

Oregon Department of Transportation (ODOT)
Public Transit Division

Disadvantaged Business Enterprises (DBE)

GENERAL INFORMATION

http://www.fta.dot.gov/documents/49_CFR_Part_26.pdf

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As a subrecipient of Federal Transit Administration funds (FTA), i.e., Section 5311, Section 5310, Section 5316 (JARC), Section 5317 (New Freedom), and/or American Reinvestment and Recovery Act (ARRA), you have the responsibility and the legal requirement to “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 on the basis of race, color, sex or national origin.”

Written DBE programs are required of FTA subrecipients of planning, capital, and/or operating assistance that will have contracting opportunities (excluding transit vehicle purchases) exceeding \$250,000 with those funds in a Federal fiscal year - *contracting opportunities are counted in the aggregate*. Small transit systems are exempt from the written program requirement if their contracting opportunities are less than \$250,000 per federal fiscal year.

Using methodology approved by FTA and based on federally funded grants (excluding transit vehicles) ODOT Public Transit Division awards, an overall statewide goal is created. This goal estimates DBE contracting opportunities and is just that - a goal. Based on the types of projects funded and the number of DBE firms available to do the work, ODOT’s transit goal for 2010 is one percent (1%). A new goal is established each year and submitted to FTA for approval by August 1. Although there is no punitive action if the goal is not met, reporting is required to measure progress towards meeting the annual goal.

IDENTIFYING A CONTRACT

As defined by the Federal Acquisition Regulation, a "contract" means a mutually binding legal relationship obligating the seller to furnish the supplies or services (including construction) and the buyer to pay for them. Contracts would include bilateral instruments, awards and notices of awards; job orders or task assignment letters issued under basic ordering agreements; letter contracts; orders, such as purchase orders, under which the contract becomes effective by written acceptance or performance; and bilateral contract modifications. Contracts do not include grants and cooperative agreements.

The Federal Acquisition Regulation is available at the following internet address:

<http://www.arnet.gov/far>.

Contracting opportunities are counted in the aggregate, and include FTA-funded purchase orders, capital projects, professional services, Transportation Infrastructure Finance and Innovation Act (TIFIA) loan funded projects, contracting activities of subrecipients, and contracts made by prime contractors to sub-contractors.

Sample Contracting Opportunities:

- Printing
- Insurance
- Bus shelter cleaning
- Shelter glass replacement
- Transit decal application on bus shelters
- Transit vehicle logos
- Snow removal at shelter sites and other premises
- Security and courier services for farebox money
- Concrete work for new bus shelters and bus bay
- Feasibility studies
- NEPA assessments
- Preliminary design
- Translation of printed materials into Spanish, Braille, and audio cassette
- Farebox counting and deposit
- Uniforms (laundry)
- Drug screens and physicals
- Shop tools, parts, fluids, tires, and bus washing supplies
- Towing and outside repairs
- Disposal of waste fluids
- Fuel
- Landscaping
- HVAC and plumbing repairs and maintenance
- Miscellaneous supplies (light bulbs, filters, etc.)
- Pest control
- Carpet care
- Land planning
- Office supplies
- Management consulting
- Materials testing
- Quality control
- Structural engineering
- Transportation planning
- Transportation services
- Vehicle and equipment repairs
- Painting
- Signs
- Steel

- Surveying
- Traffic control
- Architecture
- Building maintenance
- Construction
- Erosion control
- Fencing
- Grading
- Excavation
- Concrete
- Electrical
- Rental and sales of equipment
- Repair
- Trucking (hauling)
- ITS consulting
- ITS software
- Cable guard rail, guard rail
- Testing
- Geo tech services

CERTIFIED DBEs

You must make reasonable efforts to use businesses that have been *certified* as DBEs. To verify that a business is a qualified DBE with the required certification visit the Office of Minority, Women and Emerging Small Business (OMWESB) website:

<http://www4.cbs.state.or.us/ex/dir/omwesb/search/index.cfm?fuseaction=code>. *Select NAICS as type of code, DBE as type of certification, and then geographic area, i.e. County, City.*

THE SEMI ANNUAL REPORT

In the past, quarterly reporting of DBE usage was required; with the update of our reporting requirements, a new report form has been developed that requires reporting on a semi annual basis (every six months).

Quarterly reporting is still required for ARRA-funded projects.