchasing Manager  
 444 4<sup>th</sup> Street, (P.O. Box 1089) Port Arthur TX 77641  
 409-983-8162  
 409-983-8291  
 shawna@portarthur.net

APRIL 2014

# TRANSIT ORGANIZATIONAL CHART



**Attachment 2: Copy of DBE Directory Electronic Directory Attachment: 2013 DBE Program**

Live Link to TxDOT UCP Director: <http://www.dot.state.tx.us/business/tucp/default.htm> Sate

City of Port Arthur Transit Listings of DBE and others

<b>TRANSIT DBE DIRECTORY</b>									
<b>BUSINESS</b>	<b>ADDRESS</b>	<b>City/State/Zip Code</b>	<b>YEAR</b>	<b>SBE</b>	<b>HUB</b>	<b>DBE</b>	<b>MWBE</b>	<b>VSB</b>	<b>NAICS</b>
MARY L. GOLDSBY ASSOCIATES	627 W. 19TH STREET	Houston, TX 77008	2010-13						541320
SITE AND FIELD ENGINEERING	11 GREENWAY PLAZA	Houston, TX 77046	2011-12						541330
CONSULTING ENGINEERING INC	2320 HOLMES ROAD,	Houston, TX 77051	2010-12						541330
Nelson Collaborative engineer	5450 Northwest Central Dr.	Houston, TX 77092	2011-13 Renovation						541330
Nelson Collaborative engineer	540 Northwest Central Dr.	Houston, TX 77092	2013-14 Auto Scrubber						541330
GADV Inc. L&LContractors	11988 FM 365 West	Beaumont, TX 77705	2013-14						
JPL Electric LLC	11720 Dugat RD.	Beaumont, TX 77750	2013-14						53277
J.R. Parsley	1995 Neches ST.	Beaumont, TX 77701	2010-14						423850
Teneo Linguistics Translation	Port Arthur, TX	Port Arthur, TX 77640	2012-13						541930
Atco Manufacturing Co.	1401 Barclay	Marietta GA. 30060	2013-14						325611
Veritas Supply, Inc.	11610 Aucuba	Houston, TX 77092	2012-14						424610
Hernandez Office Supplies	119 North 17th ST.	Nederland, TX 77627	2009-14						453210
Hurricane Office Supply	300 Brushy Cr.	Cedar Park Austin 78613	2011-2015						47738
N & T Construction									
W B. Construction & Sons									
Bruce General Construction									
Many did not renew	Status as DBE								

**Attachment 2- b**

**SE TX Region listings from certifier Beverly Hatcher, Director Golden Triangle Minority Business**

*Left Blank Intentionally await updated regional listings*

### **Attachment 3 (a) Monitoring and Enforcement by Port Arthur Transit**

In accordance with 49 CFR Part 26 Section 26.107, firm participating in PAT's DBE program face the following enforcement action:

- The Department may initiate suspension or debarment proceedings against a firm under 49 CFR Part 29 if does not meet the eligibility criteria of subpart D of Part 26 and attempts to participate in a DOT-assisted program as a DBE on the basis of false, fraudulent, or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty.
- If a firm that, in order to meet DBE contract goals or other DBE program requirements, uses or attempts to use, on the basis of false, fraudulent or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, another firm that does not meet the eligibility criteria of subpart D of this part, the Department may initiate suspension or debarment proceedings against you under 49 CFR Part 29.
- In a suspension or debarment proceeding brought under the previous paragraphs, FTA may consider the fact that a purported DBE has been certified by a recipient. Such certification does not preclude the Department from determining that the purported DBE, or another firm that has used or attempted to use it to meet DBE goals, should be suspended or debarred.
- The Department may take enforcement action under 49CFR Part 31, Program Fraud and Civil Remedies, against any participant in the DBE program whose conduct is subject to such action under 49 CFR Part 31.
- The Department may refer to the Department of Justice, for prosecution under 18 U.S.C 1001 or other applicable provision of law, any person who makes a false or fraudulent statement in connection with participation of a DBE in any DOT-assisted program or otherwise, violates applicable Federal statutes.

Regarding the prompt payment of subcontractors, articulated in Section 11 of this program,

*“Failure to pay subcontractors within 30 days and/or failure to submit appropriate certification of subcontractor payment will be considered in the review of the Contractor’s performance of the contract and may result in the withholding of payment to the Contractor”*

Regarding good faith efforts when a DBE is replaced on a contract, articulate in Section 15 of this program,

*If the Bidder/Offeror does not submit this information by the time/date the bid or proposal is due, PAT has grounds to deem the Bidder/Offeror non-responsive to the DBE requirements of the particular solicitation. The decision to deem the Bidder/Offeror non-responsive for failure to submit this information by the time/date the bid or proposal is due in not administratively appealable. Vendors should follow the regular protest procedures available through the Contracts and Procurement Policy Manual.*

Forms used –Attachment 3 b in addition to Attachment 3a and 3b for information

**VENDOR COMPLAINT REPORT**  
(TO BE SUBMITTED TO THE PURCHASING DIVISION)



Department/Division: \_\_\_\_\_

Today's Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

Department Manager Approval: \_\_\_\_\_

**VENDOR INFORMATION**

Vendor Name: \_\_\_\_\_

Date of Incident: \_\_\_\_\_

(Blanket) Purchase Order # : \_\_\_\_\_

**Nature of Complaint:**

_____	Unsatisfactory Work	_____	Poor Service
_____	Work Incomplete	_____	Poor Quality
_____	Failure to Meet Specifications	_____	Other

Details of Complaint: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**For Purchasing Division Only**

Date Vendor Contacted: \_\_\_\_\_ Contacted by Mail/E mail: \_\_\_\_\_

Vendor Response: \_\_\_\_\_

\_\_\_\_\_

Action Taken: \_\_\_\_\_

\_\_\_\_\_

PAT will bring to 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. We also will consider similar action under our own legal authorities, including responsibility determinations in future contracts. The first line of report would be to:

Purchasing Department if products or services were in conflict with contract, they would contact the company for verification of the situation.

Secondly, failing that line of contact, the liability would be investigated by Legal and then a letter would be send to vendor. Thirdly, if the company complains or is upset at being dropped or penalized the DBELO would be involved to view the procurement practice from the start of the process to the end point thus far and make some recommendations or comments on findings. Fourthly, if the problem is with the certification as well as business practice, a report would be made to the local and Federal DOT offices as well as the regional FTA liaison over the DBE program. Alleged discrimination can be reviewed by the DBELO to note any unusual or bias practice exist in comparison to similar treatment directed at similar companies with the same practices. The Purchasing Manager would have a record of the process and procedure in addition the State Laws/FTA expectations.

PAT validates vendors' background with OIG, BBB, Dun and Bradstreet findings as applicable and the DOT registration. The Director of PAT ensures that FTA and TXDOT funds are responsibly used with accredited vendors that will follow State Law and the Federal Clauses, in regards to third party and other subcontracting. Site investigations are done especially if regional certifier did the certification, that person would be involved. Transit checks materials delivered prior to treatment for Buy America label and stamp, to ensure the contracting materials used and if this is a matter of contempt the contract and Federal Clauses signed are produced as evidence of violation. Reports of Kickback, bribery and fraud are also monitored by complaints and follow –up questions and document review.

- Interview Owners/staff in business over the phone
- Request latest certification papers
- See evidences of DOT disadvantage criteria
- ONE WILL: report-inconsistencies to the local *Accounting/Purchasing* offices, OIG, DOT, BBB and local police if theft is also suspected.

Primarily, the City will avoid this route by first ensuring the correct tax ID and status of businesses as reputable by checking the State Comptroller registration and the companies' creditability. The City will ensure credit worthiness (D & B Information) and responsive/responsible delivery to other Department as business continues, complaints are checked. The City also ensures that the vendor does not owe us funds or have not delivered goods promised or as invoiced us for invalid goods and services. Similarly, the City will also abide by the FTA and State Laws to prevent disbarment or suspension of funds by observing all documents signed.



**Intent to perform as a DBE Contract to a first tier DBE Subcontractor (verified)**

**IFB/RFB/SOQ#** \_\_\_\_\_

(NOTE: In accordance with 49 CFR (Code of Federal Regulation) Part 26 and Board policy, DBE firms participating in DBE Program must have "current" certification status with a TUCP Certifying Agency (see exhibit D Paragraph 6) by the date established for this IFB/RFB/SOQ.

1. To: (name of Offeror/First Tier Subcontractor) \_\_\_\_\_
2. The undersigned is either currently certified under the Texas Unified Certification Program (TUCP) as a DBE or will be at the time this solicitation is due.
3. Size company and gross income \_\_\_\_\_,  
This contract's amount to be awarded to company \_\_\_\_\_
4. Address and Owner's Address if different as to certification \_\_\_\_\_/

- 
5. The undersigned is prepared to perform the following described work and/or supply the material listed in connection with the above (where applicable specify "supply" or "install" or both) \_\_\_\_\_

\_\_\_\_\_  
Name of DBE Firm

\_\_\_\_\_  
Signature of Authorized Representative Phone Number

\_\_\_\_\_  
Name of DBE Firm

\_\_\_\_\_  
Signature of Authorized Representative Phone Number

Rev. 6/14

**Port Arthur Transit**

**Subcontractor Participation**

Instruction: The Offeror shall complete this form by listing 1) Names of all proposed subcontractors. 2) Contract Information. 3) Description of work to be performed/product to be provided. 4) Status as a DBE or non-DBE. 5) Ethnic Code of firm. 6) Age of the firm. 7) Annual gross receipts of the firm. 8) % or \$ amount of Total Contract. Those subcontractors which are listed on this form as DBE's must have current certification as a DBE with a participating TUCP certifying agency (see Exhibit D paragraph 6). The DBE certification must be complete by the time the proposals are submitted. Additionally, those subcontractors which are listed on this form as DBE's

**Name of Prime Contractor (Offeror):** \_\_\_\_\_

Ethnic Code: A) African-American Male B) African Female C) Asian-Indian Male D) Asian-Indian Female E) Asian-Pacific Male G) Asian Pacific Female H) Hispanic Male I) Hispanic Female J) Native-American Male L) White Female M) Other

**Project Name:** \_\_\_\_\_

**IFB/RFP Number:** \_\_\_\_\_

Representative of Subcontractor	Address, Telephone # of DBE Firm (Including name of contract person)	Description of Work, Service Provided. Where applicable, specific "supply" or "install" or both.	DBE or non-DBE	Ethnic Code	Age of Firm	Annual Gross Receipts	DBE % or \$ a Contract

This schedule must be completed as instructed above and include every subcontractor proposed on this project.

The undersigned will enter into a formal agreement with DBE contractors for work listed in this schedule upon execution of a contract

With PAT (Port Arthur Transit). The contractor agrees the terms of this schedule by signing below and submitting the intent to Perform as

Completed by the DBE subcontractors. The contractor also certifies that no more than 70% of the work for this project will be subcontracted

\_\_\_\_\_  
Signature of Authorized Representative of Offeror

\_\_\_\_\_  
Date Signed

# **PAT**

## ***Disadvantaged Business Enterprise***

***Disadvantaged Business Enterprise  
Complaint Form  
City of Port Arthur Transit Department  
Office of Civil Rights***

The City of Port Arthur has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 Code of Federal Regulations (CFR) Part 26. The Port Arthur Transit Department (PAT) has received federal financial assistance from the Department of Transportation, and as a condition of receiving assistance, the PAT has signed an assurance that it will comply with 49 CFR Part 26. Moreover, the City has taken reasonable steps to eliminate obstacles to allow for small business participation.

It is the policy of the PAT to ensure that DBEs, as defined in part 26, have an equal opportunity to receive and participate in DOT assisted contracts. If you feel you have been treated unfairly and would like to file a complaint, please contact the DBE Liaison at (409)983-8174. The completed form must be returned to:

***PAT Office of Civil Rights***

***Attn: Deborah Echols, DBE Liaison Officer/Finance Director or TXDOT Civil Rights Office  
444 4<sup>th</sup> Street, 2<sup>nd</sup> Floor  
Port Arthur, Texas 77640***

***125 E. 11 th Street,  
Austin, Texas 78701***

<b>Name/DBA:</b>	<b>Phone:</b>
<b>Street Address:</b>	<b>Alternate Phone:</b> _____ <b>City, State, Zip:</b>
<b>Person(s)/Business Discriminated Against:</b>	<b>Business Address:</b>
<b>Name(s):</b>	
<b>Address:</b>	<b>City, State, &amp; Zip Code:</b>

**Which of the following best describe the reason of the alleged discrimination? (Circle One)**

- Race
- Color
- National Origin (Limited English Proficiency)

Date of Incident: \_\_\_\_\_

### Attachment 3: Monitoring and Enforcement Mechanisms

In accordance with 49 CFR Part 26 Section 26.107, firm participating in PAT's DBE program face the following enforcement action:

- The Department may initiate suspension or debarment proceedings against a firm under 49 CFR Part 29 if does not meet the eligibility criteria of subpart D of Part 26 and attempts to participate in a DOT-assisted program as a DBE on the basis of false, fraudulent, or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty.
- If a firm that, in order to meet DBE contract goals or other DBE program requirements, uses or attempts to use, on the basis of false, fraudulent or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, another firm that does not meet the eligibility criteria of subpart D of this part, the Department may initiate suspension or debarment proceedings against you under 49 CFR Part 29.
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- The Department may take enforcement action under 49CFR Part 31, Program Fraud and Civil Remedies, against any participant in the DBE program whose conduct is subject to such action under 49 CFR Part 31.
- The Department may refer to the Department of Justice, for prosecution under 18 U.S.C 1001 or other applicable provision of law, any person who makes a false or fraudulent statement in connection with participation of a DBE in any DOT-assisted program or otherwise, violates applicable Federal statutes.

Regarding the prompt payment of subcontractors, articulated in Section 11 of this program,

*“Failure to pay subcontractors within 30 days and/or failure to submit appropriate certification of subcontractor payment will be considered in the review of the Contractor’s performance of the contract and may result in the withholding of payment to the :Contractor”*

Regarding good faith efforts when a DBE is replaced on a contract, articulate in Section 15 of this program,

*If the Bidder/Offeror does not submit this information by the time/date the bid or proposal is due, PAT has grounds to deem the Bidder/Offeror non-responsive to the DBE requirements of the particular solicitation. The decision to deem the Bidder/Offeror non-responsive for failure to submit this information by the time/date the bid or proposal is due in not administratively appealable. Vendors should follow the regular protest procedures available through the Contracts and Procurement Policy Manual.*

**VENDOR COMPLAINT REPORT**  
**(TO BE SUBMITTED TO THE PURCHASING DIVISION)**



Department/Division: \_\_\_\_\_

Today's Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

E mail: \_\_\_\_\_

Phone: \_\_\_\_\_

Department Manager Approval: \_\_\_\_\_

**VENDOR INFORMATION**

Vendor Name: \_\_\_\_\_

Date of Incident: \_\_\_\_\_

(Blanket) Purchase Order # : \_\_\_\_\_

**Nature of Complaint:**

_____	Unsatisfactory Work	_____	Poor Service
_____	Work Incomplete	_____	Poor Quality
_____	Failure to Meet Specifications	_____	Other

Details of Complaint: \_\_\_\_\_

---



---



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**For Purchasing Division Only**

Date Vendor Contacted: \_\_\_\_\_ Contacted by Mail/E mail: \_\_\_\_\_

Vendor Response: \_\_\_\_\_

---

Action Taken: \_\_\_\_\_

---

PAT will bring to 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. We also will consider similar action under our own legal authorities, including responsibility determinations in future contracts. The first line of report would be to:

Purchasing Department if products or services were in conflict with contract, they would contact the company for verification of the situation.

Secondly, failing that line of contact, the liability would be investigated by Legal and then a letter would be sent to vendor. Thirdly, if the company complains or is upset at being dropped or penalized the DBELO would be involved to view the procurement practice from the start of the process to the end point thus far and make some recommendations or comments on findings. Fourthly, if the problem is with the certification as well as business practice, a report would be made to the local and Federal DOT offices as well as the regional FTA liaison over the DBE program. Alleged discrimination can be reviewed by the DBELO to note any unusual or bias practice exist in comparison to similar treatment directed at similar companies with the same practices. The Purchasing Manager would have a record of the process and procedure in addition the State Laws/FTA expectations.

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- Interview Owners/staff in business over the phone
- Request latest certification papers
- See evidences of DOT disadvantage criteria
- ONE WILL: report-inconsistencies to the local *Accounting/Purchasing* offices, OIG, DOT, BBB and local police if theft is also suspected.

Primarily, the City will avoid this route by first ensuring the correct tax ID and status of businesses as reputable by checking the State Comptroller registration and the companies' creditability. The City will ensure credit worthiness (D & B Information) and responsive/responsible delivery to other Department as business continues, complaints are checked. The City also ensures that the vendor does not owe us funds or have not delivered goods promised or as invoiced us for invalid goods and services. Similarly, the City will also abide by the FTA and State Laws to prevent disbarment or suspension of funds by observing all documents signed.

**Attachment 4: Goal Setting Methodology (Submitted for 3-Year Goal FY 2013-2016)**

The process by which PAT established its DBE goal for FY 2011-2013 is summarized below. In accordance with **49 CFR Part 26 Section 26.45** PAT followed a two-step process based on evidence of the availability of ready, willing and able DBEs relative to all businesses ready, willing and able to participate in its DOT-assisted contracts. The goal reflects PAT’s attempts to get high level (goal) of participation expected absent the effects of discrimination in setting the overall goal for FY 2011.

The regulation of 49CFR-26.41 Statutory 10% goals, 49CFR-26.45 Setting Overall Goals, 49CFR-26.49 Goals for Transit Vehicle Manufacturers’ (TVM); 49CFR-26.51 Means used to Meet Overall Goals were all reviewed and the later **49 CFR 26.51** is to be utilized until there are others changes noted that may affect the goals. 2015, PAT relied upon the goals obtained over the last 2 years, and previous overall DBE participation rates in the program. While PAT’s “market” is separately calculated from the City’s in regards to reporting to FTA, as they use more HUB participation than DBE and a mixture of small businesses are not readily broken out. The population served is less than 250,000. **Adjustments had to be made as previous DBEs declined due to not been recertified, ARRA (American Reinvestment and Recovery ACT) projects are almost complete and bids not inline with the BMP or the lowest were not accepted;** A reduction in goal attainment was evident the spring of 2014 to the summer 2014.

**Step 1: Base Figure**

To develop the base number of available DBEs we did the following:

Check with the *Purchasing Division* as to their **Bidder’s List** of over 1000 vendors; as well as the Chambers and the Golden Triangle Minority Business Council listings. The numbers of vendors via payments and total vendor payments are viewed as seen o the following page. The DBE usage for PAT was the following over the last 2 years (ARRA and General Grant Funds were viewed comparatively)

ARRA Quaterly Report for 2011-2014				Semianual Report			
Month	Year	DBE/Amou	DBE/Percent	Month	Year	Total DBE	DBE/Percentage
Oct-Dec	2011-2011	0	0	Oct-Mar	2010-2011	\$6,658	1.90%
Jan-Mar	2012-2012	0	0	April-Sept	2011-2011	\$35,566	11.80%
April-June	2012-2012	0	0	Oct-Mar	2011-2012	\$28,824	12.70%
July-Sept	2012-2012	0	0	April-Sept	2012-2012	63,695	12.20%
<b>Month</b>	<b>Year</b>	<b>Total DBE</b>	<b>DBE/Percentage</b>	Oct-Mar	2012-2013	\$91,470	7.80%
Oct-Dec	2012-2012	0	0	April-Sept	2013-2013	3,370	0.70%
Jan-Mar	2013-2013	\$1,440	0.30%	<b>ARRA Quaterly Report</b>			
April-June	2013-2013	0	0	Oct-Dec	2011-2011	0	0
July-Sept	2013-2013	3370	1.00%	Jan-Mar	2012-2012	0	0
<b>Month</b>	<b>Year</b>	<b>Total DBE</b>	<b>DBE/Percentage</b>	April-June	2012-2012	0	0
Oct-Dec	2013-2013	0	0	July-Sept	2012-2012	0	0
Jan-Mar	2014-2014	0	0	<b>Month</b>	<b>Year</b>	<b>Total DBE</b>	<b>DBE/Percentage</b>
April-June	2014-2014	0	0	Oct-Dec	2012-2013	0	0
				Jan-Mar	2013-2013	\$1,440	0.30%
				April-June	2013-2013	0	0
				July-Sept	2013-2013	3370	1.00%
				<b>Month</b>	<b>Year</b>	<b>Total DBE</b>	<b>DBE/Percentage</b>
				Oct-Dec	2013-2013	0	0
				Jan-Mar	2014-2014	0	0

## **Step 2: Adjustment**

This base percentage is low because of the economy, population size, areas and industry base whereas many now work for the industries rather than his/herself due to benefits. PAT's database and the City of Port Arthur show a drop in previously registered vendors and DBE likewise. The process for establishing a Base Figure proposed in Example 1 on page **49 CFR Part 26 Section 26.45** recommended an analysis of County Business Patterns obtained from the Census Bureau. However, because the types of projects PAT plans to solicit and award in the coming fiscal year are specific to transit and will draw vendors from all over the United States, it is difficult to perform an analysis of this kind. In addition, not all ready, willing and able DBE firms are certified with TXDOT or the Golden Triangle Minority Businesses, though they may be certified with other Recipients in other states. Additionally, PAT Bidder's List (consisting of all prime contractors and all subcontractors that propose or bid on any PAT project) are established by PA Purchasing Division hence our Base Figure. PAT participated with other government entities in a series of focus groups that were part of an assessment study of minority owned firms in 2005 and this group has since decreased annually. Though we had decided to use 20%-25% **for <\$250,000 purchased and 10%-15% for >\$250,000** as a base figure, we clearly understand that this is unrealistic and there are limitations given PAT's size and limited vendor pool so 3% is our base goal. Only recent CIP projects allowed for exceeded goals and that will be slowing down. Vehicles coming from vendors, will be reviewed in accordance with the TVM listings as to goals received last December 2013.

First, we will recognize PAT's trending DBE achievement, which is 3.06%. When the base figures, median performance were seen, the numbers were over a 3 year period, due to our fuel supplier of diesel (three Sisters and Nelson Collaborative of Houston getting lead A & E on 2 of our ARRA projects (the auto-scrubber and the Transit Renovation Center) ) the goals were readily attainable.

PAT's FY 2012-2013 budget projections determine in line with that chart (figure 1) the NAICS yield 3 percent. A DBE goal of **3%-5%** is hereby established for FY2013-2016 and 3% for 2015. PAT is confident that this is a realistic goal; DBEs are incorporated into the volume of vendors existing slowly with their need and willingness to bid. The ARRA data and General grant vendors were used for specific items.

To estimate the part ARRA goals that will be met though "race neutral" means, PAT reviewed available data from previous DBE Quarterly Reports, which is summarized above on page 19. These will be placed online under [www.portarthur.net](http://www.portarthur.net) on Transit's website for viewing. The weighted average "Race Neutral" Achievement for these previous reporting periods may be less than 1% as equipment were purchased and the CIP contracts had no DBE as it was under \$250,000 thought part of a larger package-unbundled from the Propane Construction that was mostly using general funds with 80:20 matches. However, PAT expects this level of "race neutral" achievement to increase in the coming fiscal year for both ARRA and the General grants. PAT estimates that approximately 2%-3% of its overall goal will come from "race neutral" means presently.

In conclusion, PAT proposed the following:



PAT's overall goal for FY 2013-2016 should be 3% of the Federal financial assistance expended in DOT-assisted contracts, inclusive of FTA funds to be used for the purchase of transit vehicles. The hope is for 2% at a minimum for race neutral.

- PAT estimates that, if it is not meeting its overall goal of 3%-5%, as this was realistic being PAT is only the Department of 12 in the City that reports DBE goals as to PAT's contracts and bids. It will attempt 3% from race-neutral participation and 1%-5% from race conscious measures, judging from the last 5 years performance and the situation explained with the limited vendor pool regionally and often a wider scope of vendors not otherwise certified, the goal is set for 3%.
- DBE accounts may improve, but once the regional bidders list is obtained PAT will recognize a trend of decreasing registrants or new ones. If some companies have been missed locally, PAT will make them aware of "How to do Business with the City" by the Procurement Manual.

NAICS Code	Project	Amount of DOT funds on project:	% of total DOT funds (weight)
541330	The Nelson Collaborative of Engineering Program Construction	\$66,595.61	0.6743
541930	Teneo Linguistics Interpretation/Translation	\$4,609.20	0.0467
454319	Four Sister Petroleum	\$20,264.61	0.2052
325611	Atco Manufacturing Co.	\$2,946.44	0.0298
444190	Veritas Supply, Inc.	\$750.00	0.0076
423850	J.R. Parsley Janitorial Supply	\$3,600.00	0.0364
			0.0000
			0.0000
			0.0000
			0.0000
<b>Total FTA-Assisted Contract Funds</b>		<b>\$98,765.86</b>	<b>1</b>

### Methodology

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

1. Total goals for FY 2011-2013 were identified; reflecting on 2007-2010 numbers of (0) and the trends of capital improvements the goal number was reasonably derived.

2. Figures of each major NAICS Code area were not identified previously but is now; however, it is known that by dividing the number of DBEs by the total number of firms in order to obtain the relative availability of DBEs per NAICS Codes area it is essential to see actual sectors of sales and is more useful census and employment data; However, this will also gage PAT's spending as to most needs vs. infrequent uses of services and infrequent purchases of product.

3. In addition since Port Arthur population is below 250,000 and so is our system employees and ridership cause and effect impact will be evaluated as shown below

4. Figure 1 (example taken from NTI workbook 2011 was followed in section 5)

NAICS-No.	Work Item	Number of DBE's	Number of all Firms	Relative Availability
221119	Electrical	1	6	16.7%
237120	Wholesale Oil	5	398	1.3%
453210	Office Supplies	16	20	80.0%
Combined Totals		22	424	5.2%

5. The overall goal was then adjusted and is different from that of 3-5%, as this amount was the average of the base goal for previous three-year (triennial) of DBE participation at 1% but the CIP known to impact the expenditures and services. PAT expects to award projects available to firms in those NAICS codes areas listed in addition to some professional services in the future due to continual upgrade of service. The last two years goals for DBE overall was thus.

NAICS 2012-2013					
NAICS Code	Project	Weight	x	Availability	Weighted
423850	J.R. Parsley/Janitorial Supplies	0.07905	x	0.05	0.004
541711	Cherry Environmental Services, Inc.,	0	x	0.02857	0
541612	Diverse Staff, Inc./Human Resource	0.05595	x	0.03846	0.0022
541620	ICU/Environmental Health & Safety	0.00601	x	0.02083	0.0001
424720	Derrick Oil/Wholesale oil and fuel d	0.20239	x	0.11111	0.0225
541330	The Nelson Collaborative/ Architect	0.63258	x	0.00291	0.0018
0		0	0 x	0	
0		0	0 x	0	
0		0	0 x	0	
0		0	0 x	0	
				Total	0.0306
				Expressed as a %	3.06%
				Rounded, Weigh	3%

Prime contractors will be required to maintain records and documents of payment to DBEs for three years following the performance of the contract. These records will be made available for inspection

upon request by any authorization representative of PAT or DOT. This reporting requirement also extends to any certified DBE subcontractor.

A running tally of actual payments to DBE firms for work committed to them at the time of contract award will be kept. Interim audits of contract payments to DBEs will be conducted. The audit will review payment 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. The Finance Department has a "run" program that is adjoined to NaviLine that also track transactions. The Vendor's list when compiled monthly is tallied and then placed in TEAMS semi-annually.

#### **Attachment 4: Goal Setting Methodology (Submitted for 3-Year Goal FY 2013-2016)**

##### **Goal Setting Methodology**

The process by which PAT established its DBE goal for FY 2011-2013 is summarized below. In accordance with **49 CFR Part 26 Section 26.45** PAT followed a two-step process based on evidence of the availability of ready, willing and able DBEs relative to all businesses ready, willing and able to participate in its DOT-assisted contracts. The goal reflects PAT's attempts to get high level (goal) of participation expected absent the effects of discrimination in setting the overall goal for FY 2011. The regulation of 49CFR-26.41 Statutory 10% goals, 49CFR-26.45 Setting Overall Goals, 49CFR-26.49 Goals for Transit Vehicle Manufacturers' (TVM); 49CFR-26.51 Means used to Meet Overall Goals were all reviewed and the later **49 CFR 26.51** is to be utilized until there are others changes noted that may affect the goals. 2015, PAT relied upon the goals obtained over the last 2 years, and previous overall DBE participation rates in the program. While PAT's "market" is separately calculated from the City's in regards to reporting to FTA, as they use more HUB participation than DBE and a mixture of small businesses are not readily broken out. The population served is less than 250,000. **Adjustments had to be made as previous DBEs declined due to not been recertified, ARRA (American Reinvestment and Recovery ACT) projects are almost complete and bids not inline with the BMP or the lowest were not accepted;** A reduction in goal attainment was evident the spring of 2014 to the summer 2014.

##### **Step 1: Base Figure**

To develop the base number of available DBEs we did the following:

Check with the *Purchasing Division* as to their **Bidder's List** of over 1000 vendors; as well as the Chambers and the Golden Triangle Minority Business Council listings. The numbers of vendors via payments and total vendor payments are viewed as seen o the following page. The DBE usage for PAT was the following over the last 2 years (ARRA and General Grant Funds were viewed comparatively)

ARRA Quaterly Report for 2011-2014				Semiannual Report			
Month	Year	DBE/Amou	DBE/Percent	Month	Year	Total DBE	DBE/Percentage
Oct-Dec	2011-2011	0	0	Oct- Mar	2010-2011	\$6,658	1.90%
Jan-Mar	2012-2012	0	0	April- Sept	2011-2011	\$35,566	11.80%
April-June	2012-2012	0	0	Oct- Mar	2011-2012	\$28,824	12.70%
July-Sept	2012-2012	0	0	April- Sept	2012-2012	63,695	12.20%
<b>Month</b>	<b>Year</b>	<b>Total DBE</b>	<b>DBE/Percentage</b>	Oct- Mar	2012-2013	\$91,470	7.80%
Oct-Dec	2012-2012	0	0	April- Sept	2013-2013	3,370	0.70%
Jan-Mar	2013-2013	\$1,440	0.30%	<b>ARRA Quaterly Report</b>			
April -June	2013-2013	0	0	Oct-Dec	2011-2011	0	0
July-Sept	2013-2013	3370	1.00%	Jan-Mar	2012-2012	0	0
<b>Month</b>	<b>Year</b>	<b>Total DBE</b>	<b>DBE/Percentage</b>	April -June	2012-2012	0	0
Oct-Dec	2013-2013	0	0	July-Sept	2012-2012	0	0
Jan-Mar	2014-2014	0	0	Oct-Dec	2012-2013	0	0
April-June	2014-2014	0	0	Jan-Mar	2013-2013	\$1,440	0.30%
				April -June	2013-2013	0	0
				July-Sept	2013-2013	3370	1.00%
				<b>Month</b>	<b>Year</b>	<b>Total DBE</b>	<b>DBE/Percentage</b>
				Oct-Dec	2013-2013	0	0
				Jan-Mar	2014-2014	0	0

## Step 2: Adjustment

This base percentage is low because of the economy, population size, areas and industry base whereas many now work for the industries rather than his/herself due to benefits. PAT's database and the City of Port Arthur show a drop in previously registered vendors and DBE likewise. The process for establishing a Base Figure proposed in Example 1 on page 49 **CFR Part 26 Section 26.45** recommended an analysis of County Business Patterns obtained from the Census Bureau. However, because the types of projects PAT plans to solicit and award in the coming fiscal year are specific to transit and will draw vendors from all over the United States, it is difficult to perform an analysis of this kind. In addition, not all ready, willing and able DBE firms are certified with TXDOT or the Golden Triangle Minority Businesses, though they may be certified with other Recipients in other states. Additionally, PAT Bidder's List (consisting of all prime contractors and all subcontractors that propose or bid on any PAT project) are established by PA Purchasing Division hence our Base Figure. PAT participated with other government entities in a series of focus groups that were part of an assessment study of minority owned firms in 2005 and this group has since decreased annually. Though we had decided to use 20%-25% for <\$250,000 purchased and 10%-15% for >\$250,000 as a base figure, we clearly understand that this is unrealistic and there are limitations given PAT's size and limited vendor pool so 3% is our base goal. Only recent CIP projects allowed for exceeded goals and that will be slowing down. Vehicles coming from vendors, will be reviewed in accordance with the TVM listings as to goals received last December 2013.

First, we will recognize PAT's trending DBE achievement, which is 3.06%. When the base figures, median performance were seen, the numbers were over a 3 year period, due to our fuel supplier of diesel (three Sisters and Nelson Collaborative of Houston getting lead A & E on 2 of our ARRA projects (the auto-scrubber and the Transit Renovation Center) ) the goals were readily attainable.

PAT's FY 2012-2013 budget projections determine in line with that chart (figure 1) the NAICS yield 3 percent. A DBE goal of 3%-5% is hereby established for FY2013-2016 and 3% for 2015. PAT is confident

that this is a realistic goal; DBEs are incorporated into the volume of vendors existing slowly with their need and willingness to bid. The ARRA data and General grant vendors were used for specific items.

To estimate the part ARRA goals that will be met though “race neutral” means, PAT reviewed available data from previous DBE Quarterly Reports, which is summarized above on page 19. These will be place online under [www.portarthur.net](http://www.portarthur.net) on Transit’s website for viewing. The weighted average “Race Neutral” Achievement for these previous reporting periods may be less than 1% as equipment were purchased and the CIP contracts had no DBE as it was under\$250,000 thought part of a larger package- unbundled from the Propane Construction that was mostly using general funds with 80:20 matches. However, PAT expects this level of “race neutral” achievement to increase in the coming fiscal year for both ARRA and the General grants. PAT estimates that approximately 2%-3% of its overall goal will come from “race neutral” means presently.

In conclusion, PAT proposed the following:

PAT’s overall goal for FY 2013-2016 should be 3% of the Federal financial assistance expended in DOT- assisted contracts, exclusive of FTA funds to be used for the purchase of transit vehicles. The hope is for

NAICS Code	Project	Amount of DOT funds on project:	% of total DOT funds (weight)
541330	The Nelson Collaborative of Engineering Program Construction	\$66,595.61	0.6743
541930	Teneo Linguistics Interpretation/Translation	\$4,609.20	0.0467
454319	Four Sister Petroleum	\$20,264.61	0.2052
325611	Atco Manufacturing Co.	\$2,946.44	0.0298
444190	Veritas Supply, Inc.	\$750.00	0.0076
423850	J.R. Parsley Janitorial Supply	\$3,600.00	0.0364
			0.0000
			0.0000
<b>Total FTA-Assisted Contract Funds</b>		<b>\$98,765.86</b>	<b>1</b>

2% at a minimum for race neutral.

- PAT estimates that, if it is not meeting its overall goal of 3%-5%, as this was realistic being PAT is only the Department of 12 in the City that reports DBE goals as to PAT’s contracts and bids. It will attempt 3% from race-neutral participation and 1%-5% from race conscious measures, judging from the last 5 years performance and the situation explained with the limited vendor pool regionally and often a wider scope of vendors are otherwise certified.

- DBE accounts may improve, but once the regional bidders list is obtained PAT will recognize. If some companies have been missed locally and make them aware of “How to do Business with the City.”

**Methodology**

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

1. Total goals for FY 2011-2013 were identified; reflecting on 2007-2010 numbers of (0 ) and the trends of capital improvements the goal number was reasonably derived.
2. Figures of each major NAICS Code area were not identified previously but is now; however, it is known that by dividing the number of DBEs by the total number of firms in order to obtain the relative availability of DBEs per NAICS Codes area it is essential to see actual sectors of sales and is more useful census and employment data; However, this will also gage PAT’s spending as to most needs vs. infrequent uses of services and infrequent purchases of product.
3. In addition since Port Arthur population is below 250,000 and so is our system employees and ridership cause and effect impact will be evaluated as shown below
4. Figure 1 (example taken from NTI workbook 2011 was followed in section 5)

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Combined Totals		22	424	5.2%

5. The overall goal was then adjusted and is different from that of 3-5%, as this amount was the average of the base goal for previous three-year (triennial) of DBE participation at 1% but the CIP known to impact the expenditures and services. PAT expects to award projects available to firms in those NAICS codes areas listed in addition to some professional services in the future due to continual upgrade of service. The last two years goals for DBE overall was thus.

NAICS 2012-2013					
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424720	Derrick Oil/Wholesale oil and fuel d	0.20239	x	0.11111	0.0225
541330	The Nelson Collaborative/ Architect	0.63258	x	0.00291	0.0018
0		0	x	0	
0		0	x	0	
0		0	x	0	
0		0	x	0	
				Total	0.0306
				Expressed as a %	3.06%
				Rounded, Weigh	3%

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

A running tally of actual payments to DBE firms for work committed to them at the time of contract award will be kept. Interim audits of contract payments to DBEs will be conducted. The audit will review payment 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. The Finance Department has a “run” program that is adjoined to NaviLine that also track transactions. The Vendor’s list when compiled monthly is tallied and then placed in TEAMS semi-annually.

#### 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 make available for inspection upon request by any authorized representative of the [Recipient] 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 Reporting to DOT

DBE participation will be reported to FTA on a semi-annual basis in TEAMS, using the new DOT Form approved on December 2010. These reports reflect payments actually made to DBEs on DOT related contracts semi-annually. However, there has been none as these payments do not exist as DOT funds pay salaries in addition to some of FTA and the city’s funds.

**Attachment 5- Good Faith Efforts Form 1 and 2**

Prime Contractor

DBE Good Faith Effort

County: \_\_\_\_\_ CSJ #: \_\_\_\_\_

Company Name: \_\_\_\_\_

Company Contact: \_\_\_\_\_

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

Phone: \_\_\_\_\_ Fax: E-mail: \_\_\_\_\_

**The following is a list of the types of actions that may be considered as good faith efforts. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases, however please check all that apply in this instance. Please provide documentation for ALL instances selected.**

Describe any other efforts not covered above that may indicate affirmative action to obtain DBE participation on this project and provide documentation.

- Selected portions of work to be performed by DBEs and where appropriate, broke down contracts into economically feasible units to facilitate DBE participation.
- Followed up initial solicitation of interest by contacting DBE to determine interest. (provide documentation Pg. 2)*
  
- Provided written notice to DBEs in sufficient time to allow the DBE to respond. (provide documentation on Pg.2)
- Used the services of minority organizations, minority contractors' groups, local state and federal minority business assistance offices and other organizations that provide assistance identifying subcontractors. Advertised subcontracting opportunities in appropriate media.*
  
- Made efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
  
- Made efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance required by TxDOT or Contractor.*
  
- Negotiated in good faith with interested DBE, not rejecting DBEs as unqualified without sound reasons based on a thorough investigation of their capabilities.
  
- Provided interested DBE with adequate information about plans, specifications, and requirements of the contract.



Form 2184 (Rev. 05/08)

Page 1 of 2

**If the dollar value of the goal for DBE participation in this project has not been met, the Contractor is required to complete the following questions to describe efforts to obtain DBE participation. Copies of correspondence return receipts, telephone logs, or other documentation will be required to support good faith efforts. Please provide information for each DBE.**

County: \_\_\_\_\_ CSJ #: \_\_\_\_\_

Company Name: \_\_\_\_\_

Indicate Specific Work or Materials (by pay item): \_\_\_\_\_

Date Contacted: \_\_\_\_\_

Fax: \_\_\_\_\_

Contact Method (check all that apply):

- DBE Response
- Date: Method:
- Please attach bid solicitations and all bid responses
- No Response
- Received unacceptable sub-bid Bid Amount \$ Type of Work
- Will provide quote by: Date
- Needs more information: Date Prime provided requested information
- Not interested: Indicate Reason(s)
- Submitted an acceptable sub-bid
- DATE \_\_\_\_\_ Phone Fax \_\_\_\_\_ Mail E-mail \_\_\_\_\_

Form 2184 (Rev. 05/08) Attach Bid Solicitations and all bid responses

**Attachment 6**

<b>UNIFORM REPORT OF DBE COMMITMENTS/AWARDS AND PAYMENTS- Attachment 6 and those in 3</b>									
<b>**Please refer to the Instructions sheet for directions on filling out this form**</b>									
1. Submitted to (check only one):	<input type="checkbox"/> FHWA <input type="checkbox"/> FAA <input type="checkbox"/> FTA--Vendor Number								
	<u>1553</u>								
2. AIP Numbers (FAA Recipients Only):									
3. Federal fiscal year in which reporting period falls:	April- Sept 2013 tx-859/TX-Y019			4. Date This Report Submitted:					
5. Reporting Period	<input type="checkbox"/> Report due June 1 (for period Oct. 1-Mar. 31)			<input type="checkbox"/> Report due Dec. 1 (for period April 1-Sept. 30)			<input type="checkbox"/> FAA annual report due Dec. 1		
6. Name and address of Recipient:									
7. Annual DBE Goal(s):	Race Conscious Goal _____%			Race Neutral Goal _____%			OVERALL Goal <u>  3  </u> %		
	A	B	C	D	E	F	G	H	I
<b>AWARDS/COMMITMENTS MADE DURING THIS REPORTING PERIOD</b> (total contracts and subcontracts committed during this reporting period)	Total Dollars	Total Number	Total to DBEs (dollars)	Total to DBEs (number)	Total to DBEs /Race Conscious (dollars)	Total to DBEs/Race Conscious (number)	Total to DBEs/Race Neutral (dollars)	Total to DBEs/Race Neutral (number)	Percentage of total dollars to DBEs
8. Prime contracts awarded this period	359,414	89	668	1	0	0	668.00	1	0.2%
9. Subcontracts awarded/committed this period	0								0.0%
<b>TOTAL</b>	359414	89	668	1	0	0	668.00	1	0.2%
	A	B	C	D	E	F	G	H	
<b>DBE AWARDS/COMMITMENTS THIS REPORTING PERIOD- BREAKDOWN BY</b>	Black American	Hispanic American	Native American	Subcont. Asian American	Asian-Pacific American	Non-Minority Women	Other (i.e. not of any other group)	TOTALS (for this reporting period)	Year-End TOTALS

<b>ETHNICITY &amp; GENDER</b>							listed here)	only)	
10. Total Number of Contracts (Prime and Sub)	0	0	0	0	0	0	1	1	
11. Total Dollar Value							668	668	
	A		B		C		D		E
<b>ACTUAL PAYMENTS ON CONTRACTS COMPLETED THIS REPORTING PERIOD</b>	Number of Prime Contracts Completed		Total Dollar Value of Prime Contracts Completed		DBE Participation Needed to Meet Goal (Dollars)		Total DBE Participation (Dollars)		Percent age of Total DBE Participa tion
12. Race Conscious	0		0		0		0.00		0.0%
13. Race Neutral	89		359,414				668		0.2%
14. Totals	89		359414				668		0.2%
15. Submitted by (Print Name of Authorized Representative)	Craty Nellison			16. Signature of Authorized Representative					

DBE participation will be reported to FTA on a semi-annual basis in TEAMS, using the new DOT Form approved on December 2010. These reports reflect payments actually made to DBEs on DOT related contracts semi-annually. However, there has been none as these payments do not exist as DOT funds pay salaries and other direct operational expenses; in addition to some of FTA and the city's funding match. Stimulus (ARRA) funds covered most of our CIP (capital improvements)

Attachment 7: Copy of 49 CFR Part 26

Texas Unified Certification Program

TEXAS UNIFIED CERTIFICATION PROGRAM  
LETTER OF AGREEMENT

Federal Regulation, 49 CFR, Part 26, Subpart E, section 26.81 states that each state must implement a "one stop" certification process for Disadvantaged Business Enterprise (DBEs). Each entity receiving Department of Transportation (DOT) funds is required to enter into and sign an agreement establishing and supporting a Unified Certification Program (UCP) within the state. In response to this mandate, six agencies have agreed to perform the certification of DBEs within the state of Texas under the Texas Unified Certification Program (TUCP). The six agencies are: Texas Department of Transportation, North Central Texas Regional Certification Agency, South Central Texas Regional Certification Agency, City of Houston, City of Austin, and the Corpus Christi Regional Transportation Authority.

The regulation requires the TUCP to construct and maintain a database directory in which the Texas Department of Transportation (TxDOT) has agreed to maintain. Specific responsibilities of the certifying entities and the territories for which they are responsible are specified in the attached Memorandum of Agreement.

By signing this letter of Agreement, Port Arthur Transportation Authority certifies that it is willing to participate in the certification decisions of the six certifying agencies of the TUCP, which will conduct certification evaluations for DBEs within the state of Texas, according to the guidelines promulgated in 49 CFR, Part 26.

Port Arthur Transportation Authority also acknowledges that the TUCP Memorandum of Agreement will be structured only as a DBE certification program. Any changes to the structure of the TUCP will be placed before each recipient and its respective authority for consideration at least thirty days (30) prior to any changes being enacted. It may be amended if 49 CFR, Part 26 is amended by Congress.

Signed this 26<sup>th</sup> day of January 26, 2012

By John Comcaux

John Comcaux, City Manager

Recognized by TXDOT representative \_\_\_\_\_

49 CFR Part 26 link:

[http://www.fta.dot.gov/civilrights/dbe/civil\\_rights\\_5263.html](http://www.fta.dot.gov/civilrights/dbe/civil_rights_5263.html)

49 CFR Part 26 Rule Change:

<http://www.dotcr.ost.dot.gov/asp/CFinalRuleFR.PDF>

You may obtain an electronic version of this document, the DBE regulation themselves and other DOT guidance from DOT's website: <http://osdbu.dot.gov/DBEProgram/index.cfm>