



SONOMA-MARIN AREA RAIL TRANSIT DISTRICT

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

Submitted To:

Federal Transit Administration
San Francisco Federal Building
90 7th Street, Suite 15-300
San Francisco, CA 94103
United States

STATEMENT OF POLICY (Section 26.1, 26.23)

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

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

- a. To ensure nondiscrimination in the award and administration of DOT - assisted contracts;
- b. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
- c. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
- d. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- e. To help remove barriers to the participation of DBEs in DOT assisted contracts;
- f. To promote the use of DBEs in all types of federally-assisted contracts and procurement activities conducted by SMART
- g. To assist the development of firms that can compete successfully in the marketplace outside the DBE Program.

Heather McKillop, Chief Financial Officer, has been delegated as the DBE Liaison Officer. In that capacity, Heather McKillop is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by SMART in its financial assistance agreements with the Department of Transportation.

SMART has disseminated this policy statement to the SMART Board of Directors and all the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT- assisted contracts and is posted on our website: www.sonomamarintrain/business.org.

All correspondence can be sent to:

SMART DBE Liaison
5401 Old Redwood Highway, Suite 200
Petaluma, CA 94954

Answers to any questions may be obtained by contacting Heather McKillop, Chief Financial Officer/ DBE Liaison at (707) 794-3320 or hmckillop@sonomamarintrain.org.

September ____, 2023

Eddy Cumins
General Manager

SUBPART A – GENERAL REQUIREMENTS

Objectives (Section 26.1)

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

Applicability (Section 26.3)

SMART 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. Titles I, III, and V of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109-59, 119 Stat. 1144; and Divisions A and B of the moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141. 126 Stat. 405.

Definitions (Section 26.5)

SMART will adopt the definitions contained in Section 26.5 for this program.

Non-discrimination Requirements (Section 26.7)

- a. SMART will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR part 26 on the basis of race, color, sex, or national origin.
- b. In the administration of the DBE Program, SMART will not directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing the accomplishment of the objectives of this DBE Program with respect to individuals of a particular race, color, sex, or national origin.

Record Keeping Requirements (Section 26.11)

SMART will report DBE participation on a quarterly basis, using DOT Form 4630. These reports will reflect payments made to DBEs on DOT- assisted contracts.

SMART will create a bidder's list, consisting of information about all DBEs and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of bidders list approach to calculating overall goals. The bidder's list will include the following:

- Firm's Name
- Firm's Address
- Firm's status as a DBE or non-DBE
- Firm's age
- Annual Gross Receipts of the Firm

SMART collects this information through use of our Prime Contractor and Sub Contractor / Supplier List form which bidders or proposers submit with their bid or proposal. This form requires Bidders or Proposers to report the names, addresses, age of firms, an understanding of the annual gross receipts of the firms, and the types of work or materials/supplies the firms will provide for DBEs and Non-DBEs. The Bidder or Proposer is directed to not only include firms that are selected for subcontracts, but also firms who submitted quotes to the Prime Contractor or Consultant but were not selected for subcontracts. Additionally, SMART includes notice in all solicitations and pre-bid/pre-

proposal meetings that DBE and SBE participation is strongly encouraged, as well as ensures that solicitations are widely advertised.

Federal Assistance Agreement (Section 26.13)

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

Assurance (Section 26.13(a))

“SMART 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 SMART of its failure to carry out its approved program, the Department may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).”

This language will appear in financial assistance agreements with sub-recipients.

Contract Assurance (Section 26.13(b))

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

"The contractor, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, 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 as non-responsible.

SUBPART B – ADMINISTRATIVE REQUIREMENTS

DBE Program Updates (Section 26.21)

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

Policy Statement (Section 26.23)

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

DBE Liaison Officer, DBELO (Section 26.25)

We have designated the following individual as SMART's DBE Liaison Officer (DBELO).

Heather McKillop
Chief Financial Officer
5401 Old Redwood Highway, Suite 200
Petaluma, CA 94954
(707) 794-3320
hmckillop@sonomamarintrain.org

In that capacity, the DBELO is responsible for implementing all aspects of the DBE Program and ensuring that SMART complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the General Manager concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment A to this program.

The DBELO is responsible for developing, implementing, and monitoring the DBE program in coordination with SMART's Procurement Manager. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by D O T .
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race neutral methods and contract specific goals attainment) and identifies ways to improve processes.
6. Analyzes SMART's progress toward goal attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.

8. Advises the General Manager and SMART Board of Directors on DBE matters and achievement.
9. Provides DBEs with information and assistance in preparing bids, obtaining bonding, and insurance.
10. Plans and participates in DBE training seminars.
11. Participates in the Unified Certification Program in California.
12. Provides outreach to DBEs and community organizations to advise them of opportunities.

DBE Financial Institutions (Section 26.27)

It is the policy of SMART 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 DOT-assisted contracts to make use of these institutions.

SMART researched and found that the Federal Reserve Bank keeps a list of available minority banking institutions, this list however, doesn't include women owned institutions. <https://www.fdic.gov/regulations/resources/minority/mdi.html> Currently there are no financial institutions in either Sonoma or Marin Counties on the list. However, there are several minority-owned financial institutions in the San Francisco Bay area as of 03/31/2023. They are:

- Gateway Bank, F.S.B – Oakland
- Metropolitan Bank – Oakland
- Bank of the Orient – San Francisco
- California Pacific Bank – San Francisco
- Mission National Bank – San Francisco

Prompt Payment Policy and Provisions (Section 26.29)

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

"The contractor shall promptly pay any and all subcontractors by an instrument that guarantees availability of funds immediately upon deposit of said instrument. The contractor shall include, in its monthly invoice submission to SMART, amounts to pay for all subcontractors' acceptable invoices, no later than 30 days after receipt of such invoices. Unless otherwise approved in writing by SMART, the contractor shall, within ten (10) days after receipt of the payment made by SMART, pay to each of its immediate subcontractors for satisfactory performance of its contract, the amounts to which they are entitled, after deducting any prior payments and any amount due and payable to the contractor by those subcontractors. Any delay or postponement of such payment may take place only for good cause and with SMART's prior written approval. If the contractor determines the work of the subcontractors to be unsatisfactory, the contractor must immediately notify in writing SMART (with a separate notice to the Liaison Officer if the subcontractor is a DBE) and state the reasons. Failure by the contractor to comply with this requirement will be construed to be breach of contract and may be subject to sanctions as specified in the contract."

"Should SMART make incremental inspections and, upon approval of the contractor's

work at various stages of the contract, pay a portion of the retainage, the contractor shall promptly, within 30 days after SMART has made such payment, pay to the subcontractor who has satisfactorily completed all of its work and whose work is covered by SMART's inspection and approval, all retainage owed to the subcontractor. SMART's incremental inspections, approval or release of a portion of the retainage under this section shall not constitute acceptance."

For the purposes of this section, a subcontractor's work is satisfactorily completed when the prime contractor certifies to SMART that all the tasks called for in the subcontract have been accomplished.

Directory (Section 26.31)

SMART is a member of the California Uniform Certification Program (CUCP), which maintains the DBE directory pursuant to 49 CFR 26.31 that identifies all firms that are eligible to participate as DBEs in this Program. SMART uses the DBE directory as a resource in developing overall and contract-specific DBE participation goals and conducting outreach and other programs for DBEs and SBEs. The directory can be accessed through <https://californiaucp.dbesystem.com/>

Overconcentration (Section 26.33)

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

Business Development Programs (Section 26.35)

SMART has not established a business development program.

Monitoring and Enforcement Mechanisms (Section 26.37)

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

- We will bring to the attention of the Department of Transportation (DOT) 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 will consider similar action under our own legal authorities, including responsibility determinations in future contracts. Attachment C lists the regulation, provisions, and contract remedies available to us in the event of non-compliance with the DBE regulation by a participant in our procurement activities.
- We will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is performed by DBEs.
- We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

Fostering Small Business Participation (Section 26.39)

- a. SMART will include an element to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

- b. SMART will utilize some or all the following strategies:
1. In multi-year design build contracts or other large contracts requiring bidders on the prime contract to specify elements of the contract or specific subcontracts that are of a size that small businesses, including DBEs, can reasonably perform.
 2. On prime contracts not having DBE contract goals requiring the prime contractor to provide subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform, rather than self-performing all the work involved.
 3. Identifying alternative acquisition strategies and structuring procurements to facilitate the ability of consortia or joint ventures consisting of small businesses, including DBEs, to compete for and perform prime contracts.
 4. Ensuring that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform.
- c. SMART will actively implement the program elements to foster small business participation.

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SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Set Asides or Quotas (Section 26.43)

SMART does not use quotas in any way in the administration of this DBE Program.

Overall Goals (Section 26.45)

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment D to this program.

Section 26.45(f)

SMART will submit its overall goal to DOT on August 1st every three years. If circumstances change, SMART will submit an adjustment to FTA which reflects the changed circumstances.

Section 26.45(g)

Before finalizing the overall goal, SMART will consult with the primes, subcontractors, local chambers of commerce to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and SMART's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, SMART will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at SMART's Petaluma office or at www.sonomamarintrain.org for 30 days following the notice. The notice will be published in the Marin Independent Journal, Press Democrat, and SMART's website.

The goal submission will include a summary of information and comments received during this public participation process and our responses.

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

Transit Vehicle Manufacturer Certification (Section 26.49)

SMART will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, SMART may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of complying with this element of the program.

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

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

Contract Goals (Section 26.51(d-g))

SMART will use contract goals to meet any portion of the overall goal SMART does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of

race-neutral means.

SMART will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work).

We will express our contract goals as a percentage of the total amount of a DOT-assisted contract.

Good Faith Efforts Procedures (Section 26.53)

- a. When a contract goal has been established by SMART, the contract can only be awarded to the bidder/offeror who makes a good faith effort to meet it. The DBELO must determine that a bidder/offeror has made good faith efforts if the bidder/offeror does either of the following things:
 1. Documents that it has obtained enough DBE participation to meet the goal: or
 2. Documents that it made adequate good faith efforts to meet the goal, even though it did not succeed in obtaining enough DBE participation to do so.
- b. Each solicitation for which a contract goal has been established will require the bidders/ offerors to submit the following information:
 1. The names and addresses of DBE firms that will participate in the contract;
 2. A description of the work that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract;
 3. The dollar amount of the participation of each DBE firm participating;
 4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; and
 5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and
 6. If the contract goal is not met, evidence of good faith efforts.

This information must be submitted under sealed bid procedures, as a matter of responsiveness, or with initial proposals, under contract negotiation procedures. In a negotiated procurement, including a design-build procurement, the bidder/ offeror may make a contractually binding commitment to meet the goal at the time of bid submission or the presentation of initial proposals but provide the information required above before the final selection for the contract is made by the recipient.

- c. SMART's DBELO will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before committing to the performance of the contract by the bidder/offeror.
- d. If the DBELO determines that the apparent successful bidder/ offeror has failed to

meet the requirements SMART will provide the bidder/ offeror an opportunity for administrative reconsideration. Within 10 days of being informed by SMART that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/Offeror should make this request in writing to the following:

General Manager
5401 Old Redwood Highway, Suite 200
Petaluma, CA 94954
ecumins@sonomamarintrain.org
(707) 794-3057

The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

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

- e. In a design build contracting situation, in which SMART has let a master contract to a contractor, who in turn lets subsequent subcontracts for work of the project, SMART may establish a goal for the project. The master contractor must then establish contract goals, as appropriate, for the subcontracts it lets. SMART will maintain oversight of the master contractor's activities to ensure that they are conducted properly.
- f. SMART will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contractor goal. We will require the prime contractor to notify the DBELO immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

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

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

SMART includes the following in all contracts:

"The contractor must promptly notify SMART whenever a DBE subcontractor performing work related to this Agreement is terminated or fails to complete its work and must make good faith efforts to engage another DBE subcontractor to perform at least the same amount of work. The contractor may not terminate any DBE subcontractor and perform that work through its own forces or those of an

affiliate without prior written approval of SMART. In this situation, the prime contractor shall provide copies of new or amended subcontracts, or documentation of good faith efforts. If the contractor fails or refuses to comply in the time period specified, SMART will issue an order stopping all or part of payment/ work until satisfactory action has been taken. If the contractor still fails to comply, SMART may issue a termination for default proceeding.”

Counting DBE Participation (Section 26.55)

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

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SUBPART D – CERTIFICATION STANDARDS

Certification Process

SMART is not a certifying agency. SMART is a member of the California Unified Certification Program. For information about the certification process or to apply for certification, firms should contact: <https://dot.ca.gov/programs/civil-rights/dbe>.

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SUBPART E – CERTIFICATION PROCEDURES

Unified Certification Program (Section 26.81)

SMART is a member of the Unified Certification Program (UCP) administered by Caltrans. The UCP will meet all the requirements of this section.

A Memorandum of Agreement (the "MOA") for a Statewide Unified Certification Program has been developed by California transportation agencies that are recipients of federal funds in accordance with 49 CFR Part 26. The MOA was accepted by the Secretary of the U.S. Department of Transportation and is effective as of January 1, 2002. There are two certifying clusters in California: Northern and Southern. SMART is among the certifying agencies within the Northern California cluster.

The California Unified Certification Program (CUCP), is governed by the terms of the Memorandum of Agreement (MOA) for a Unified Certification Program. The CUCP provides "one-stop shopping" to applicants for certification in California. An applicant need only apply once, and the certification will be honored by all recipients in the State.

SMART adopts the CUCP Procedures. Prospective DBE firms may obtain the requisite DBE application forms from the following website: <https://dot.ca.gov/programs/civil-rights/dbe> or by contacting the DBELO directly.

DBE firms certified pursuant to the Unified Certification Program (UCP) will be counted towards a bidder's DBE participation goal unless successfully challenged under this DBE Program. Pursuant to 49 CFR Section 26.81(c), all certifications by the CUCP shall be pre-certifications, i.e., certifications that have been made final before the due date for bids on a contract on which a firm seeks to participate as a DBE. Only firms that are certified as eligible DBE's may participate as DBE's in the Program.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Information, Confidentiality, and Cooperation (Section 26.109)

SMART will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state and local law.

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

Monitoring Payments to DBEs

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

SMART 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 amount stated in the schedule of DBE participation.

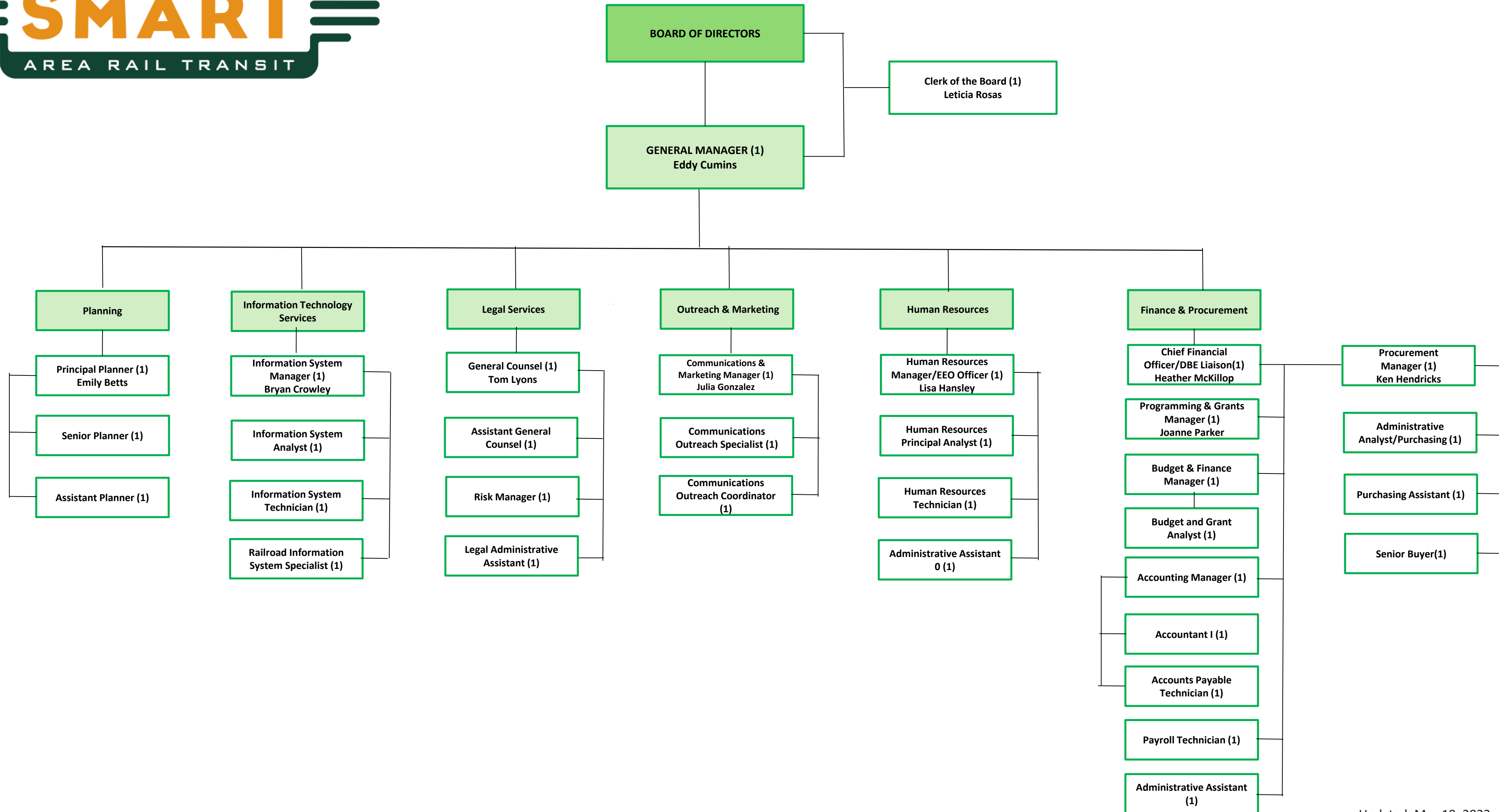
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**Attachment A
Organizational
Chart**

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ADMINISTRATION/FINANCE ORGANIZATION CHART



Attachment B
DBE Directory

See the CUCP directory, found at: <https://dot.ca.gov/programs/civil-rights/dbe>

SMART encourages prime contract bidders to search this directory when seeking subcontractors that are certified as DBE.

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Attachment C
Monitoring and Enforcement Mechanisms

SMART has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

- Breach of contract action, pursuant to the terms of the contract;
- Breach of contract action, pursuant to California Civil Code §3300, et seq.;
- Any other enforcement mechanism in law or equity allowable in California.

In addition, the federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE problem, including, but not limited to, the following:

- Suspension or debarment proceedings pursuant to 49 CFR Part 26
- Enforcement action pursuant to 49 CFR part 31
- Prosecution pursuant to 18 USC 1001.

Attachment D
Section 26.45 - Overall Goal Calculation

SUMMARY

Sonoma-Marín Area Rail Transit District (SMART) has completed its goal setting and methodology study for its three-year Disadvantaged Business Enterprise (DBE) overall goal for contracting opportunities funded by the Federal Transit Administration (FTA), in accordance with 49 CFR Part 26. SMART has determined a race-neutral goal for Federal Fiscal Years (FFY) 2024- 2026 of 3.45%. The goal has been established based on a total of \$23,092,658 of federal funds projected to be available in the coming three years. If SMART receives more or less federal funds, we will reevaluate to determine whether the established goal continues to be realistic or if an adjustment is necessary. The DBE goal was developed based on projected availability of ready, willing, and able DBEs to participate in SMART federally assisted activities. SMART’s assessment of federally assisted activities included review of the Census Bureau County Business Pattern (CBP) database, the California Unified Certification Program (CUCP) database, past participation, any relevant disparity studies, and goals of similar transit agencies.

Federally Assisted Contracts

A total of \$23,092,658 of federal dollars are anticipated for the goal period. Table 1 represents SMART’s forecast of federal dollars during the goal period.

Table 1

Anticipated Federal Funds	FFY 24	FFY 25	FFY 26	Total	Percent of Total Anticipated Federal Funds
FTA Section 5307	\$ 3,997,642	\$ 4,078,615	\$ 4,119,401	\$ 12,195,658	53%
Community Project Funding	\$ 1,800,000	\$ -	\$ -	\$ 1,800,000	8%
FTA-FHWA Transfer to 5307	\$ -	\$ 3,000,000		\$ 3,000,000	13%
ITIP - Complete Streets	\$ -	\$ 6,097,000		\$ 6,097,000	26%
Total	\$ 5,797,642	\$ 13,175,615	\$ 4,119,401	\$ 23,092,658	100%

A majority of the federal funds forecasted to be received are for preventative maintenance. The annual amount SMART receives is forecasted at approximately \$4 million. Most of these funds are used for internal salaries associated with preventative maintenance. Table 2 depicts the percentage of qualified expenditures that are expected to be federal funds.

Table 2

Anticipated Federal Funds	Total Cost	Estimated Federal Share	% of Federal Funds
FTA Section 5307 - FFY 24	\$ 10,738,072	\$ 3,997,642	37%
FTA Section 5307 - FFY 25	\$ 11,060,214	\$ 4,078,615	37%
FTA Section 5307 - FFY 26	\$ 11,392,021	\$ 4,119,401	36%
Community Project Funding	\$ 36,138,000	\$ 1,800,000	5%
FTA - FHWA Transfer to 5307 - Guerneville Rd to Airport Blvd.	\$ 14,695,630	\$ 8,097,000	55%
FTA - FHWA Transfer to 5307 - Hanna Ranch Rd. to Vintage Way	\$ 2,477,468	\$ 1,000,000	40%
Total	\$ 86,501,405	\$ 23,092,658	

STEP ONE: CALCULATION OF SMART’S BASE FIGURE (49 CFR 26.45)

Step One of the goal-setting process is to determine the base figure for the relative availability of DBEs based on evidence of ready, willing, and able DBEs in relationship to all comparable businesses able to compete for FTA-assisted contracts.

Base figures were calculated based on the specialty areas using the North American Industrial Classification System (NAICS) codes. SMART identified twenty-five NAICS codes relevant for federally assisted activities. Table 3 provides a summary of those categories of work, with an estimated amount of federal funds for each.

Table 3: NAICS Codes and Percentage of Federal Funds

Category of Work/ Description	NAICS	Estimated Federal Dollar Share (FFY 2024-2026)	% of Federal Funding by NAICS
Salaries (In-House Staff)	n/a	\$ 9,749,406	42.2%
Construction Sand & Gravel Mining	212321	\$ 48,281	0.2%
Other Heavy and Civil Engineering Construction	237990	\$ 9,097,000	39.4%
Electrical Contractors	238210	\$ 215,908	0.9%
Plumbing, Heating, & Air Conditioning Contractors	238220	\$ 44,388	0.2%
Iron & Steel Mills and Ferroalloy Manufacturing	331110	\$ 69,491	0.3%
Metal Coating, Engraving, and Allied Services	332812	\$ 618,773	2.7%
Commercial & Service Industry Machinery Manufacturing	333310	\$ 215,908	0.9%
Radio & Television Broadcasting & Wireless Equipment	334220	\$ 44,387	0.2%
Railroad Rolling Stock Manufacturing	336510	\$ 69,491	0.3%
Metal Service Centers & Other Metal Merchants	423510	\$ 48,281	0.2%
Electrical Apparatus & Equipment, Wiring Supplies, and Related Equipment	423610	\$ 44,387	0.2%
Hardware Merchant Wholesalers	423710	\$ 44,392	0.2%
Industrial Machinery & Equipment Merchant	423830	\$ 17,322	0.1%
Industrial Supplies Merchant Wholesalers	423840	\$ 44,387	0.2%
Transportation Equipment & Supplies	423860	\$ 116,624	0.5%
Other Misc. Durable Goods Merchant Wholesalers	423990	\$ 44,122	0.2%
Hardware Retailers / Other Building Material Dealer	444140/ 444180	\$ 53,863	0.2%
General Freight Trucking	484110	\$ 268,115	1.2%
Support Activities for Rail Transportation	488210	\$ 48,281	0.2%
General Warehousing	493110	\$ 38,806	0.2%
All other Consumer Goods Rental	532289	\$ 17,322	0.1%
Construction, Mining, & Forestry Machinery & Equipment Rental	532412	\$ 17,322	0.1%
Engineering Services	541330	\$ 1,800,000	7.8%
Landscaping Services	561730	\$ 48,281	0.2%
All Other Support Services	561990	\$ 268,115	1.2%
Total		\$ 23,092,658	100.0%

Market Area: SMART’s local market area was determined by assessing where most contractors and subcontractors who have bid on SMART contracts are located. In addition, SMART reviewed the market areas of neighboring transit agencies. For this goal-setting analysis, SMART’s local market area is defined as the following counties: Contra Costa, Marin, Napa, Solano, and Sonoma.

Number of All Firms: To determine the number of all firms (DBE and non-DBE) in SMART’s market area, SMART searched the most recent CBP database for all firms specializing in the NAICS codes identified as relevant for the contract. The numbers of all firms are summarized in Column C of Table 4 below.

Number of DBEs: To determine the number of DBEs in SMART’s five-county market area, SMART searched the CUCP database for DBEs that are certified in the NAICS codes identified for that activity contract. The numbers of DBE’s identified are summarized in Column D of Table 4 below.

Availability of DBE Firms: Availability is derived by dividing the number of DBEs available in a particular NAICS code by the number of all firms in that NAICS code. This is summarized in Column E of Table 4 below.

Weighted Base Figure: Is determined by multiplying the percentage of federal funds by NAICS code by the availability of DBEs. This calculation is done in Table 5. The weighted base figure is 6.9%

Table 4: Calculation of Base Figure

Category of Work/ Description (A)	NAICS (B)	CBP (C)	DBE (D)	Availability of DBEs (E)
Salaries (In-House Staff)	n/a	n/a	n/a	n/a
Construction Sand & Gravel Mining	212321	0	0	0.0%
Highway, Street, and Bridge	237310	65	11	16.9%
Electrical Contractors	238210	723	7	1.0%
Plumbing, Heating, & Air Conditioning Contractors	238220	813	0	0.0%
Iron & Steel Mills and Ferroalloy Manufacturing	331110	0	0	0.0%
Metal Coating, Engraving, and Allied Services	332812	9	0	0.0%
Commercial & Service Industry Machinery Manufacturing	333310	14	0	0.0%
Radio & Television Broadcasting & Wireless Equipment	334220	4	0	0.0%
Railroad Rolling Stock Manufacturing	336510	0	0	0.0%
Metal Service Centers & Other Metal Merchants	423510	34	1	2.9%
Electrical Apparatus & Equipment, Wiring Supplies, and Related Equipment	423610	83	1	1.2%
Hardware Merchant Wholesalers	423710	26	1	3.8%
Industrial Machinery & Equipment Merchant	423830	121	0	0.0%
Industrial Supplies Merchant Wholesalers	423840	72	2	2.8%
Transportation Equipment & Supplies	423860	40	0	0.0%
Other Misc. Durable Goods Merchant Wholesalers	423990	57	1	1.8%
Hardware Retailers	444140/444180	374	0	0.0%
General Freight Trucking	484110	239	0	0.0%
Support Activities for Rail Transportation	488210	13	0	0.0%
General Warehousing	493110	72	0	0.0%
All other Consumer Goods Rental	532289	33	0	0.0%
Construction, Mining, & Forestry Machinery & Equipment Rental	532412	45	0	0.0%
Engineering Services	541330	643	19	3.0%
Landscaping Services	561730	974	1	0.1%
All Other Support Services	561990	69	1	1.4%
Total		4,523	45	1.0%

Table 5: Calculation of Weighted Base Figure

Category of Work/ Description (A)	NAICS (B)	Weight	Availability	Weighted Base Figure
Salaries (In-House Staff)	n/a	42.2%	0.0%	0.0%
Construction Sand & Gravel Mining	212321	0.2%	0.0%	0.0%
Highway, Street, and Bridge	237310	39.4%	16.9%	6.7%
Electrical Contractors	238210	0.9%	1.0%	0.0%
Plumbing, Heating, & Air Conditioning Contractors	238220	0.2%	0.0%	0.0%
Iron & Steel Mills and Ferroalloy Manufacturing	331110	0.3%	0.0%	0.0%
Metal Coating, Engraving, and Allied Services	332812	2.7%	0.0%	0.0%
Commercial & Service Industry Machinery Manufacturing	333310	0.9%	0.0%	0.0%
Radio & Television Broadcasting & Wireless Equipment	334220	0.2%	0.0%	0.0%
Railroad Rolling Stock Manufacturing	336510	0.3%	0.0%	0.0%
Metal Service Centers & Other Metal Merchants	423510	0.2%	2.9%	0.0%
Electrical Apparatus & Equipment, Wiring Supplies, and Related Equipment	423610	0.2%	1.2%	0.0%
Hardware Merchant Wholesalers	423710	0.2%	3.8%	0.0%
Industrial Machinery & Equipment Merchant	423830	0.1%	0.0%	0.0%
Industrial Supplies Merchant Wholesalers	423840	0.2%	2.8%	0.0%
Transportation Equipment & Supplies	423860	0.5%	0.0%	0.0%
Other Misc. Durable Goods Merchant Wholesalers	423990	0.2%	1.8%	0.0%
Hardware Retailers	444140/444180	0.2%	0.0%	0.0%
General Freight Trucking	484110	1.2%	0.0%	0.0%
Support Activities for Rail Transportation	488210	0.2%	0.0%	0.0%
General Warehousing	493110	0.2%	0.0%	0.0%
All other Consumer Goods Rental	532289	0.1%	0.0%	0.0%
Construction, Mining, & Forestry Machinery & Equipment Rental	532412	0.1%	0.0%	0.0%
Engineering Services	541330	7.8%	3.0%	0.2%
Landscaping Services	561730	0.2%	0.1%	0.0%
All Other Support Services	561990	1.2%	1.4%	0.0%
Total				6.9%

STEP TWO: ADJUSTMENTS (49 CFR 26.45(D))

In reviewing whether the Step One calculation should be adjusted, SMART looked at the past participation of DBE’s in Federally Assisted Contracts and disparity studies of other agencies.

Past DBE Participation in Federally Assisted Contracts

SMART became a direct federal recipient in June 2015. In FFY 2020, SMART became eligible for federal 5307 funds. In FFY 2020, 2021, 2022, and 2023 SMART received federal CARES, CRRSAA, and ARPA funding which were used for salaries. In addition, we received a federal grant for a pathway project – SMART Pathway – Petaluma (Payran to Lakeville). We received three bids on that project. The two of the three bidders had DBE utilization, however the lowest bidder did not. SMART’s most recent goal for FFY 2021-2023 was .03%. SMART was not able to achieve its goal for the period of FFY 2021-2023. The DBE participation rate in SMART’s federally assisted contracts is based on the proportion of new federally assisted contracts awarded to DBEs during FY 2020-2023 as follows:

- FFY 2021: 0%
- FFY 2022: 0%
- FFY 2023: 0%

Using the method in the US DOT's Tips for Goal Setting, the median of 0% is the past participation rate in federally supported procurements. An adjusted goal would be determined in the following using the following.

- FFY 2024-2026 Base Figure Calculation: 6.90%
- Median Past Participation: 0.00%
- Adjustment – 6.9% + 0.0% divided by 2 = 3.45%

Data from Disparity Studies

The United States Department of Transportation (USDOT) suggests that federal aid recipients examine evidence from disparity studies conducted within their jurisdiction. Due to SMART's size, it is not feasible to conduct an independent disparity study. SMART did review the Bay Area Rapid Transit's (BART) disparity study, conducted by Miller³ Consulting dated January 12, 2017. The study did find evidence of barriers for minorities and women owned businesses in obtaining significant contracts with BART.

Caltrans commissioned an FTA Disparity Study which was completed in November of 2022. That study found that Woman-owned businesses, Black American-owned businesses, Hispanic American-owned businesses, and subcontinent Asian American-owned businesses exhibited substantial disparities on prime contracts. It also found that Woman-owned businesses, Asian Pacific American-owned businesses, Black American-owned businesses, and Hispanic American-owned businesses exhibited substantial disparities on subcontracts. We don't believe the outcome of these studies should result in an adjustment to SMART's goal.

RACE-CONSCIOUS AND RACE NEUTRAL METHODS

Regulations require that the maximum feasible portion of the overall DBE goal be achieved through race-neutral measures. In addition, SMART does not currently have sufficient evidence of discrimination or its effects in our bidding process and will therefore continue to meet its overall goal using race-neutral means of facilitating DBE participation. In an effort to expand race-neutral outreach, SMART joined the Business Outreach Committee (BOC), a consortium of Bay Area transit and transportation agencies formed in order to maximize outreach efforts. SMART is an active participant in the BOC. Below is a list of our engagement activities over the last several years.

- **March 9, 2021: "Small Business Enterprise (DSBE) Certification Webinar"**

This event was sponsored by the Business Outreach Committee (BOC). SMART posted this opportunity on its Procurement Website and advertised this event to its vendors.

- **March 16, 2021: "Disadvantaged Business Enterprise (DBE) Certification Webinar"**

This event was sponsored by the Business Outreach Committee (BOC). SMART posted this opportunity on its Procurement Website and advertised this event to its vendors.

- **May 13, 2023: "How to do Business with Public Transportation Agencies"**

This event was sponsored by the Business Outreach Committee (BOC) and SMART's Procurement Manager was a featured presenter, breakout room co-moderator, and Q&A panelist. SMART's Procurement Manager assisted with the development of structure and content for this event. Topics discussed included how to do business with SMART, how to get registered with the eProcurement Portal, and upcoming projects. SMART posted this

opportunity on its Procurement Website and advertised this event to its vendors.

- **October 21, 2021: Meet the Primes “Professional Services”**

This event was sponsored by the Business Outreach Committee (BOC) and SMART’s Procurement Manager was a featured presenter. SMART’s Procurement Manager assisted with the development of structure and content for this event. Topics discussed included how to do business with SMART, how to get registered with the eProcurement Portal, and upcoming projects. SMART posted this opportunity on its Procurement Website and advertised this event to its vendors.

- **December 16, 2021: Meet the Buyers (Part 1)**

This event was sponsored by the Business Outreach Committee (BOC) and SMART’s Procurement Manager was a featured presenter, breakout room moderator, and Q&A panelist. SMART’s Procurement Manager assisted with the development of structure and content for this event. Topics discussed included how to do business with SMART, how to get registered with the eProcurement Portal, and upcoming projects. SMART posted this opportunity on its Procurement Website and advertised this event to its vendors.

- **January 27, 2022: Meet the Buyers (Part 2)**

This event was sponsored by the Business Outreach Committee (BOC) and SMART’s Procurement Manager was a featured presenter, breakout room moderator, and Q&A panelist. SMART’s Procurement Manager assisted with the development of structure and content for this event. Topics discussed included how to do business with SMART, how to get registered with the eProcurement Portal, and upcoming projects. SMART posted this opportunity on its Procurement Website and advertised this event to its vendors.

- **August 18, 2022: 2022 Virtual Meet the Primes “Construction Contractors”**

This event was sponsored by the Business Outreach Committee (BOC). SMART was an attendee at this event. SMART posted this opportunity on its Procurement Website and advertised this event to its vendors.

- **February 7, 2023: Procurement Series “Professional Services”**

This event was sponsored by the Business Outreach Committee (BOC) and SMART’s Procurement Manager was a featured presenter and panelist. Topics discussed included How to Review a Bid, Proposal/Bid Tips & Tricks, Common Mistakes. SMART posted this opportunity on its Procurement Website and advertised this event to its vendors.

- **February 16, 2023: Procurement Series “Construction”**

This event was sponsored by the Business Outreach Committee (BOC) and SMART’s Procurement Manager was a featured presenter and panelist. Topics discussed included How to Review a Bid, Proposal/Bid Tips & Tricks, Common Mistakes. SMART posted this opportunity on its Procurement Website and advertised this event to its vendors.

- **June 6, 2023 and June 13, 2023: “Estimating & Bidding”**

This event was sponsored by the Business Outreach Committee (BOC). SMART’s

Procurement Manager helped develop the workshop structure and content and assisted with preparation of the guest speaker “Ed Duarte”. SMART posted this opportunity on its Procurement Website and advertised this event to its vendors.

- **June 12, 2023: APTA Rail Conference “Meet the Primes/Agencies” Business Networking Breakfast.**

This event was sponsored by the American Public Transportation Association (APTA) and SMART’s Procurement Manager hosted a table during the business networking breakfast and networked with many disadvantaged business enterprises (DBEs) and small business enterprises (SBEs) during the hour and a half networking session. SMART’s Procurement Manager informed these firms about upcoming projects and contracting opportunities and also how to register with SMART’s eProcurement Portal.

- **June 22, 2023 and June 29, 2023: DBE/ADCBE Certification Workshops**

This event was sponsored by the Business Outreach Committee (BOC). SMART posted this opportunity on its Procurement Website and advertised this event to its vendors.

In addition to participating in the educational and outreach activities through the BOC, SMART will continue race-neutral activities in its contracting opportunities, including:

- Arranging solicitations, times for presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE and other small businesses participation;
- Providing assistance in overcoming limitations such as inability to obtain bonding or financing;
- Providing technical assistance and other similar services;
- Providing information and communication programs on contracting and business procedures as well as specific contract opportunities;
- Ensuring distribution of SMART's DBE data base through print and electronic means to the widest feasible range of potential prime contractors;
- Maintain a website containing information on DBE certification, DBE Program, DBE procedures and a database of DBE firms.

SMART will carefully monitor participation during the goal period. At the conclusion of the goal period, SMART will reevaluate the effectiveness of the race-neutral methods and determine if it is necessary to institute a race-conscious portion and contract specific goals.

PUBLIC PARTICIPATION

SMART DBE plan and goal will be available on SMART’s website <https://sonomamarintrain.org/business> or in person at the address below for review and comment from September 7, 2023 – October 6, 2023. Comments on the plan or proposed goal can be emailed or mailed to:

Heather McKillop
Chief Financial Officer/ DBE Liaison
5401 Old Redwood Highway, Suite 200
Petaluma, CA 94954

hmckillop@sonomamarintrain.org

SMART is hosting a Zoom meeting on Thursday, September 21, 2023 to discuss the DBE goal setting process, our proposed DBE goal, and upcoming contracting opportunities. The invite is being sent to all SMART registered vendors, DBE's, and SBE's. In addition, SMART is reaching out to local Chambers of Commerce to invite business members to attend.

Notification of the proposed FFY 2024-2026 DBE goal and request for public comment will also be distributed to the following local trade and news publications.

- Marin Independent Journal
- Press Democrat

Before submitting the final FFY 2024-2026 DBE plan and goal to the FTA, SMART will evaluate whether any modifications are needed based on comments and input received during the public comment period.

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Attachment E
Breakout of Estimated
Race-Neutral & Race Conscious Participation

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

- Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE, and other small businesses, participation (e.g., unbundling large contracts to make them more accessible to small businesses, requiring or encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces);
- Providing technical assistance and other services;
- Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);
- Providing access to services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency; and
- Ensuring distribution of the DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors.

We estimate that, in meeting our overall goal of 3.45%, we will obtain the entire goal from race-neutral participation. Given the fact that SMART does not have enough data to narrowly tailor a program with race-conscious participation, SMART opts to use only race-neutral participation at this time.

In order to ensure that our DBE Program will be narrowly tailored to overcome the effects of discrimination, if we use contract goals we will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)) and we will track and report race-neutral and race conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry DBE goal; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

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

Attachment F

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PRIME CONTRACTOR AND SUBCONTRACTOR/SUPPLIER REPORT

Bidder Name: _____ Solicitation #: **XX-XX-XX-XXX**
 Solicitation Title: **[Enter Title of Solicitation]**
 Address: _____
 Is your firm a Disadvantaged Business Enterprise: Yes _____ No _____
 Owner or Contact Person: _____ Phone: (____) _____ E-Mail: _____

Instructions:

Please provide information **on ALL firms** (Prime Contractor/subcontractors/subconsultants/suppliers) that provided Bidder a bid, quote, or proposal to perform work, provide labor, render services or provide supplies in connection with this contract *WHETHER BID WAS ACCEPTED OR NOT*. You shall provide this information for all sub-bidders regardless of tier for both DBEs/SBEs and non-DBEs/SBEs alike. Include all bid acceptance(s) AND rejection(s). Signature is required on page three of this form.

(ADD ADDITIONAL SHEETS AS NEEDED).

Prime Contractor / Subcontractor / Supplier Information	Annual Gross Receipts	Identify if the firm is a certified DBE or SBE within the State of California*	Portion of Work or Type of Materials/Supplies	Dollar Amount of (Work / Materials / Supplies)	Was the Bid/Quote Accepted?	DBE and SBE Amount***	
1	Name:	<input type="checkbox"/> < \$500,000 <input type="checkbox"/> \$500,000 - \$1 Million <input type="checkbox"/> \$1 Million - \$2 Million <input type="checkbox"/> \$2 Million - \$5 Million <input type="checkbox"/> > \$5 Million	<input type="checkbox"/> DBE <input type="checkbox"/> SBE <input type="checkbox"/> Not Certified			<input type="checkbox"/> Yes <input type="checkbox"/> No	DBE Amount:
	Address:						SBE Amount:
	Age of Firm:						
	Contact Person:						
	E-mail:						
	Phone:						
2	Name:	<input type="checkbox"/> < \$500,000 <input type="checkbox"/> \$500,000 - \$1 Million <input type="checkbox"/> \$1 Million - \$2 Million <input type="checkbox"/> \$2 Million - \$5 Million <input type="checkbox"/> > \$5 Million	<input type="checkbox"/> DBE <input type="checkbox"/> SBE <input type="checkbox"/> Not Certified			<input type="checkbox"/> Yes <input type="checkbox"/> No	DBE Amount:
	Address:						SBE Amount:
	Age of Firm:						
	Contact Person:						
	E-mail:						
	Phone:						

Prime Contractor and Subcontractor/Subconsultant/Supplier Report (Continued)

	Subcontractor/Subconsultant/Supplier Information	Annual Gross Receipts	Identify if the firm is a certified DBE or SBE within the State of California*	Portion of Work or Type of Materials/Supplies	Dollar Amount of (Work / Materials / Supplies)	Was the Bid/Quote Accepted?	DBE and SBE Amount***
3	Name:	<input type="checkbox"/> < \$500,000 <input type="checkbox"/> \$500,000 - \$1 Million <input type="checkbox"/> \$1 Million - \$2 Million <input type="checkbox"/> \$2 Million - \$5 Million <input type="checkbox"/> > \$5 Million	<input type="checkbox"/> DBE <input type="checkbox"/> SBE <input type="checkbox"/> Not Certified			<input type="checkbox"/> Yes <input type="checkbox"/> No	DBE Amount:
	Address:						SBE Amount:
	Age of Firm:						
	Contact Person:						
	E-mail:						
	Phone:						
4	Name:	<input type="checkbox"/> < \$500,000 <input type="checkbox"/> \$500,000 - \$1 Million <input type="checkbox"/> \$1 Million - \$2 Million <input type="checkbox"/> \$2 Million - \$5 Million <input type="checkbox"/> > \$5 Million	<input type="checkbox"/> DBE <input type="checkbox"/> SBE <input type="checkbox"/> Not Certified			<input type="checkbox"/> Yes <input type="checkbox"/> No	DBE Amount:
	Address:						SBE Amount:
	Age of Firm:						
	Contact Person:						
	E-mail:						
	Phone:						
5	Name:	<input type="checkbox"/> < \$500,000 <input type="checkbox"/> \$500,000 - \$1 Million <input type="checkbox"/> \$1 Million - \$2 Million <input type="checkbox"/> \$2 Million - \$5 Million <input type="checkbox"/> > \$5 Million	<input type="checkbox"/> DBE <input type="checkbox"/> SBE <input type="checkbox"/> Not Certified			<input type="checkbox"/> Yes <input type="checkbox"/> No	DBE Amount:
	Address:						SBE Amount:
	Age of Firm:						
	Contact Person:						
	E-mail:						
	Phone:						
6	Name:	<input type="checkbox"/> < \$500,000 <input type="checkbox"/> \$500,000 - \$1 Million <input type="checkbox"/> \$1 Million - \$2 Million <input type="checkbox"/> \$2 Million - \$5 Million <input type="checkbox"/> > \$5 Million	<input type="checkbox"/> DBE <input type="checkbox"/> SBE <input type="checkbox"/> Not Certified			<input type="checkbox"/> Yes <input type="checkbox"/> No	DBE Amount:
	Address:						SBE Amount:
	Age of Firm:						
	Contact Person:						
	E-mail:						
	Phone:						

Bidder's DBE and SBE Declaration

DBE Amount:

\$

 = _____ **% Bidder's DBE Achievement**
Total Bid Amount:

\$

SBE Amount:

\$

 = _____ **% Bidder's SBE Achievement**
Total Bid Amount:

\$

- * If Yes, please also provide certification number in box.
- ** Do not indicate more than one "Yes" for alternative subcontractors for the same work.
- *** DBE & SBE participation includes that portion of the work actually performed by a certified DBE or SBE with its own forces.

The undersigned agrees that if it is the successful bidder and is awarded the contract with the Sonoma-Marín Area Rail Transit District (SMART), it will enter into a formal agreement with the subcontractor(s), subconsultant(s) and/or supplier(s) whose bid/quote was accepted for the work indicated above. I certify that the information included on this form is accurate and true.

Signature of Owner or Authorized Representative

Title

Date

Attachment G

Regulations: 49 CFR Part 26

Please refer to: <https://www.ecfr.gov/current/title-49/subtitle-A/part-26?toc=1>

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