

**Fiscal Year 2024 - 2026
Disadvantaged Business Enterprise
Program and Goal**

Federal Transit Administration Assisted Projects

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POLICY STATEMENT

Section 26.1, 26.23 Policy Statement

The City of Ocala d/b/a SunTran (hereinafter referred to as the “City”) 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 has received financial assistance from the Federal Transit Administration (FTA) for SunTran operations and, as a condition of receiving this federal assistance, the City has signed an assurance that it will comply with 49 CFR Part 26.

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

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. To create a level playing field upon which DBEs can compete fairly for FTA-assisted contracts;
3. To ensure that the City’s DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only those firms meeting the eligibility standards set forth in 49 CFR Part 26 are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs and small businesses in FTA-assisted contracts; and
6. To promote the use of DBEs in all types of federally-assisted contracts and procurement activities conducted by the City; and
7. To assist in the development of firms that can compete successfully in the marketplace outside of the DBE Program.

Tye Chighizola, City Projects Director, has been designated to serve as the City’s DBE Liaison Officer for SunTran-related operations. In that capacity, the DBE Liaison Officer shall be responsible for implementing all aspects of the DBE Program. Implementation of the DBE Program shall be afforded the same priority as compliance with all other legal obligations incurred by the City in its financial assistance agreements with the Department of Transportation.

The City shall disseminate this Policy Statement to City Council as the governing board for the City of Ocala and all components of the SunTran operation. The City has posted this statement on the City of Ocala’s website so that it may be accessed by DBE and non-DBE business communities that perform work for the City on DOT-assisted contracts.

Peter Lee, 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 Ocala 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.

This DBE Program is also applicable to all City of Ocala subrecipients. Subrecipients shall be required to sign annual certifications and assurances confirming their compliance with City, federal, state, and other local regulations, as appropriate.

Section 26.5 Definitions

The City of Ocala adopts the definitions contained in 49 C.F.R. Part 26, Subsection 26.5 for this Program.

Section 26.7 Non-Discrimination Requirements

The City of Ocala 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 governed by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE Program, the City will not, neither directly nor 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

- A. **Reporting to DOT: 26.11(b).** The City of Ocala will report DBE participation to FTA on a quarterly basis, using DOT Form 4630. These reports will reflect payments actually made to DBEs on FTA-assisted contracts.
- B. **Bidders List 26.11(c).** The City has created and maintains a bidders list consisting of information about all DBE and non-DBE firms that bid or quote on its contracting opportunities. The bidders list includes the firm name, address, and DBE/non-DBE status. The City will collect this information by requiring prime vendors to self-report this information prior to the time of bid opening or the finalization of the contract agreement. For non-formal bids, such information will be required on the quotation.
- C. **Record Keeping 26.11(d).** The City will require prime contractors to maintain records and documents of payments to DBEs for three (3) years following the performance of the contract. These records must be made available for inspection upon request by any

authorized representative of the City or FTA. This reporting requirement also extends to any certified DBE subcontractor.

The City will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

The City will keep a running tally of actual payments to DBE firms for work committed to them at the time of the contract award. The City will perform interim reviews of contract payments to DBEs and will monitor payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

- D. **Reporting 26.11(e).** FDOT will report to the Department of Transportation's Office of Civil Rights, by January 1 of each year, the percentage and location in the state of certified DBE firms in the UCP Directory controlled by: (1) women; (2) socially and economically disadvantaged individuals (other than women); and (3) individuals who are women and are otherwise socially and economically disadvantaged individuals.

Section 26.13 Federal Financial Assistance Agreement

- A. **Assurance: 26.13(a).** The City has signed the following assurance, applicable to all financial assistance agreements with a DOT operating administration. When the City has subrecipients, this language will appear in financial assistance agreements with such subrecipients and will require their signature:

The City 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 [Recipient] 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.).

- B. **Contract Assurance: 26.13(b).** The City shall ensure that the following clause is placed in every FTA-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 FTA-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 which may include, but is not limited to: (1) withholding monthly progress payments; (2) assessing sanctions; (3) liquidated damages; and/or (4) disqualifying the contractor from future bidding.

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

The City shall continue to carry out this DBE Program until all funds from FTA financial assistance have been expended. We will provide to FTA updates representing significant changes in the program.

Section 26.23 Policy Statement

The Policy Statement can be found on page 3 of this Program.

Section 26.25 DBE Liaison Officer (DBELO)

The City of Ocala has designated the following individual as the DBE Liaison Officer:

Tye Chighizola, City Projects Director
110 SE Watula Avenue, Third Floor
Ocala, Florida 34471
Telephone: (352) 401-3992
E-Mail: tchighizola@ocalafl.gov

In that capacity, the DBELO is responsible for developing, implementing, and monitoring all aspects of the DBE Program in coordination with other appropriate officials. To assist in the administration of the Program, the DBELO has direct access to the City Manager and City staff. An organizational chart displaying the DBELO's position in the organization can be found as **Attachment 1** to this Program.

A. The duties and responsibilities of the DBELO and/or its designee(s) shall include the following:

1. Gathers and reports statistical data and other information as required by FTA.
2. Reviews scopes of work, third party contracts, and purchase requisitions for compliance with this Program.
3. Sets overall annual goals.
4. Ensures that solicitation notices are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment) and identify ways to improve progress.
6. Analyzes the City of Ocala's progress towards goal attainment and identifies ways to improve progress.
7. Participates in scheduled pre-bid and pre-proposal meetings.
8. Advises the City Manager and City Council on DBE matters and achievement.
9. Prepares agenda items for RFP/bid awards for City Council approval.
10. Monitors payments to DBEs for work committed to them.
11. Tracks DBE participation and the overall percentage of work completed by DBEs.
12. Participates in DBE training seminars.
13. Assists in the preparation and setting of the DBE Program Policy Statement, annual goal, and meeting compliance requirements.

- B. The duties and responsibilities of the City's Procurement and Contracting Department staff shall include the following:**
1. Gathers and reports statistical data and other information as required by FTA.
 2. Works with all departments to set overall annual goals.
 3. Advertises and ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
 4. Maintain copies of notifications issues to DBEs and a list of qualified certified vendors in the Procurement
 5. Ensures that DBE goals are included in solicitations (both race-neutral methods and contract specific goal attainments) and identifies ways to improve progress.
 6. Reviews scopes of work, third party contracts, and purchase requisitions for compliance with this Program.
 7. Hosts pre-bid and pre-proposal meetings in compliance with the City's Procurement Policy.
 8. Provides DBEs with information and assistance in preparing bids, and obtaining bonding and insurance,
 9. Plans and coordinates DBE training seminars.
 10. Certifies DBEs according to the criteria set by DOT and acts as a liaison to the Uniform Certification Process in the state of Florida.
 11. Provides outreach to DBEs and community organizations to advise them of opportunities.
 12. Maintains the City of Ocala's updated directory on Certified DBEs.
 13. Assists in the preparation and setting of the DBE Program Policy Statement, annual goal, and meeting compliance requirements.

Section 26.27 DBE Financial Institutions

It is the policy of the City of Ocala to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on FTA-assisted contract to make use of these institutions.

Notification of solicitations for financial services will be sent to the institutions identified in the United States Department of Treasury, Financial Management Services Division, Minority Bank Deposit Program (MBDP) listings of financial institutions in the State of Florida. The availability of such institutions can be obtained at the U.S. Department of Treasury website at <https://www.fiscal.treasury.gov/mbdp/participants.html>.

Section 26.29 Prompt Payment Mechanisms

The City will include the following clause in each FTA-assisted solicitation and prime contract:

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

non-DBE subcontractors. If the Prime Contractor determines the work to be unsatisfactory, they must notify the City's Project Manager immediately, in writing, and state the reason(s) of unsatisfactory work performance. Failure to satisfy prompt payment to DBE's no later than 30 days from the Receipt of payment from the CITY will serve as cause to terminate the contract.

- (a) Contractor shall submit with each invoice a report of DBE expenditures. The report shall show each DBE, the amount of their subcontract, the amount earned to date, the amount earned for that respective invoice, and the amount remaining to be earned. The report shall also have each DBE subcontractor to certify relative to the amounts earned and paid to date.*
- (b) As a recipient of federal funding, the City is required to mandate and enforce prompt payment of subcontractor, including the payment of "retainage" from the prime contractor to the subcontractor, as soon as the subcontractor's work has been satisfactorily completed.*
- (c) **Flow Down.** These requirements extend to all third-party contractors and their contracts at every tier.*

Section 26.31 Directory

The City of Ocala is required to participate in the State of Florida Department of Transportation's Unified Certification Program (UCP). The UCP Disadvantaged Business Enterprise Directory (DBE Directory) identifies all firms eligible to participate as DBEs statewide and lists each firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. The directory can be found and accessed publicly at FDOT's website at:

<https://fdotxwp02.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/>.

Section 26.33 Overconcentration

The City of Ocala has not identified that overconcentration exists in the types of work that DBEs perform. If the City determines that DBE firms are overconcentrated in a certain type of work as to unduly burden the opportunity of non-DBE firms to participate in this type of work, then the City must devise appropriate measures to address this overconcentration.

Section 26.35 Business Development Programs

The City of Ocala's Diverse Small Business Enterprise (DSBE) Program was established in 2020 with the goal of providing minority-, women-, and veteran-owned businesses with targeted opportunities to participate in the City's contracting opportunities and to facilitate a level playing field for diverse small business enterprises in the Ocala/Marion County area.

Information regarding the DSBE Program's action plan, outreach methodology, and certification process can be found in the DSBE Policy attached to this Program as **Attachment 2**. The DSBE Policy will be reviewed and updated, as necessary, every four years. Persons interested in obtaining information about the City of Ocala's Diverse Small Business Enterprise Program can visit the City of Ocala's Procurement and Contracting website at: <https://www.ocalafl.gov/government/city-departments-i-z/procurement-contracting-office/dsbe>.

Section 26.37 Monitoring and Enforcement Mechanisms

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

- A. The City will bring to the attention of the FTA any false, fraudulent, or dishonest conduct in connection with the program, so that FTA 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) as provided in section 26.109.
- B. The City will consider similar action under our own legal authorities, including responsibility determinations in future contracts.
- C. The City will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs.
 - (1) City staff will periodically attend monthly scheduled project meetings and conduct unannounced site visits.
 - (2) City will maintain a record keeping system that identifies contract awards, the dollar amount, scope of work, funding type, contract DBE goal (if applicable), the names of prime contractors and subcontractors, and the City Project Manager.
 - (3) City will keep a running tally of actual payments made to small business and DBE firms for work committed to them at the time of contract award.
 - (4) Contractors shall be required to submit monthly utilization reports concurrently with the submission of their invoice. The monthly utilization reports shall be compared to their initial submission used for award of the contract. Contractors shall be required to demonstrate the use and level of use for each previously identified small business and DBE subcontractor. Failure to demonstrate the use of identified small business and DBE subcontractors may result in withholding of payment until Contractor is in compliance or, in extreme instances, termination of the contract for material breach.
 - (5) At the end of a contract, City shall require Contractors to self-report the identity and the amount paid to each small business and DBE to whom the contractor has awarded a subcontract for the purchase of supplies, materials and equipment.

Section 26.39 Fostering Small Business Participation

The City of Ocala's Diverse Small Business Enterprise (DSBE) Program was established in 2020 with the goal of providing minority-, women-, and veteran-owned small businesses with targeted opportunities to participate in the City's contracting opportunities and to facilitate a level playing field for diverse small business enterprises in the Ocala/Marion County area.

The City, through its DSBE Program, will use reasonable efforts to increase the participation of DBE firms as prime contractors and subcontractors on DOT-funded contracts. The City shall encourage and intends to fully enforce all requirements of the DBE Program and the City's DSBE Policy and firms seeking contracts with the City shall be advised to become familiar with the City's DBE Policy.

In order to maximize the participation in City contracting opportunities, the City has developed additional strategies to create effective contracting opportunities for diverse business

enterprises and small business enterprises. The City intends to use a combination of the following methods and strategies to meet this objective:

- A. **Unbundling.** Where feasible, the City may “unbundle” projects or separate large contracts into smaller contracts, which may be more suitable for small business participation. In determining whether a project can be unbundled, the City will consider: (1) whether the project takes place in more than one location; (2) the size and complexity of the project; (3) the similarity of the work involved; (4) difficulty in dividing the project; (5) public safety and convenience; and (6) project segmentation costs. The City will encourage its prime contractors to unbundle contracts to facilitate participation by small businesses.
- B. **Internet Publication of Contracting Opportunities.** In addition to utilizing the City’s e-procurement system, ProRFx, the City advertises its contracting opportunities through various outlets including the City’s Procurement and Contracting website (<https://www.ocalafl.gov/government/city-departments-i-z/procurement-contracting-office/solicitations>), the City’s Procurement and Contracting Facebook page (<https://www.facebook.com/CityofOcalaProcurementServices>), and via the City of Ocala’s eNotification system (<https://www.ocalafl.gov/our-city/advanced-components/enotification>).
- C. **Direct E-Mail Solicitations.** Procurement and Contracting staff regularly solicit diverse business enterprise and small business enterprise participation through the use of direct e-mails to DSBE Program participants.
- D. **Outreach and Technical Assistance.** Each year the City’s Diverse Small Business Enterprise Program partners with the Ocala/Marion County Chamber and Economic Partnership (CEP) to offer a 10-week FastTrac® educational series to provide business assistance to minority-, women-, and veteran-owned small businesses in the Ocala/Marion County area. The educational series covers topics such as financial literacy, commercial insurance, banking, accounting practices, employees, marketing, contracting, and management to help establish a firm foundation to start and grow a successful business.
- E. **Set Asides.** The City has not used small business set asides to facilitate participation. However, the City plans to participate in a disparity study in FY 2025 which will, among other things, assess small business participation in its FTA-assisted contracting opportunities. The study may determine whether implementing measures for increasing diverse small business participation, including set asides, is necessary.

SUBPART C - GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Quotas

The City of Ocala does not use quotas in any way in the administration of this DBE Program.

Section 26.45 Overall Goal

A description of the calculations and methodology used to calculate the City's Triennial Disadvantaged Business Enterprise Overall Goal for federal fiscal years (FY) 2024-2026 can be found in **Attachment 3** to this Program.

In accordance with Section 26.45(f) the City will submit its DBE Overall Goal on or before August 1, and will adjust our three-year overall goal by August 1 triennially thereafter during the three-year period to which it applies, in order to reflect changed circumstances.

The process used by the City of Ocala to establish its DBE Overall Goal conforms with section 26.45 of 49 CFR and is based on the demonstratable evidence of the availability of ready, willing, and able DBEs relative to all businesses ready, willing, and able to participate on the City's DOT-assisted projects and contracts (hereafter referred to as the "relative availability of DBEs." The City's DBE Overall Goal reflects the level of DBE participation the City would expect absent the effects of discrimination. Through this process, the City of Ocala has established an overall goal of 2.55% for DBE participation in FTA-assisted contracts during FY 2024-2026. The calculations and data sources supporting this goal are included in **Attachment 3**.

Before formally establishing the overall three-year goal, the City will publish notice on its website at www.ocalaf1.gov/ftadbeprogram, social media pages, and advertisements in the following newspapers: *Ocala Star Banner*, *Ocala Gazette*, *Gainesville Sun*, *Levy Citizen*, *Orlando Sentinel*, *Chronicle Online*, *Sun Coast News*, *Tampa Bay Times*, *Osceola News Gazette*, *The Ledger*, *Sumter Sun Times*, *Daily Commercial*, and *the Hernando Sun*. The City will also conduct direct outreach activities to inform the public of the proposed overall goal and its rationale. The notice will inform the public that the City will accept comments on its goal for thirty (30) days from the date of the notice and the opportunity for scheduled direct consultation as required by 49 CFR Part 26. Flyers and other communication sources will be utilized to communicate the proposed goal to the public and seek input. Documentation of the specific goal setting consultation and publication activities are included in **Attachment 4**.

The City's submission to FTA will include the goal, including the breakout of estimated race-neutral and race-conscious participation, as appropriate; a copy of the methodology used to develop the goal; a summary of information and comments received during public participation process and the City's responses; and proof of publication of the goal in any media outlets.

The City will begin using the overall goal on October 1st of each year unless it has received other instructions from FTA. If the City establishes a goal on a project basis, it will begin using its goal by the time the first solicitation for an FTA-assisted contract for a project is advertised.

Section 26.47 Goal Setting and Accountability

If the awards and commitments shown on the City's Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, the City will:

1. Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments.
2. Establish specific steps and milestones to correct the problems identified in the analysis and to enable the City to meet fully its goal for the new fiscal year.
3. Submit the plan to FTA within ninety (90) days of the end of the affected fiscal year, if requested by FTA

Section 26.49 Transit Vehicle Manufacturers Goals

City will require each transit vehicle manufacturer (TVM), 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 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 26.51(a-c) Race-Neutral & Race-Conscious Participation

The breakout of estimated race-neutral and race-conscious participation can be found in **Attachment 5** to this program. This section of the program will be updated every three years when the goal calculation is updated. The City will use contract goals to meet any portion of the overall goal the City does not project being able to meet using race-neutral means.

Section 26.51(d-g) Contract Goals

The City of Ocala will use contract goals to meet any portion of the overall goal the City does not project being able to be met 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.

The City will establish contract goals only on those FTA-assisted contracts that have subcontracting possibilities. The City 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 total amount of a FTA-assisted contract.

Section 26.53(a) Award of Contracts with a Contract-Specific DBE Goal

In those instances where a contract-specific DBE goal is included in the procurement or solicitation, the City will not award the contract to a bidder who:

- (1) does not meet the contract goal with verified, countable DBE participation, or
- (2) does not document that it has made adequate good faith efforts to meet the DBE contract goal, even though it was unable to do so.

It shall be the obligation of the bidder to demonstrate that it has made sufficient good faith efforts prior to submission of its bid.

Section 26.53(b) and (c) Information to be Submitted and Documentation of Good Faith Efforts

- A. The City of Ocala shall deem 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/offers to submit a completed DBE Utilization Form concurrently with their sealed bids/proposals containing the following information:
1. A list of the names and addresses of those qualified DBEs with whom the bidder/offeror intends to contract for the performance of portions of the work under the contract.
 2. A description of the contracted for work that each DBE will perform. No work shall be included that the bidder/offeror has reason to believe that the identified DBE will subcontract, at any tier, to any vendor other than another DBE.
 3. The agreed upon price to be paid to each DBE for the work performed and percentage of the total bid/contract amount to be supplied by DBEs under the contract.
 4. Written confirmation of the bidder's/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal.
 5. Written confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment.; and
- B. It shall be the obligation of the bidder to make good faith efforts. If the bidder/offeror is unable to satisfy the contract goal, evidence of the offeror's/bidder's good faith efforts to do so. The documentation of good faith efforts must include, at a minimum, the following information:
1. copies of each DBE and non-DBE subcontractor quote submitted to the bidder/offeror when a non-DBE subcontractor was selected over a DBE for work on the contract;
 2. the names, addresses, and telephone numbers of DBEs that were contacted;
 3. a description of the information provided to targeted DBEs regarding the specifications and bid proposals for portions of the work; and
 4. efforts made to assist the DBEs contacted in obtaining the bonding or insurance required by the bidder/offeror.
- C. The DBELO and the Project Manager are responsible for determining whether a bidder who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive. The DBELO will ensure that all information is complete and accurate and adequately documents the bidder/offer's good faith efforts before the City commits to the performance of the contract by the bidder.

Section 26.53(d) Administrative Reconsideration

Within two (2) business days of being informed by the City of Ocala that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. The bidder/offeror shall make this request in writing to the assigned Buyer as indicated in the solicitation documents and to the City's reconsideration official as indicated herein. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts. The City's reconsideration official is as follows:

Daphne M. Robinson, Esq.
Procurement and Contracting Officer
110 SE Watula Avenue, Third Floor
Ocala, Florida 34471
E-Mail: notices@ocalafl.gov and drobinson@ocalafl.gov

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with the City's reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. The City 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.

Section 26.53(f) Good Faith Efforts When a DBE is Terminated on a Contract with Contract Goals

- A. The City of Ocala prohibits prime contractors from terminating a DBE subcontractor identified on the DBE Utilization Form for a bid/contract with a DBE contract goal without the City's prior written consent. The City's consent will only be provided where there is good cause for the termination. For the purposes of this section, good cause shall include the following circumstances:
1. The listed DBE subcontractor fails or refuses to execute a written contract.
 2. The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way that is consistent with normal industry standards; provided, however, that the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor.
 3. The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable, nondiscriminatory bond requirements.
 4. The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness.
 5. The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings under federal or applicable state law.
 6. The listed DBE subcontractor voluntarily withdraws from the project and provides you with written notice of its withdrawal.
 7. The listed DBE subcontractor is ineligible to receive DBE credit for the type of work required.
 8. The DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work under the contract.
 9. Other documented good cause as determined by the City to compel the termination of the DBE subcontractor. However, good cause shall not exist if the prime contractor seeks to terminate a DBE it relied upon to obtain the contract so that the prime contractor can self-perform the work or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award.

- B. Prior to termination or substitution of a DBE subcontractor, prime contractors are required to give notice, in writing, to the DBE subcontractor, with a copy to the City Project Manager and/or DBELO of its intent to request to terminate and/or substitute and the reason for the request.
- C. Prime contractors must give the DBE five (5) days to respond to the prime contractor's notice and advise of the reasons, if any, why it objects to the proposed termination and why the City should not approve the prime contractor's action.
- D. When a DBE subcontractor is terminated, the prime contractor shall be required to make good faith efforts to find another DBE subcontractor to substitute for the original DBE. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal established for the contract.

Section 26.55 Counting DBE Participation

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

SUBPART D - CERTIFICATION STANDARDS

Section 26.61 Proof of Certification

The City of Ocala will accept DBE certifications from agencies that have reviewed and certified DBE firms in accordance with 49 CFR, Part 26. The City of Ocala is not a certifying agency and will use the Unified Certification Program or information provided by other certifying members of the Unified Certification Program (UCP). For information about the certification process or to apply for certification, firms should contact the Florida Department of Transportation's Equal Opportunity Office at <http://www.dot.state.fl.us>.

SUBPART E - CERTIFICATION PROCEDURES

Section 26.83 Re-Certification

The re-certifications of firms as DBEs will be based on UCP standards and will be conducted by the certifying agency listed above. The City of Ocala will require all DBEs to advise of any change in its circumstances affecting its ability to meet the size, disadvantaged status, ownership, or control criteria set forth in 49 CFR, Part 26 or of any material changes in the information provided via a written affidavit.

The City shall also require all owners of all DBEs to submit, on the anniversary date of their certification, a "no change" affidavit meeting the requirements of section 26.83(j), 49 CFR. The affidavit shall, at a minimum, include the following language:

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 firm]'s application for certification, except for any changes about which you have provided written notice to the City of Ocala under §26.83(j).

The City of Ocala will notify all currently certified DBE firms of these obligations in writing. This notification will inform DBE firms 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 requirements (e.g., personal net worth), the obligation to submit a notice of change applies.

Section 26.87 Removal of a DBE's Eligibility

The de-certification of firms as DBEs will be based on UCP standards and will be conducted by the certifying agency noted above.

Section 26.89 Certification Appeals

Any firm or complainant may appeal the decision in a certification matter to the certifying agency noted above.

Section 26.91 Procedures for Certification Decisions

The City of Ocala distributes information about FDOT's website, which provides a list of UCP agencies that provide certification services and non-certification services in Florida: <http://www.dot.state.fl.us/equalopportunityoffice/DBECertification/UCP%20CERTIFYING%20ADDRESSES%200516.pdf>. Any firm or complainant may appeal the FDOT's decision in a certification matter to DOT. Such appeals may be sent to:

U.S. Department of Transportation
Office of Civil Rights
Certification Appeals Branch
1200 New Jersey Ave. SE
West Building, 7th Floor
Washington, DC 20590

The City of Ocala will coordinate with FDOT to promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for its DOT-assisted contracting.

SUBPART F - COMPLIANCE AND ENFORCEMENT

Section 26.109 Confidentiality, Cooperation and Enforcement

A. Confidentiality

The City of Ocala will safeguard from disclosure to third-parties information that may reasonably be regarded as confidential business information, consistent with federal, state, and local law. The City of Ocala follows public records responsibilities as provided under Chapter 119, Florida Statutes and Article 1, Section 24 of the Florida Constitution. Notwithstanding any contrary provisions of state or local law, the City 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.

B. Cooperation

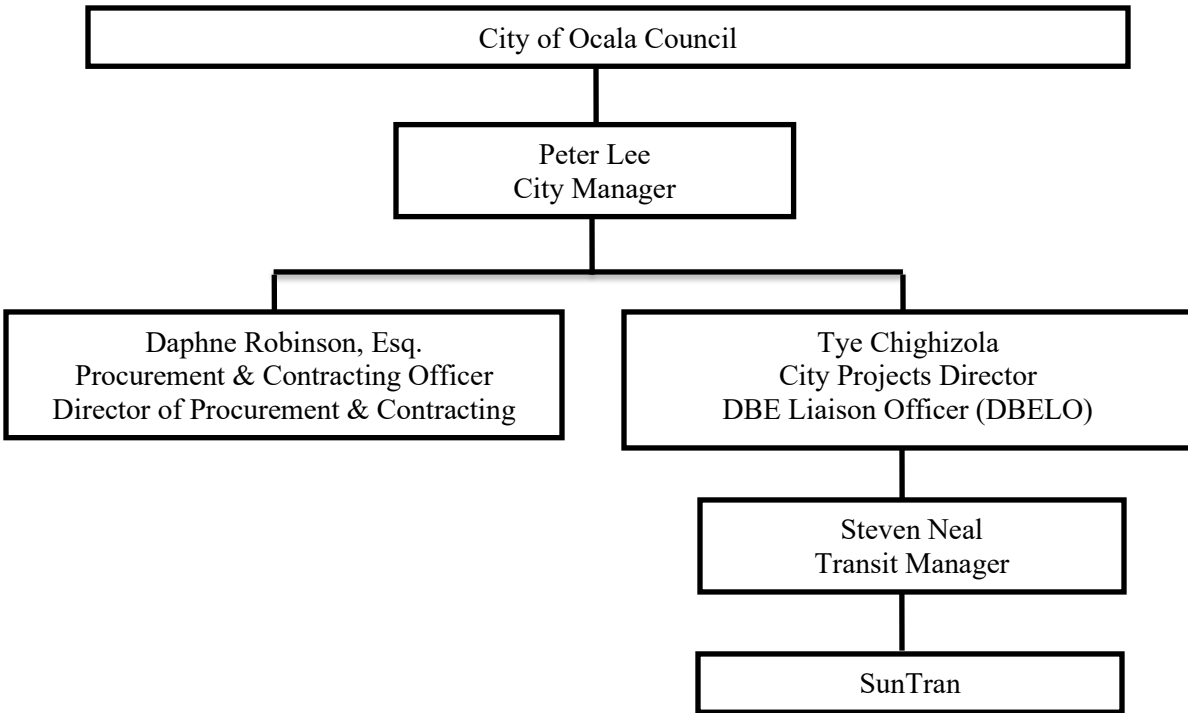
All participants in the City's DBE Program are required to cooperate fully and promptly with DOT and City compliance reviews, certification reviews, investigations, and other requests for information. Failure to do so shall be grounds for appropriate action against the party involved.

C. Enforcement

If at any time the City has reason to believe that contractors are in violation of its obligations under the DBE Program or has otherwise failed to comply with the terms of its contract, the City may, in addition to pursuing any other available legal remedy:

1. Suspend payments to contractor, in whole or in part, until such time as the issues concerning contractor's compliance are resolved; and/or
2. Terminate or cancel the contract, in whole or in part.

ATTACHMENT 1 – SUNTRAN ORGANIZATIONAL CHART



**ATTACHMENT 2 – CITY OF OCALA
DIVERSE SMALL BUSINESS ENTERPRISE POLICY**

CITY OF OCALA

DIVERSE SMALL BUSINESS ENTERPRISE (DSBE) POLICY



December 1, 2020





Title: Diverse Small Business Enterprise Program

Effective Date: 12/2020

Policy No: PRO-065

I DEFINITIONS

A. A Diverse Small Business Enterprise (DSBE) means a business which is at least fifty-one percent (51%) owned and operated by one or more minority, woman and/or veteran designations.

In the case of a publicly owned business, at least fifty-one percent (51%) of the stock must be owned by minority, women, and/or veteran principal owners.

B. "Minority" is defined as an individual belonging to the following racial and ethnic groups:

- Black Americans
- Hispanic Americans
- Native Americans
- Asian-Pacific Americans
- Subcontinent Asian Americans

C. "Veteran" is defined as a former member of the Armed Forces of the United States (Army, Navy, Air Force, Marine Corps, and Coast Guard) who served on active duty and was discharged under conditions which were other than dishonorable. Reservists called to active duty by Executive Order qualify as veterans.

D. "Set-Aside" is defined as contracts or purchases designated for DSBE bidding only.

II PURPOSE AND SCOPE

The purpose and objective of this program is to provide minority, woman and veteran owned businesses (DSBE businesses) with targeted opportunities to participate in the City's contracting and procurement process and to facilitate a level playing field for diverse, small business enterprises.

This program is intended to substantially comply with the City's procurement policy which requires construction contracts and purchase orders for goods, services and materials to be awarded in the best interest and value to the City.

It is the policy of the City to utilize DSBE businesses to the fullest extent possible, or legally permissible, in all procurement activities.

2020-12



III. PROGRAM ACTION PLAN

The implementation and administration of the program shall be the responsibility of the DSBE Program Coordinator with oversight by the City's Contracting Officer. The DSBE Coordinator will assume their responsibility:

- A. Assist DSBE businesses in overcoming barriers to their participation in the City's procurement process. This includes assistance with certification, forms preparation, notification of contract opportunities and business educational opportunities.
- B. Increase citywide departmental awareness of the City's DSBE objectives and opportunities by providing access to certified DSBE businesses for services or products purchased with/without competitive bidding.
- C. Assist non-certified DSBE businesses with becoming certified as a DSBE member.
- D. Explain DSBE goals and requirements of the program to contractors and vendors.
- E. Review contract awards relative to participation of DSBE businesses, and make recommendations to expand the program.

IV. OUTREACH

The DSBE Program Coordinator will ensure DSBE businesses have every opportunity for full program participation by undertaking the following steps:

- A. Provide DSBE vendors with workshops and other opportunities to:
 - interact with the City's Procurement Department and other DSBE members;
 - teach procedures and policies for submitting bids, proposals and invoices; and
 - provide listings of the products and services purchased across city departments.
- B. Attend and participate in trade fairs and community events.
- C. Establish relationships with minority, women and veteran community leaders.
- D. Distribute business cards and DSBE marketing materials at events and meetings where minorities, women and/or veteran businesses are targeted.
- E. Notify DSBE businesses regarding future bid openings.
- F. Maintain a listing of goods and services provided by current DSBE businesses and make this list available to city departments.



V. CERTIFICATION

- A. Only businesses certified by the City of Ocala DSBE program may be counted toward the department's strategic measure goals.
- B. Businesses wishing to be certified as a DSBE business must submit a completed DSBE Application to smallbiz@ocalafl.org for review and/or approval by the DSBE Program Coordinator. Applicants must provide proof of the following:
 - Business/home office address located within Marion County, Florida;
 - Total net worth (business and personal combined) not greater than \$250,000; and
 - Confirmation the business is at least fifty-one percent (51%) owned and operated by a minority, woman and/or veteran as specified in Section I.

VI. DECERTIFICATION

The City may decertify a DSBE vendor if the Contracting Officer determines any of the following as true:

- The DSBE vendor no longer satisfies the certification requirements;
- The DSBE owner, officer or agent thereof has made fraudulent misrepresentations to the City regarding utilization of DSBEs or colluded with another contractor/vendor making misrepresentation; or
- The DSBE vendor or any owner, officer or agent during times they are certified by the City are convicted of a felony in a court of law.

VII. NOTIFICATION REQUIREMENTS AND PROCUREMENT POLICIES

- A. When a business is accepted by the DSBE program as a minority, woman and/or veteran business, the business will be added by the DSBE Coordinator to the DSBE vendor database used in soliciting bids or contracts set aside for minority, woman and/or veteran businesses as well as other purchasing and contracting opportunities.
- B. There will be no limits to the number of businesses within the DSBE vendor database. There is also no limit to the number of services and/or products for which each business is qualified to provide.
- C. When a business is accepted as a minority, woman and/or veteran business, that business may bid on contracts specifically set aside under this program. They may



also participate in the City's formal vendor process concurrent with participation as a certified DSBE vendor.

VIII DENIAL OF CERTIFICATION

If the City of Ocala denies a business' application or decertifies said application, the business may not reapply until 12 months have passed from the date the denial letter was sent by the DSBE Coordinator.

IX AWARD STANDARDS

- A. Any contract specifically set aside for the DSBE program may be competitively bid, either through public advertising or through informal bidding and are awarded typically when responsive bids from at least two qualified bidders are received.
- B. The specifications for a set-aside contract shall clearly and conspicuously state an award may only go to a business duly registered with and approved by the City of Ocala as a DSBE vendor.
- C. The Contracting Officer shall have the responsibility of approving all solicitations for bids prior to their offering.
- D. The Contracting Officer shall approve all DSBE contracts prior to execution by the City and/or the submission of contracts to the City Council for review and approval.
- E. Any bid may be rejected for a set-aside contract and the solicitation may be rebid as an ordinary contract in any of the following situations:
 - In evaluating the minority, woman and/or veteran business' bids, it is determined that acceptance of any of the bids would subject the City to an unreasonable expense or to a contract otherwise unacceptable pursuant to the City's published/required contracting and procurement laws, policy, and rules;
 - At least two bids are not received from qualified vendors approved as minority, woman and/or veteran businesses, as appropriate; or
 - The minority, woman and/or veteran business knowingly supplied false information where the contract would not otherwise have been awarded.

Immediately after rejecting all bids, the Contracting Officer may direct the rebid of the solicitation as an ordinary award. DSBE businesses may participate in this rebidding as per vendor registration requirements of the Procurement Department.



X REPORTING

The DSBE Program Coordinator will compile a quarterly report. The report will include a narrative summarizing the progress the City has made in DSBE utilization for each quarter. It will describe specific steps the DSBE program in partnership with stakeholders has taken and highlight successful contracting opportunities with DSBE businesses, outreach activities, and special circumstances contributing to overall program goals, achievements and/or failures.

This report will also describe how the DSBE program is implementing and refining strategic initiatives to increase the participation of minority, woman, and veteran owned businesses in the DSBE program.

XI PROTESTED SOLICITATIONS AND AWARDS

Protests must be made in accordance to City of Ocala's Procurement Protested Solicitations and Awards Policy: PRO-080.

**ATTACHMENT 3 – CITY OF OCALA FISCAL YEAR 2024-2026
GOAL FOR DISADVANTAGED BUSINESS ENTERPRISE
PARTICIPATION IN FEDERAL TRANSIT ADMINISTRATION
FUNDED PROJECTS**

EXECUTIVE SUMMARY

The City of Ocala d/b/a SunTran respectfully submits this report to the Federal Transit Administration (FTA) for review and approval of the Triennial Disadvantaged Business Enterprise (DBE) Overall Goal for federal fiscal years (FY) 2024-2026. This report was created in compliance with the DBE goal setting methodology set forth in 49 CFR Part 26, Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs (hereinafter referred to as the “DBE Regulations”).

As a recipient of FTA funds, the City of Ocala is required to establish a DBE goal for participation on its federally assisted projects triennially in accordance with 49 CFR § 26.45. The DBE Regulations stipulate that the overall goal should be prepared using the two-step process outlined in section 26.45, 29 CFR Part 26, by first creating a baseline figure reflecting the relative availability of “ready, willing and able DBEs” in our geographic marketplace, and then examining all relevant evidence, including past DBE participation, to determine what adjustments, if any, are needed to arrive at our overall goal.

The City has utilized a collaborative and inclusive approach to formulating a goal setting methodology, which has included a series of open meetings as well as scheduled, direct, and interactive exchanges with industry and community groups, and prime and DBE contractors and consultants. The City of Ocala has solicited ideas and suggestions for developing and implementing its overall goals for FY 2024-2026 by inviting input from minority-, women-, and veteran-owned firms and other disadvantaged and small business enterprises located in its geographical marketing area.

Information concerning the purpose and elements of the DBE Program was disseminated in writing and through a series of presentations and public meetings, both in-person and virtual, involving a diverse range of individuals and organizations, including participants in the City’s Diverse Small Business Enterprise (DSBE) Program, non-DBE contractors and consultants, the Ocala and Marion County Chamber and Economic Partnership, Hispanic Business Council, VetNet Ocala, and Small Business Development Centers located at the University of Central Florida and DBEs identified through the Florida Unified Certification Program (UCP) Disadvantaged Business Enterprise Directory. City staff used these consultative efforts to gather information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the City’s efforts to establish a level playing field for the participation of DBEs prior to submitting its overall goal.

After the required consultations, the City published its proposed overall goal and its rationale for public inspection and comment and advised that the City would accept comments on the goal for no less than ten (10) days following the date of publication. The City’s proposed overall goal and rationale were published on the City of Ocala’s website at www.ocalaf1.gov/ftadbeprogram and Facebook page, as well as the website (www.bidocala.com) and Facebook pages for the City’s Procurement Services Department, and in newspapers of general circulation within the City’s geographical marketing area.

The City of Ocala is committed to meeting the maximum feasible portion of our overall goal using race-neutral means. In addition to summarizing our current race-neutral program components, we have identified a variety of new strategies, the implementation of which will serve as additional program performance measures.

DBE GOAL SETTING PROCESS

A. RESULTS SUMMARY

The City of Ocala's proposed overall DBE goal for FY 2024 – 2026 is 2.55% of the federal financial assistance that SunTran will expend on FTA-assisted contracts. This DBE goal will be reviewed annually and updated every three (3) years in accordance with FTA regulations.

B. METHODOLOGY

The methodology used to establish the overall goal, including determining the relative availability of DBEs in the normal market area for the procurement of goods and services for the City of Ocala, consists of a multi-step process.

1. Identifying the Geographic Scope of the Market Area

Before the calculation of the base goal can be made, the reasonable market area for procuring goods and services must be identified to establish geographic parameters for statistical analysis. Given Ocala's centralized location within the state of Florida and consistent with the City of Ocala's experience drawing contractors, the geographic parameters include Marion County and seventeen (17) nearby counties: Hernando, Lake, Citrus, Orange, Volusia, Brevard, Sumter, Hillsborough, Polk, Osceola, Pinellas, Pasco, Seminole, Levy, Gilchrist, Putnam, and Alachua.

The budget for proposed projects must be examined to ascertain the type and scope of projects involving FTA funds proposed for fiscal years 2024, 2025, and 2026. The list of projects is further analyzed to determine the types of firms/services, categorized by North American Industry Classification System (NAICS) codes with which SunTran would likely engage to execute FTA-assisted projects. Using Census definitions, a list of relevant NAICS codes is compiled based upon the firm types identified in this Step B.1.

2. Determining the Relative Availability of DBEs in the Market Area

Once the geographic scope of the market area is determined, the availability of DBEs in the market area can be ascertained. The primary source for this determination will be the Florida UCP Disadvantaged Business Enterprise Directory (the "UCP Directory").

From the UCP Directory, the relative availability of all DBEs within the market area is identified and placed in a summary table format. This list is further narrowed down through the identification of only firms that performed work relevant to SunTran's federally funded operating expenses and capital improvements plan for FTA-assisted projects in Step B.1 above. The DBE firms identified in this Step B.2 are then tallied.

3. Determining Relevant Market Conditions

Using the NAICS numbers identified in Step B.1, recent Census data for the service area are examined to determine the total number of firms that perform the type of work relevant to SunTran's estimated FTA-assisted contracts.

4. **Determining the Base DBE Goal**

The total number of all available firms from the relevant NAICS categories from Step B.3 serve as the denominator. The number of DBE firms identified in Step B.2 serve as the numerator. The percentage derived from these items is multiplied by the percent of future FTA-funded projects identified in Step B.1 for each contracting category. The total of this step provides the base goal.

5. **Determining Adjustments to the Overall DBE Goal**

After the base DBE goal has been calculated, additional information and data relevant to SunTran's historical contracting experiences shall be considered to determine what adjustment, if any, to the base goal is appropriate to arrive at the final overall goal.

In setting its overall goal, SunTran considers the level at which DBEs have performed work on FTA-assisted contracts for the previous three years. If, historically, this percentage is higher than the established goal, SunTran will see cause to adjust the base figure DBE goal by averaging the base goal and historical DBE performance percentage resulting in the adjusted overall DBE goal. SunTran will continually assess the availability of research documents and demographic studies that may provide additional data on the extent to which DBE firms are "ready, willing, and able" to engage in contracting opportunities and successfully performing on contracts as determined by subcontract and prime contract awards.

Once SunTran arrives at a DBE goal, it will publish the DBE goal information to the City of Ocala website at www.ocalafli.gov/ftadbeprogram and also newspapers of general circulation within the counties identified in the geographical market area.

FY 2024-2026 DBE GOAL CALCULATION

The City of Ocala d/b/a SunTran, in compliance with 49 CFR, Part 26.45, Subpart C, has estimated a goal of 2.55 percent (2.55%) for federal fiscal years 2024, 2025, and 2026 for DBE participation. The goal was developed using the methodology previously described in this Attachment 3. The specific calculations supporting the FY 2024-2026 goal are provided below.

A. CALCULATION OF BASE GOAL

SunTran's future anticipated FTA-assisted contracting opportunities through FY 2026 include the following:

- Bus Powertrain Project (engine and transmission rebuild)
- Construction, Engineering and Design of Bus Support Facility
- Acquisition of Bus Support Facility Equipment, PPE, Tools, and Equipment
- Purchase and Installation of Bus Depot Chargers
- Software Service Contract for Intelligent Transportation System
- Purchase of Surveillance and Security Equipment
- Construction, Engineering, and Design of Covered Bus Parking Shelter
- Purchase of a Forklift
- Purchase of Electric Trolley Power Distribution
- Automotive Preventative Maintenance
- Construction and Design of Bus Shelters
- Construction and Design of Pedestrian Access, Pads, and Walkways to Bus Shelters

- Acquisition of Shop Equipment
- Repair of Parallelogram Bus Lift
- Purchase of Additional Intelligent Transportation System Software
- Maintenance of 800MHz Radio System
- Annual Transportation Services Contract (Salaries, Benefits, and Maintenance)

Based on the foregoing, NAICS codes from the United States Census Bureau were identified. Table 1 identifies the categories of FTA-assisted contracting opportunities, the associated NAICS codes, and the amount and percent distribution of FTA-assisted contracting opportunities for each category.

Table 1- Future FTA-Assisted Contracting Opportunities (FY 2024-2026)

	NAICS Code	NAICS Category	Amount of DOT funds on project:	% of total DOT funds (weight)
1)	811111	Automotive fleet repair and maintenance services	\$206,363.00	0.0177
2)	336310	Motor Vehicle Gasoline Engine and Engine Parts Manufacturing	\$216,000.00	0.0185
3)	236220	Commercial and Institutional Building Construction	\$6,184,670.00	0.5301
4)	541310	Architectural (except landscape) design services	\$575,483.00	0.0493
5)	541330	Construction engineering services	\$254,371.00	0.0218
6)	423120	Motor Vehicle Supplies and New Parts Merchant Wholesalers	\$158,000.00	0.0135
7)	221122	Electric Power Distribution	\$732,000.00	0.0627
8)	513210	Packaged computer software publishers	\$30,000.00	0.0026
9)	541511	Custom Computer Programming Services	\$210,000.00	0.0180
10)	238210	Surveillance system, installation only	\$18,712.60	0.0016
11)	561612	Security system monitoring services	\$74,850.40	0.0064
12)	333924	Industrial Truck, Tractor, Trailer, and Stacker Machinery Manufacturing	\$50,000.00	0.0043
13)	811310	Hydraulic equipment repair and maintenance services	\$40,000.00	0.0034
14)	238110	Poured Concrete Foundation and Structure Contractors	\$860,000.00	0.0737
15)	541519	Software installation services, computer	\$15,000.00	0.0013
	611420	Computer programming, software, and systems training, online learning marketplace services (through a website or mobile application)	\$20,000.00	0.0017
16)				
17)	811218	Radio repair and maintenance services without retailing new radios	\$12,000.00	0.0010
18)	541214	Payroll processing services	\$1,549,841.00	0.1328
19)	541612	Human Resources Consulting Services	\$460,148.00	0.0394
		Total FTA-Assisted Contract Funds	\$11,667,439.00	1

Table 2 represents the percent of DBEs available and willing to perform the work identified by SunTran for FTA-assisted contracts for FY 2024-2026. The number of DBEs used to calculate the figures in this table are from the UCP Directory for the geographic area identified under the NAICS codes displayed in Table 1. The total number of available firms for each NAICS category used to calculate the percent of available DBEs are from the U.S. Census Bureau's County Business Patterns (CBP) Database. Based on available data, the relative availability of DBEs in the market area is 0% under the NAICS codes for: (1) automotive fleet repair and maintenance services; (2) motor vehicle gasoline engine and engine parts manufacturing; (3) commercial and institutional building construction; (4) motor vehicle supplies and new parts merchant wholesalers; (5) electric power distribution; (6) packaged computer software publishers; (7) industrial truck tractor, trailer, and stacker machinery manufacturing; (8) computer programming, software, and systems training, online learning; (9) radio repair and maintenance services without retailing new radios; (10) payroll processing services; and (11) human resources consulting services.

Table 2 - Availability of DBEs to Perform Identified Work (FY 2024-2026)

	NAICS Code	NAICS Category	Number of DBEs available to perform this work	Number of all firms available (including DBEs)	Relative Availability
1)	811111	Automotive fleet repair and maintenance services	0	64	0.0000
2)	336310	Motor Vehicle Gasoline Engine and Engine Parts Manufacturing	0	1	0.0000
3)	236220	Commercial and Institutional Building Construction	0	77	0.0000
4)	541310	Architectural (except landscape) design services	1	44	0.0227
5)	541330	Construction engineering services	20	75	0.2667
6)	423120	Motor Vehicle Supplies and New Parts Merchant Wholesalers	0	44	0.0000
7)	221122	Electric Power Distribution	0	36	0.0000
8)	513210	Packaged computer software publishers	0	4	0.0000
9)	541511	Custom Computer Programming Services	3	63	0.0476
10)	238210	Surveillance system, installation only	3	93	0.0323
11)	561612	Security system monitoring services	1	45	0.0222
12)	333924	Industrial Truck, Tractor, Trailer, and Stackery Machinery Manufacturing	0	2	0.0000
13)	811310	Hydraulic equipment repair and maintenance services	1	53	0.0189
14)	238110	Poured Concrete Foundation and Structure Contractors	11	66	0.1667
15)	541519	Software installation services, computer	4	1	4.0000
16)	611420	Computer programming, software, and systems training, online learning	0	14	0.0000
17)	811218	Radio repair and maintenance services without retailing new radios	0	1	0.0000
18)	541214	Payroll processing services	0	30	0.0000
19)	541612	Human Resources Consulting Services	0	27	0.0000
	Combined Totals		44	740	0.0595
					<i>Overall availability of DBEs</i>

The calculation of the base goal is presented in Table 3. The percent of contracting opportunity multiplied by the percent of available and willing DBEs for each contracting category is used to calculate the weighted result, the sum of which is the base goal of 2.55%.

Table 3 - Calculation of Base Goal (FY 2024-2026)

NAICS Code	NAICS Category	Weight	x	Availability	Weighted Base Figure
1)	811111	Automotive fleet repair and maintenance services	0.01769	x	
2)	336310	Motor Vehicle Gasoline Engine and Engine Parts Manufacturing	0.01851	x	
3)	236220	Commercial and Institutional Building Construction	0.53008	x	
4)	541310	Architectural (except landscape) design services	0.04932	x	0.02273
5)	541330	Construction engineering services	0.02180	x	0.26667
6)	423120	Motor Vehicle Supplies and New Parts Merchant Wholesalers	0.01354	x	
7)	221122	Electric Power Distribution	0.06274	x	
8)	513210	Packaged computer software publishers	0.00257	x	
9)	541511	Custom Computer Programming Services	0.01800	x	0.04762
10)	238210	Surveillance system, installation only	0.00160	x	0.03226
11)	561612	Security system monitoring services	0.00642	x	0.02222
12)	333924	Industrial Truck, Tractor, Trailer, and Stackery Machinery Manufacturing	0.00429	x	
13)	811310	Hydraulic equipment repair and maintenance services	0.00343	x	0.01887
14)	238110	Poured Concrete Foundation and Structure Contractors	0.07371	x	0.16667
15)	541519	Software installation services, computer	0.00129	x	4.00000
16)	611420	Computer programming, software, and systems training, online learning	0.00171	x	
17)	811218	Radio repair and maintenance services without retailing new radios	0.00103	x	
18)	541214	Payroll processing services	0.13283	x	
19)	541612	Human Resources Consulting Services	0.03944	x	
				Total	0.0255
				Expressed as a % (*100)	2.55%

B. ADJUSTMENT TO BASE GOAL

To determine what type of adjustments, if any, are needed to the base figure, the City is required to examine all of the evidence available in its jurisdiction to determine what adjustment, if any, is needed to the base figure to arrive at its overall goal. FTA-assisted contracting opportunities for 2024-2026 are anticipated to be very similar to those awarded over the preceding three-year term. Since DBE firms are often subcontractors to non-DBE firms for SunTran projects, examining bid responsiveness may not accurately portray DBE firm participation in these similar contracts. Accordingly, it is more appropriate to utilize evidence concerning the capacity of DBEs to perform work on the City’s FTA-assisted contracting program as measured by the volume of work DBEs have performed in recent years.

Since the historical evidence suggests that the DBE percentage of DBE payments relative to total payments made to all contractors is less than the calculated goal of 2.55% for the upcoming three-year period, no adjustment is necessary and the City's final overall DBE goal for FTA-assisted projects for FY 2024-2026 is 2.55%.

Overall DBE Goal
2.55%

**ATTACHMENT 4
CONSULTATION AND PUBLICATION ACTIVITIES FOR GOAL
SETTING**

As part of SunTran's 2024-2025 goal setting process, a number of outreach activities were completed to meet the requirements of section 26.45(g) of Title 49, CFR Part 26. These activities are described in this Attachment 4.

DBE GOAL SETTING CONSULTATION AND PUBLICATION REQUIREMENTS

Title 40, CFR Part 26, section 26.45(g) requires the provision of specific consultation and publication activities as part of the overall DBE goal setting process as follows:

(1) In establishing an overall goal, you must provide for consultation and publication.

This includes:

(i) Consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and your efforts to establish a level playing field for the participation of DBEs. The consultation must include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and it must occur before you are required to submit your methodology to the operating administration for review pursuant to paragraph (f) of this section. You must document in your goal submission the consultation process you engaged in. Notwithstanding paragraph (f)(4) of this section, you may not implement your proposed goal until you have complied with this requirement.

(ii) A published notice announcing your proposed overall goal before submission to the operating administration on August 1st. The notice must be posted on your official Internet Web site and may be posted in any other sources (e.g., minority-focused media, trade association publications). If the proposed goal changes following review by the operating administration, the revised goal must be posted on your official Internet Web site.

(2) At your discretion, you may inform the public that the proposed overall goal and its rationale are available for inspection during normal business hours at your principal office and for a 30-day comment period. Notice of the comment period must include addresses to which comments may be sent. The public comment period will not extend the August 1st deadline set in paragraph (f) of this section.

SUNTRAN'S DBE GOAL SETTING CONSULTATION AND PUBLICATION ACTIVITIES

As part of the City's 2024-2026 DBE goal setting process, a number of outreach activities were completed to meet and exceed the requirements of §26.45(g) of Title 49, CFR Part 26. These activities are described in the remainder of this Attachment 4.

A. PUBLIC COMMENT PERIOD

The required thirty (30) day public comment period was established as April 19, 2024 through May 19, 2024.

B. ADVERTISEMENT AND EMAIL COMMUNICATIONS

Notice of the proposed 2024-2026 DBE goal was posted on the City of Ocala's website on April 12, 2024, under its Public Notices, SunTran, and Procurement and Contracting Department webpages, and social media sites. Advertisements were also posted in the following newspapers from April 22, 2024 to May 16, 2024: *Ocala Star Banner, Ocala Gazette, Gainesville Sun, Levy Citizen, Orlando Sentinel, Chronicle Online, Sun Coast News, Tampa Bay Times, Osceola News Gazette, The Ledger, Sumter Sun Times, Daily Commercial, and the Hernando Sun.* Copies of the City's notices, webpage, and newspaper advertisements are attached hereto.

During the 30-day public comment period, the City of Ocala also sent e-mail announcements pertaining to its 2024-2026 DBE goal setting process and associated outreach opportunities. These emails were sent to vendor email contacts which include those on the City of Ocala general and DSBE vendor list and to emails obtained for DBE contractors from the UCP Directory pulled for this goal setting process. Emails were also sent to other interested persons who attended the community meetings described later in this Attachment. The email communications were sent on April 12th, April 19th, April 26th, May 3rd, May 10th, and May 17, 2024.

C. 2024-2026 DBE PROGRAM INFORMATIONAL FLYERS

An informational flyer specific to the 2024-2026 DBE goal setting process was prepared and posted to the City of Ocala's website, distributed via links to the flyer in the email blasts, and handed out at the community meetings described later in this Attachment. In addition to the DBE flyer, flyers were also handed out to provide additional information about SunTran and the City's Diverse Small Business Enterprise Program. Copies of both informational flyers are provided in this attachment.

D. DIRECT CONSULTATION ACTIVITY (WEBINAR)

The required direct consultation activity completed for SunTran's overall FTA goal update process was a webinar presentation on May 10, 2024, at 2 pm. This presentation provided an overview of SunTran, an overview of the DBE goal requirements, and explained the 2024-2026 DBE goal setting process and results. The registration information obtained from webinar attendees is provided in this attachment. A copy of the presentation, as well as an audio/visual recording of the webinar, is available on the City of Ocala's website at www.ocalafi.gov/ftadbeprogram.

E. COMMUNITY MEETINGS

In addition to the required direct consultation activity, representatives from SunTran and the Procurement and Contracting Department attended several local community meetings targeting local commerce and small/disadvantaged business representatives, to include:

- City of Ocala Fair Housing Event on April 11, 2024
- DSBE/Marion County Chamber FastTrac® Event on April 25, 2024
- Marion County Builders Roundtable Breakfast on May 2, 2024
- DBE Direct Consultation via Webinar on May 10, 2024

At these meetings, representatives from SunTran and the City of Ocala's Procurement and Contracting Department provided attendees information about SunTran's 2024-2026 goal setting process (either verbally, through the flyers, or both, depending on the format of the meeting), and emphasized the May 10, 2024 webinar opportunity.

Contact information was also collected from individuals interested in receiving follow up email and phone reminders about the upcoming webinar. Meeting summaries from each of these events are provided in this attachment.

Proof of Publication Documents to be Posted Here

ATTACHMENT 5

BREAKOUT OF ESTIMATED RACE-NEUTRAL AND RACE-CONSCIOUS PARTICIPATION

The City of Ocala will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The City of Ocala uses the following race-neutral means to increase DBE participation:

1. Arranging solicitations, times for the presentations of bids, quantities, specifications and delivery schedules in ways that facilitate DBE participation, where feasible.
2. Providing assistance in overcoming limitations (i.e., inability to obtain bonding or financing).
3. Providing technical assistance.
4. Providing information and direct communications to vendors regarding contracting procedures and specific contract opportunities which may include, but are not limited to the following:
 - a. Provide all diverse small businesses enrolled in the City's Diverse Small Business Enterprise Program with a summary on the City's Procurement Policy or important changes in procurement and/or contracting procedures.
 - b. Provide diverse small businesses with direct email communications regarding contracting opportunities.
 - c. Providing semi-annual vendor workshops for diverse small businesses to explain the City of Ocala's procurement and contracting processes; and
 - d. Conducting conferences at least once per year to bring together diverse small businesses and the City's prime contractors.
5. Providing services to help DBEs improve long-term development, handling increasingly significant projects, and achieve eventual self-sufficiency which may include, but are not limited to the following:
 - a. Each year the City's Diverse Small Business Enterprise Program partners with the Ocala/Marion County Chamber and Economic Partnership (CEP) to offer a 10-week FastTrac® educational series to provide business assistance to minority-, women-, and veteran-owned small businesses in the Ocala/Marion County area. The educational series covers topics such as financial literacy, commercial insurance, banking, accounting practices, employees, marketing, contracting, and management to help establish a firm foundation to start and grow a successful business.

To ensure that the City of Ocala's DBE Program will be narrowly tailored to overcome the effects of discrimination, if it uses contract goals, it will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect the actual DBE participation and it 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 obtained through standard competitive procurement procedures;
- DBE participation through a subcontract on a prime contract that does not carry a DBE goal;
- DBE participation on a prime contract exceeding a contract goal; and
- DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

ATTACHMENT 6

FORMS FOR DEMONSTRATION OF GOOD FAITH EFFORTS

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) AND NON-DBE SUBCONTRACTOR UTILIZATION FORM

	DISADVANTAGED BUSINESS ENTERPRISE (DBE) AND NON-DBE SUBCONTRACTOR UTILIZATION FORM
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This form is intended to capture the prime contractor's actual and/or anticipated use of certified Disadvantaged Business Enterprises¹ (DBEs) as subcontractors and the estimated dollar amount of each subcontract. Prime contractors are to complete this form and include it with their bid or proposal package. Prime contractors should also maintain a copy of this form on file.

Solicitation Number	Project Name	
Name of Prime Contractor		
Mailing Address		
Telephone Number	Fax Number	E-Mail Address

The prime contractor shall make assertive good faith efforts to utilize as many DBEs as possible and, to this end, the prime contractor shall inform each subcontractor of this requirement. Please select the appropriate option below as it relates to the prime contractor's ability or inability to satisfy the DBE requirements on this contract:

- OPTION 1.** The Bidder/Offeror cannot commit to any DBEs since the work will not be subcontracted.
- OPTION 2.** The Bidder/Offeror is committed to a minimum of 2.55% DBE utilization on this contract.
- OPTION 3.** The Bidder/Offeror is unable to meet the 2.55% DBE utilization goal and has submitted documentation demonstrating its good faith efforts to do so (i.e. copies of each DBE and non-DBE subcontractor quote submitted; description of the information provided to targeted DBEs regarding the specifications for the related portions of work; names, addresses, and phone numbers of DBEs contacted, etc.)

¹ A DBE is a for-profit small business that is at least 51% owned (or, if a corporation, the 51% of the stock is owned) and whose management and daily business operations are controlled by an individual who is a citizen (or lawfully admitted permanent resident) of the United States and who has been subjected to racial or ethnic prejudice or cultural bias within American society because of his or her identity as members of any of the following groups: Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Subcontinent Asian Americans, Women, and any additional groups whose members are designated as socially and economically disadvantaged by the United States Small Business Administration. All DBE firms must be certified by the Unified Certification Program to be counted on this form.

	DISADVANTAGED BUSINESS ENTERPRISE (DBE) AND NON-DBE SUBCONTRACTOR UTILIZATION FORM
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Please provide the following information for ALL participating subcontractors (both DBE and non-DBE subcontractors) for the above referenced project, if applicable. You may use additional sheets if necessary.

NAME AND ADDRESS OF SUBCONTRACTOR PERFORMING WORK	DBE STATUS		DESCRIPTION OF COMMODITY, MATERIAL, OR SERVICE TO BE PROVIDED	PRICE AGREED TO BE PAID TO SUBCONTRACTOR
	DBE ²	Non-DBE		

² All DBEs must be certified by the Unified Certification Program in order to be counted as DBE subcontractors. If not certified, select Non-DBE.



**DISADVANTAGED BUSINESS ENTERPRISE (DBE) AND NON-DBE
SUBCONTRACTOR UTILIZATION FORM**

Dollar Amount of Work to be Completed by Non-DBE Subcontractors	
Dollar Amount of Work to be Completed by Certified DBE Subcontractors	
Total (This amount shall equal the amount proposed in your Bid proposal)	

BIDDER'S/OFFEROR'S CERTIFICATION: The above information is true and complete, to the best of my knowledge and belief. The undersigned understands and agrees that if awarded the contract, this Utilization Form shall be attached thereto and become a part thereof. Failure to provide accurate information or exercise positive, good faith efforts (as defined by the City of Ocala's DBE Program) may result in being considered non-responsive to the City's solicitation requirements. The City Contracting Officer reserves the right to recommend an audit to verify the information submitted.

Signature of Authorized Representative

Title of Authorized Representative

Printed Name of Authorized Representative

Date

FORM 2: COMMITMENT TO PARTICIPATE AND COMMITMENT TO USE FORM



**DISADVANTAGED BUSINESS ENTERPRISE (DBE)
COMMITMENT TO PARTICIPATE AND
COMMITMENT TO USE FORM**

This form is intended to capture the prime contractor's commitment to use a certified Disadvantaged Business Enterprise¹ (DBE) as a subcontractor to meet a contract goal and the DBE subcontractor's commitment to perform the desired work.

Solicitation Number		Project Name
Name of Prime Contractor		
Mailing Address		
Telephone Number	Fax Number	E-Mail Address

Prime contractors are to complete a separate form for each DBE subcontractor and include it with their bid or proposal package. This form may be duplicated as many times as necessary.

NAME AND ADDRESS OF CERTIFIED DBE FIRM	DESCRIPTION OF COMMODITY, MATERIAL, OR SERVICE TO BE PROVIDED	PRICE AGREED TO BE PAID TO DBE SUBCONTRACTOR

DBE'S COMMITMENT TO PARTICIPATE: The above referenced firm is certified as a Diverse Business Enterprise by the Unified Certification Program (UCP) and is committed to perform the work as described above for the amount specified.

PRIME CONTRACTOR'S COMMITMENT TO USE: The above referenced prime contractor is committed to utilize the above referenced DBE firm as a subcontractor/supplier in the manner and for the amount described on this form.

Signature of Authorized Representative

Signature of Authorized Representative

Printed Name of Authorized Representative

Printed Name of Authorized Representative

Date

Date



¹ A DBE is a for-profit small business that is at least 51% owned (or, if a corporation, the 51% of the stock is owned) and whose management and daily business operations are controlled by an individual who is a citizen (or lawfully admitted permanent resident) of the United States and who has been subjected to racial or ethnic prejudice or cultural bias within American society because of his or her identity as members of any of the following groups: Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Subcontinent Asian Americans, Women, and any additional groups whose members are designated as socially and economically disadvantaged by the United States Small Business Administration. All DBE firms must be certified by the Unified Certification Program to be counted on this form.