



**DISADVANTAGED BUSINESS ENTERPRISE (DBE)
POLICY STATEMENT AND PROGRAM**

**FEDERAL TRANSIT ADMINISTRATION (FTA)
FUNDED PROJECTS**

Revised: February 28, 2025

Disadvantaged Business Enterprise (DBE) Program

Section 26.1, 26.23 Objectives/Policy Statement

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

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

1. To ensure nondiscrimination in the award and administration of DOT - assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT- assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To promote the use of DBEs in all types of federally assisted contracts and procurement activities conducted by recipients.
7. To assist the development of firms that can compete successfully in the market place outside the DBE Program; and
8. To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

The LTD Compliance Officer (CO) has been delegated as the DBE Liaison Officer. In that capacity, the CO 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 LTD in its financial assistance agreements with the Department of Transportation.

LTD has disseminated this policy statement to the Board of Directors and all of 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. To reach these parties, LTD has posted this policy and a link to the entire program on its website: [LTD DBE Program](#).

Jameson T Auten
Jameson T Auten (Feb 24, 2025 10:05 PST)

Jameson T. Auten
Chief Executive Officer

02/24/2025

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

Lane Transit District (LTD) is a 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, III, and V of the TEA-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; Titles I, II, III, and VI of the Fixing America's Surface Transportation Act (FAST Act) Pub. L 114-94; and Divisions A and C of the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (IIJA) (Pub. L. 117-58), Pub. L. 117-58.

Section 26.5 Definitions

The definitions of terms contained in [49 CFR 26.5](#) shall be used as definitions in this DBE Policy and the program, and are hereby incorporated by reference.

Section 26.7 Non-discrimination Requirements

It is the policy of LTD to never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, LTD will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

Section 26.11 Record Keeping Requirements

Section 26.11(a) Uniform Report of DBE Awards or Commitments and Payments

LTD will report DBE participation to the FTA through the electronic Uniform Report of DBE Awards or Commitments and Payments which is submitted in TrAMS. LTD will report this information on a semi-annual basis on June 1st and December 1st. The June 1 report includes information from October 1 through March 31. The December 1 report includes information from April 1 through September 30.

LTD will report their ODOT pass-through grants to ODOT on a quarterly basis.

Section 26.11(c) Bidders List

In partnership with the Oregon Department of Transportation (ODOT), LTD will maintain a bidders list with information about all DBE and non-DBE firms that bid or propose on DOT-assisted contracts. The purpose of the bidders list information is to compile as accurate data as possible about the universe of DBE and

non-DBE contractors and subcontractors who seek to work on federally assisted contracts for use in helping set overall goals, and to provide the USDOT/FTA with data for evaluating the extent to which the objectives are being achieved. The following information from all DBE and non-DBEs who bid as prime contractors and subcontractors on each federally assisted contract will be collected:

1. Firm Name
2. Firm address, including ZIP code
3. Firm's status as a DBE or Non-DBE
4. Race and gender information for the firm's majority owner
5. NAICS code applicable to each scope of work the firm sought to perform in its bid
6. Age of the firm; and
7. The annual gross receipts of the firm. This will be obtained by asking each firm to indicate into what gross receipts bracket they fit. (e.g., less than \$1 million; \$1-3 million; \$3-6 million; \$6-10 million; etc.) Rather than requesting an exact figure from the firm.

LTD will collect the data from all bidders for our federally assisted contracts by requiring the Bidders List information (listed above) to be submitted with their bids or initial responses to negotiated procurements. LTD will enter this data in the Department's designated system no later than December 1 following the fiscal year in which the relevant contract was awarded. In the case of a "design-build" contracting situation where subcontracts will be solicited throughout the contract period as defined in a DBE Performance Plan pursuant to [§ 26.53\(e\)](#), the data must be entered no later than December 1 following the fiscal year in which the design-build contractor awards the relevant subcontract(s).

LTD will capture this information from our vendor information form included in our solicitations that must be submitted with the bid or proposal to procurement.

Section 26.13 Federal Financial Assistance Agreement and Contracts

Section 26.13(a) Financial Assistance Assurance

Each financial assistance agreement LTD signs with FTA will include the following assurance: LTD 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 [49 CFR part 26](#). LTD shall take all necessary and reasonable steps under [49 CFR part 26](#) to ensure nondiscrimination in the award and administration of DOT-assisted contracts. LTD'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 DBE program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to LTD of its failure to carry out its approved program, the Department may impose sanctions as provided for under [49 CFR 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.).

Section 26.13(b) Contract Assurance

Each contract LTD signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance: The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of [49 CFR part 26](#) in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, 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

Section 26.21 DBE Program Updates

LTD is an FTA Tier I recipient who receives funding for planning, capital and/or operating assistance and awards prime contracts (excluding transit vehicle purchases), the cumulative total value of which exceeds \$670,000 in FTA funds in a Federal fiscal year. As such, LTD will continue to maintain and carry out the program purpose in accordance with part 26 until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program.

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

LTD has designated the following individual as its DBELO:

Rebecca Hay, Compliance Officer
Lane Transit District
3500 East 17th Avenue, Eugene, OR 97403
541-682-6100
compliance@ltd.org

In that capacity, the DBELO is the primary person responsible for implementing all aspects of the DBE program and ensuring that LTD complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Chief Executive Officer concerning DBE program matters. LTD has adequate staff and the DBELO has authority to administer all aspects of the DBE program. An organization chart displaying the DBELO's position in the organization is found in **Attachment 1: Organizational Chart** to this Disadvantaged Business Enterprise Policy and Program.

The DBELO, in coordination with appropriate operating divisions, other departments and consultants of LTD, has primary responsibility for developing, implementing and monitoring the DBE program. The duties and responsibilities undertaken under the authority and direction of the DBELO include the following:

1. Gather and report statistical data and other information as required by DOT.
2. Review third party contracts and purchase requisitions for compliance with this Policy and the program.
3. Works with all departments to set overall goal.
4. Ensure that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identify contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitor results.
6. Analyze LTD's progress toward attainment and identify ways to improve progress.

7. Participate in pre-bid meetings.
8. Advise the Chief Executive Officer (CEO) on DBE matters and achievements.
9. Provide DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
10. Plan and participates in DBE training seminars.
11. Provide outreach to DBEs and community organizations to advise them of opportunities.

Section 26.27 DBE Financial Institutions

It is the policy of LTD 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. LTD has made the following efforts to identify and use such institutions:

Examined public information such as the [Minority Bank Deposit Program \(MPDP\)](#) list of Minority-Owned Institution website. To date, there are no Minority financial institutions in Oregon, which are classified as commercial banks.

Information on the availability of such institutions can be obtained from the DBELO.

Section 26.29 Prompt Payments Mechanisms

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

In accordance with 49 CFR §26.29, the prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 15 calendar days from the receipt of each payment, the prime contractor receives from LTD. The prime contractor agrees further to return retainage payments (if any) to each subcontractor within 15 calendar days after the subcontractor(s)' work is satisfactory completed. Any delay or postponement of payment from the above-referenced time frame may occur only for good cause following written approval from LTD. This clause applies to both DBE and non-DBE subcontractors.

The prime contractor and its subcontractors shall further comply with O.R.S. § 279C.570 regarding prompt payment, to the extent applicable.

Prompt payment and return of retainage requirements in this article also apply to all lower-tier subcontractors.

It is the responsibility of the subcontractors to notify the District's DBE Liaison Officer of prime contractor noncompliance with the above prompt payment provisions. Upon receipt of such notification, LTD will investigate and take appropriate action.

Monitoring:

LTD undertakes ongoing and proactive monitoring of prime contractors' payments to subcontractors, at every tier, over the course of any covered contract. LTD has the option to audit payments made by the prime contractor to all subcontractors, using LTD's Compliance process, to make sure payments have been made within the respective DBE Prompt Payment Provisions.

Enforcement:

If LTD determines that the prime contractor has failed to comply with the prompt payment/release of retainage provisions set forth above, LTD shall provide written notice to the prime contractor that, if the default is not remedied within a specified period of time (at least 5 days), the contract may be terminated. The Contract may be terminated for cause in accordance with the Contract Article entitled TERMINATION FOR DEFAULT.

Section 26.31 Directory

LTD is a non-certifying member of the Oregon Unified Certification Program (UCP). The Certification Office for Business Inclusion and Diversity (COBID) certifies minority-owned, women- owned, and service-disabled veteran-owned business owners and emerging small businesses interested in contracting with state, county, and city government agencies; and is the sole UCP of Oregon which certifies DBEs. The COBID "Directory of Certified Firms," is maintained and updated daily by COBID. Pursuant to 49 CFR Part 26, LTD will use the COBID Directory as the primary resource in developing overall and contract-specific DBE participation goals and conducting outreach and other activities to promote DBE participation in DOT contracts. The COBID Directory is available to the public at: [COBID](#)

Section 26.33 Overconcentration

LTD has not currently identified over-concentration in any types of work that are the subject of its procurements. LTD will continue to monitor for overconcentration.

Section 26.35 Business Development Programs

LTD has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

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

1. LTD will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with LTD's Policy and its program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
2. LTD will consider similar action under its own legal authority, including responsibility determinations in future contracts. **Attachment 3: Monitoring and Enforcement Mechanism** contains a non-exhaustive summary of remedies available to LTD in the events of non-compliance with the DBE regulation by a participant in its procurement activities.
3. LTD will provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by routine site visits, certified payroll, and regular review of contract performance conducted by staff assigned to manage contracted work.

4. LTD will monitor actual payments to DBE firms for work committed to them at the time of contract award.
5. LTD does not set contract goals, in accordance with the [Western States Case](#). The running tally mechanism outlined in this section pertains specifically to contract goals and is not applicable to LTD.

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:

1. Suspension or debarment proceedings pursuant to 49 CFR part 26;
2. Enforcement action pursuant to 49 CFR part 31; and
3. Prosecution pursuant to 18 USC 1001.

Section 26.39 Small Business Participation

LTD has established a Small Business Enterprise (SBE) Program in order to continuously meet the maximum achievable portion of its DBE goal through race-neutral means. To ensure that the maximum achievable portion of the overall DBE goal is met by using race-neutral means, LTD assesses the latest available data and takes measures to facilitate competition and small business participation on contracts.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

LTD does not utilize quotas in any way in the administration of its DBE Policy and Program.

Section 26.45 Overall Goals

In accordance with 49 CFR Part 26, Section 26.45, LTD will submit its triennial overall DBE goal to the FTA on August 1 of the year specified by the FTA for each three (3) year period. The process used by LTD to establish overall DBE goals is as follows:

- Review LTD's **Community Investment Plan (CIP)** and identify projects, for the three-year federal fiscal year (ex: October 1, 2025 thru September 30, 2028) goal setting period. Include the Project Description, Total Estimated Project Cost over the three-year period, Estimated FTA Dollar Share, and Estimated FTA Percentage Share. Exclude projected contract expenditures with transit vehicle manufacturers, as they are exempt from the program.
- Once the projects have been identified, identify the [NAICS codes](#) for each category of work related to the projects and apply the appropriate dollar amounts.
- **Market Area:** LTD's market area is the State of Oregon.

The DBE goals will be established in accordance with the **2-step process** as specified in 49 CFR Part 26.45.

Step 1. The first step is to determine a base figure for the relative availability of DBEs in the market area. LTD will use [COBID](#) and [U.S. Census Bureau data](#) as a method to determine the base figure.

Relative Availability of DBEs: Using the DBE Directory [COBID](#), determine the number of DBEs within the market area.

Relative Availability of All Firms: Using the [U.S. Census Bureau data](#), determine the number of all firms within each industry in the market area.

The base figure is intended to be a measurement of the current ready, willing, and able DBEs as a percentage of all ready, willing and able businesses to perform LTD's anticipated FTA-assisted contracts in LTD's market area. The following formulas are used by LTD, to calculate the final base figure:

1. **Relative Availability (COBID & U.S. Census Bureau):**
Number of DBE Firms in the Industry / All Available Firms in the Market Area
2. **Forecast Weight (CIP & NAICS):** Amount in Contracting Area / Total Contract Opportunities
3. **Weighted Availability:** Relative Availability of DBEs x Forecast Weight
Base Figure = Relative Availability x Forecast Weight

Step 2. Base figure adjustment, LTD will examine relevant and reliable data in LTD's market area to determine if an adjustment to the base figure is warranted. The consideration of an adjustment is intended to account for any impact the relevant factors may have on DBE contracting opportunities with LTD. The following factors will be considered for the Step Two adjustment:

1. Past DBE participation (Historical Median by taking the (3) previous years DBE achieved participation)
2. **Final DBE Goal:** Average (Step 1 Base Figure + Median DBE Participation divided by 2)

Public Participation

LTD will conduct a consultation with the 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 no-disadvantaged businesses.

Following this consultation, LTD 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: 3500 E. 17th Ave, Eugene, OR 97403, for 30 days following the date of the notice, and informing the public that LTD will accept comments on the goals for 30 days from the date of the notice. The notice will be published on LTD's website at [ltd.org](#). The notice must include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

LTD's overall goal submission will include a summary of information and comments received during this public participation process and our responses.

LTD will begin using its overall goal on October 1 of each year, unless it has received other instructions from FTA.

Section 26.47 Goal Setting and Accountability

LTD cannot be penalized, or treated by the FTA as being in noncompliance with this rule, because LTD's DBE participation falls short of our overall goal, unless LTD has failed to administer the program in good faith.

If the awards and commitments shown on LTD's Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall applicable to that fiscal year, LTD must conduct a Shortfall Analyses in order to be regarded by the FTA as implementing the DBE program in good faith:

1. Analyze, in detail, the reasons for the difference between the overall goal and the actual awards/commitments in the fiscal year.
2. Establish specific steps and milestones to correct the problems LTD has identified in the analysis and enable LTD to fully meet the goal for the new fiscal year.

Section 26.49 Transit Vehicle Manufacturer Goals

All Transit Vehicle Manufacturers (TVM), as a condition of being authorized to bid or propose on LTD FTA-assisted transit vehicle procurements, shall certify that it is on the FTA's certified [TVMs list](#) and has complied with the requirements of 49 CFR Section 26.49, including the establishment of an annual overall DBE participation goal that has been submitted to the FTA and either approved, or not disapproved.

Each TVM shall complete and submit with its bid or proposal to LTD a TVM DBE Certification form acknowledging it has complied with this section and has an approved overall DBE goal on file with FTA. LTD shall not include the amount of FTA assistance used in transit vehicle procurements in the base amount from which LTD's overall goal is established.

Within 30 days of becoming contractually required to procure a transit vehicle, LTD must report on FTA's [Transit Vehicle Award Reporting Form](#):

1. The name of the TVM that was the successful bidder; and
2. The Federal share of the contractual commitment at that time.

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

LTD operates a race-neutral DBE program, in accordance with the [Western States Case](#). The goal is to meet the program's objectives to the maximum extent feasible while striving to achieve the overall goals of the program. DBE participation that is obtained on contracts that have no specific DBE goal, or where prime contractors use a strictly competitive bidding process, or do not consider the DBE's status as a DBE in awarding a subcontract shall be considered race-neutral DBE participation. In addition, LTD will use the following measures as appropriate:

1. Structuring contracting requirements to facilitate competition by small business concerns.
2. Taking reasonable steps to eliminate obstacles to small business participation (e.g. eliminating unnecessary and unjustified bundling by configuring large contracts into smaller contracts when feasible), when to do so would make contracts more accessible to small business and would not impose significant additional cost, delay or risk to LTD.
3. Providing technical assistance in orienting small businesses to public contract procedures, use of the internet, and facilitating introductions to LTD's contracting activities.
4. Providing outreach and communications on contract procedures and opportunities to

ensure the inclusion of DBEs.

5. Ensuring distribution of the DBE database to the widest feasible universe of potential prime contractors.

Section 26.51 (d-g) Contract Goals

This section does not apply to LTD in accordance with the [Western States Decision](#).

Federal Transit Administration recipients comprising the Ninth Federal Judicial Circuit include these US states: California, Oregon, Washington, Alaska, Arizona, Idaho, Montana, Nevada, and Hawaii.

In a wholly race-neutral program (e.g., the annual overall DBE goal has been approved with no portion of it projected to be attained by using race- and gender-conscious means) the recipient (e.g., LTD) does not set contract goals on any of its US DOT-assisted contracts for which DBE subcontracting possibilities exist. Recipients (e.g., LTD) having an all-race-neutral program are not required to establish contract goals to meet any portion of their overall goal.

Section 26.53 (a-d, f) Good Faith Efforts Procedures

This section does not apply to LTD in accordance with the [Western States Decision](#).

Section 26.55 Counting DBE Participation

LTD will count DBE participation toward overall goals as provided in [49 CFR 26.55](#).

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

LTD will use the certification standards of Subpart [D of Part 26](#) to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts.

LTD enters into an Intergovernmental Agreement (IGA) with the State of Oregon for the DBE certification process. The State of Oregon, through its Oregon Department of Transportation (ODOT), holds responsibility for overseeing the Oregon Unified Certification Program (UCP). Additionally, the Oregon Business Development Department (OBDD) delegates the authority for administering the DBE Certification Component of the Oregon UCP to its Certification Office for Business Inclusion and Diversity ([COBID](#)).

For information about the certification process or to apply for certification please visit this site: [COBID](#)

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

LTD is a non-certifying member of a Unified Certification Program (UCP) administered by [COBID](#). [COBID](#) will meet all of the requirements of 49 CFR Part 26.

The UCP is designed to streamline and centralize the certification process for DBEs in Oregon. It provides a single application process for businesses seeking DBE certification for federal transportation contracts, ensuring consistency and efficiency across multiple state and local agencies.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

LTD will safeguard from disclosure to third party's information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. (See ORS Chapter 192) Notwithstanding any contrary provisions of state or local law, LTD 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

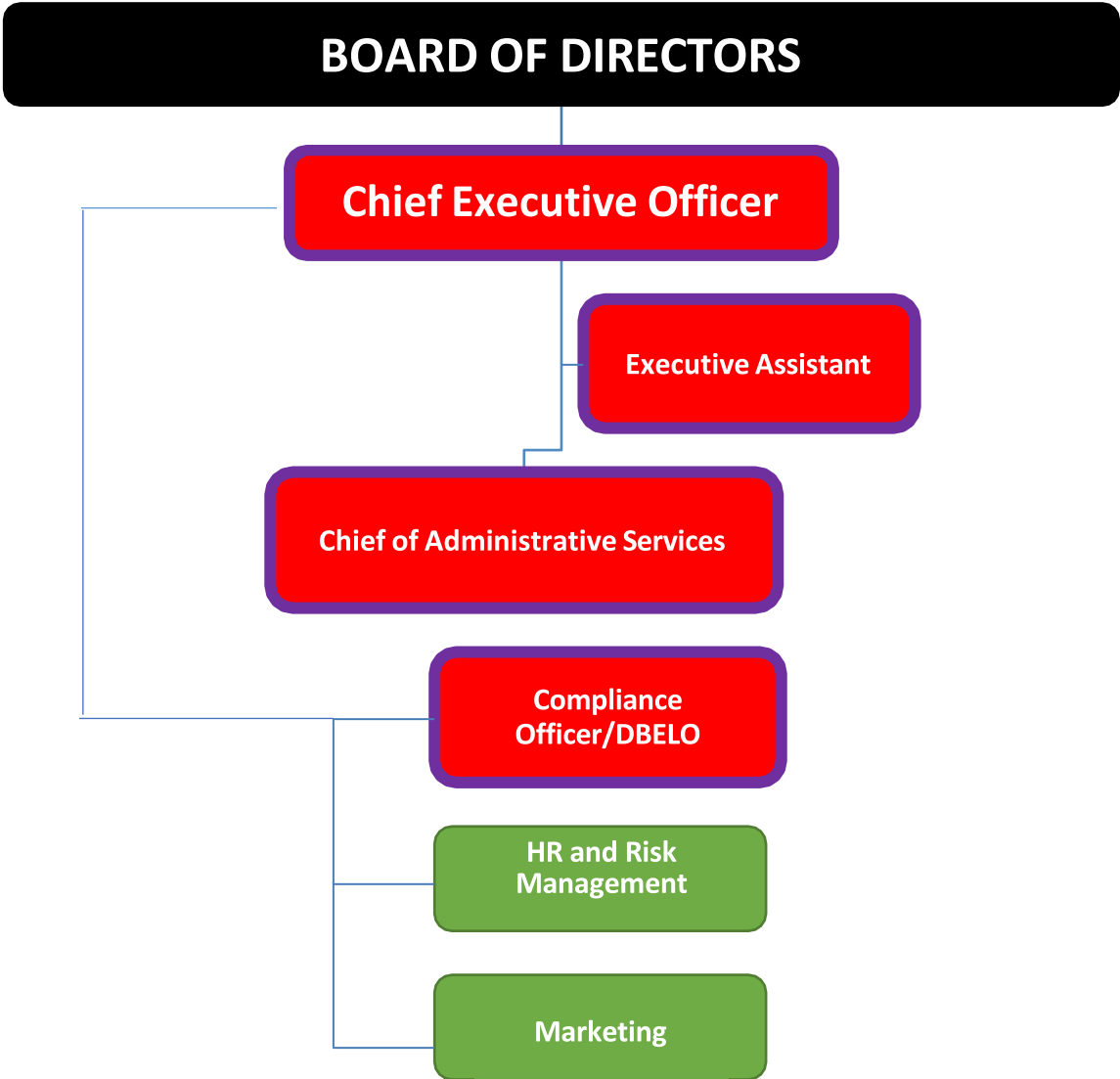
LTD will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of LTD or DOT. This reporting requirement also extends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

LTD 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.

ATTACHMENTS:

Attachment 1	Organizational Chart
Attachment 2	DBE Directory
Attachment 3	Monitoring and Enforcement Mechanism
Attachment 4	Overall Goal Calculation
Attachment 5	Breakout of Estimated Race-Neutral Participation
Attachment 6	Certification Application Forms
Attachment 7	Link to USDOT DBE Rule 49 CFR part 26

Attachment 1
Organizational Chart



Attachment 2

DBE Directory

The Certification Office for Business Inclusion and Diversity (COBID) certifies minority-owned, women-owned, and service-disabled veteran-owned business owners and emerging small businesses interested in contracting with state, county, and city government agencies; and is the sole UCP of Oregon which certifies DBEs. The COBID “Directory of Certified Firms,” is maintained and updated daily by COBID. Pursuant to 49 CFR Part 26, LTD will use the COBID Directory as the primary resource in developing overall and contract-specific DBE participation goals and conducting outreach and other activities to promote DBE participation in DOT contracts. The COBID Directory is available to the public at: [COBID](#)

Attachment 3

Monitoring and Enforcement Mechanism

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

1. LTD will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with LTD's Policy and its 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 Section V. A. of this Policy and Program.
2. LTD will consider similar action under its own legal authority, including responsibility determinations in future contracts. This **Attachment 3: Monitoring and Enforcement Mechanism** contains a non-exhaustive summary of remedies available to LTD in the events of non-compliance with the DBE regulation by a participant in its procurement activities.
3. LTD will provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by routine site visits and regular review of contract performance conducted by staff assigned to manage contracted work.
4. LTD will monitor actual payments to DBE firms for work committed to them at the time of contract award.

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

1. Breach of contract action, pursuant to the terms of the contract;
2. Breach of contract action, pursuant to ORS 12.080;
3. Suspension of a bidder's or contractor's right to bid or participate in any public contract suspended for up to 90 days for a first violation, up to one year for a second violation and up to five years for a third violation pursuant to ORS 200.75; and
4. Referral to the Oregon Department of Justice for criminal investigation and, if warranted, prosecution.

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:

1. Suspension or debarment proceedings pursuant to 49 CFR part 26;
2. Enforcement action pursuant to 49 CFR part 31; and
3. Prosecution pursuant to 18 USC 1001.

Attachment 4

Overall Goal Calculation

In accordance with 49 CFR Part 26, Section 26.45, LTD will submit its triennial overall DBE goal to the FTA on August 1 of the year specified by the FTA for each three (3) year period. The process used by LTD to establish overall DBE goals is as follows:

- Review LTD's **Community Investment Plan (CIP)** and identify projects, for the three-year federal fiscal year (ex: October 1, 2025 thru September 30, 2028) goal setting period. Include the Project Description, Total Estimated Project Cost over the three-year period, Estimated FTA Dollar Share, and Estimated FTA Percentage Share. Exclude projected contract expenditures with transit vehicle manufacturers, as they are exempt from the program.
- Once the projects have been identified, identify the [NAICS codes](#) for each category of work related to the projects and apply the appropriate dollar amounts.
- **Market Area:** LTD's market area is the State of Oregon.

The DBE goals will be established in accordance with the **2-step process** as specified in 49 CFR Part 26.45.

Step 1. The first step is to determine a base figure for the relative availability of DBEs in the market area. LTD will use [COBID](#) and [U.S. Census Bureau data](#) as a method to determine the base figure.

Relative Availability of DBEs: Using the DBE Directory [COBID](#), determine the number of DBEs within the market area.

Relative Availability of All Firms: Using the [U.S. Census Bureau data](#), determine the number of all firms within each industry in the market area.

The base figure is intended to be a measurement of the current ready, willing, and able DBEs as a percentage of all ready, willing and able businesses to perform LTD's anticipated FTA-assisted contracts in LTD's market area. The following formulas are used by LTD, to calculate the final base figure:

4. **Relative Availability (COBID & U.S. Census Bureau):**
$$\text{Number of DBE Firms in the Industry} / \text{All Available Firms in the Market Area}$$
5. **Forecast Weight (CIP & NAICS):**
$$\text{Amount in Contracting Area} / \text{Total Contract Opportunities}$$
6. **Weighted Availability:**
$$\text{Relative Availability of DBEs} \times \text{Forecast Weight}$$

Base Figure =
$$\text{Relative Availability} \times \text{Forecast Weight}$$

Step 2. Base figure adjustment, LTD will examine relevant and reliable data in LTD's market area to determine if an adjustment to the base figure is warranted. The consideration of an adjustment is intended to account for any impact the relevant factors may have on DBE contracting opportunities with LTD. The following factors will be considered for the Step Two adjustment:

3. Past DBE participation (Historical Median by taking the (3) previous years DBE achieved participation)
4. **Final DBE Goal:**
$$\text{Average (Step 1 Base Figure} + \text{Median DBE Participation divided by 2)}$$

Attachment 5

Breakout of Estimated Race-Neutral Participation

LTD intends to use race-neutral methods to the maximum extent feasible to achieve its overall goals. DBE participation that is obtained on contracts that have no specific DBE goal, or where prime contractors use a strictly competitive bidding process, or do not consider the DBE's status as a DBE in awarding a subcontract shall be considered race-neutral DBE participation. In addition, LTD will use the following measures as appropriate:

1. Structuring contracting requirements to facilitate competition by small business concerns.
2. Taking reasonable steps to eliminate obstacles to small business participation (e.g. eliminating unnecessary and unjustified bundling by configuring large contracts into smaller contracts when feasible), when to do so would make contracts more accessible to small business and would not impose significant additional cost, delay or risk to LTD.
3. Providing technical assistance in orienting small businesses to public contract procedures, use of the internet, and facilitating introductions to LTD's contracting activities.
4. Providing outreach and communications on contract procedures and opportunities to ensure the inclusion of DBEs.
5. Ensuring distribution of the DBE database to the widest feasible universe of potential prime contractors

Attachment 6

Certification Application Forms

The Certification Office for Business Inclusion and Diversity (COBID) certifies minority-owned, women-owned, and service-disabled veteran-owned business owners and emerging small businesses interested in contracting with state, county, and city government agencies; and is the sole UCP of Oregon which certifies DBEs. The COBID “Directory of Certified Firms,” is maintained and updated daily by COBID. Pursuant to 49 CFR Part 26, LTD will use the COBID Directory as the primary resource in developing overall and contract-specific DBE participation goals and conducting outreach and other activities to promote DBE participation in DOT contracts. The COBID Directory is available to the public at: [COBID](#)

Attachment 7

Link to USDOT DBE Rule 49 CFR Part 26

Table: [49 CFR Part 26](#)

Full Text: [PART 26—PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS](#)