

DBE Plan

for the

**Transit Authority of Central Kentucky
(TACK)**

Approved: January 2016

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Subpart A- General Requirements

Section 26.1, 26.23 Objectives

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

Section 26.3 Applicability

TACK 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, US Code, or Titles I, II, and V of the TEAS-21, Pub. L. 105-178.

Section 26.5 Definitions

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

Section 26.7 Non-Discrimination Requirements

TACK will not 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, TACK 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

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

TACK will report DBE participation to the relevant operating administration using the Uniform Report of DBE Awards or Commitments and Payments found in Appendix B to the DBE regulation

Bidders List: 26.11(c)

TACK will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidders' list approach to calculating overall goals. The bidder list will include the name, address, phone, e-mail, DBE/non-DBE status, and services provided.

TACK's contractors/vendors will submit relevant DBE contracting information quarterly so that the information can be submitted to DOT.

Section 26.13 Assurances

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

Federal Financial Assistance Agreement Assurance: 26.13(a)

TACK will ensure that the following language will appear in financial assistance agreements with sub-recipients:

TACK shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contracts 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 TACK of its failure to carry out its approved program, the Department may impose sanction as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 USC 1001 and/or Program Fraud Civil Remedies Act of 1986 (31 USC 3801 et seq).

Contract Assurance: 26.13(b)

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

The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of 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.

Subpart B- Administrative Requirements

Section 26.21 DBE Program Updates

Since TACK 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.

Section 26.25 DBE Liaison Officer (DBELO)

We have designated the following individual as our DBE Liaison Officer:

Victoria Burt
Transit Authority of Central Kentucky
1209 N. Dixie Hwy
Elizabethtown, KY 42701
270-765-2612, ext 235
vburt@tacktransit.org

In this capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the TACK complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Executive Director of TACK concerning DBE program matters. An organizational chart displaying the DBELO's position in the organization is found in Attachment 1 to this plan.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
4. 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 progress.
5. Analyzes TACK's progress toward attainment and identifies ways to improve progress.
6. Participates in pre-bid meetings.
7. Advises TACK management on DBE matters and achievement.
8. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
9. Plans and participates in DBE training seminars.
10. Certifies DBEs according to the criteria set by DOT and acts as liaison to the Uniform Certification Process in Kentucky.
11. Provides outreach to DBEs and community organizations to advise them of opportunities.
12. Maintains TACK's updated directory on certified DBEs.

Section 26.27 DBE Financial Institutions

It is the policy of TACK 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 contract to make use of these institutions. TACK will re-evaluate the availability of DBE financial institutions every 24 months.

To date we have not identified any such institutions.

Section 26.29 (a) Prompt Payment Mechanisms

TACK will include the following clause in each DOT-assisted contracts:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 10 business days from the receipt of each payment the prime contract receives from TACK. The prime contractor agrees further to return retainage payments to each subcontractor within 10 business days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of TACK. This clause applies to both DBE and non-DBE subcontracts.

Section 26.29 (b) Retainage

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

The prime contractor agrees to return retainage payments to each sub-contractor within 10 business days after the subcontractor work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of TACK. This clause applies to both DBE and non-DBE subcontracts.

Section 26.29(d) Monitoring and Enforcement

The awarding agency will review subcontractor payments from the prime contractor to ensure payments and retainage are being made within the required time frame.

Section 26.31 Directory

TACK will utilize the KY Transportation Cabinet DBE Directory. The Directory is available at: [KY State DBE Directory](#)

Section 26.33 Overconcentration

TACK has not determined that an overconcentration exists in the types of work that DBEs perform.

Section 26.36 Business Development Programs

TACK has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

TACK will utilize the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26:

1. We will bring to the attention of the KY Transportation Cabinet any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps provided for in 26.109 (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).
2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. Attachment 3 lists the regulation, provisions, and contract remedies available to us in the events of non-compliance with the DBE regulation by a participant in our procurement activities.
3. We will also verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by reviewing the DBE listing and verifying that all information is correct.
4. We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

Section 26.39 Small Business Participation

TACK will assist small business participation in DOT-assisted public works projects in the following ways:

1. Make RFPs/solicitations more attractive to small businesses
2. Unbundle contracts/bids (when appropriate)
3. Simplify or reduce bonding requirements (when appropriate)
4. Provide information to perspective bidders through our Bidder List database

Small Business outreach will be conducted in conjunction with bidding opportunities and information will be disseminated through any of following methods: fax, e-mail, newspaper, internet, or phone.

Subpart C – Goals, Good Faith Efforts, & Counting

Section 26.43 Set-asides or Quotas

TACK does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

In accordance with Section 26.45 TACK will submit its overall goal to FTA by August 1 of each year. Before establishing the overall goal each year, TACK will consult with relevant industry groups and government organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and TACK efforts to establish a level playing field for the participation of DBEs.

Following this consultation, we will publish a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at Transit Authority of Central Kentucky for 30 days following the date of the notice, and informing the public that TACK and DOT will accept comments on the goals for 45 days from the date of the notice. The notice will be advertised through TACK's website and any of its sub-recipients' websites. TACK and its sub-recipients will attempt to advertise this notice by June 1st of each year. The notice will include the addresses to which comments may be sent and addresses, both physical and internet, where the proposal may be reviewed.

Our overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses.

TACK will begin using the overall goal on October 1 of each year, unless we have received other instructions from DOT. If a DBE goal is established for a project, TACK will begin using the goal by the time of the first solicitation for a DOT-assisted contract for the project.

Section 26.47 Goal Setting and Accountability

If the awards and commitments shown on the TACK'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, we will:

- 1) Analyze the reason for the difference between the goal and the actual awards/commitments;
- 2) Establish opportunities and milestones to correct the problems in the analysis.

Section 26.49 Transit Vehicle Manufacturers Goals

TACK 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, TACK may, at its discretion and with FTA approval,

establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

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

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 5 to this plan. This section of the plan will be updated annually when the goal calculation is updated.

Section 26.51(d-g) Contract Goals

TACK will use contract goals to meet any portion of the overall goal. 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.

We will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every contract, and the size of contract goals will be adapted to the circumstances of each 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 Federal share of a DOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures

Award of Contracts with a DBE Contract Goal: 26.53(a):

In those instances, where a contract-specific DBE goal is included in a procurement/solicitation, TACK will award the contract to a bidder who does not either: (1) meet the contract goal with verified, countable DBE participation; or (2) documents it has made adequate good faith efforts to meet the DBE contract goal, even though it was unable to do so. It is the obligation of the bidder to demonstrate it has made sufficient good faith efforts prior to submission of its bid.

Demonstration of good faith efforts (26.53(a) & (c))

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26.

The DBELO will be responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

TACK will ensure that all information is complete and accurate and adequately document the bidder/offeror's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

Information to be submitted (26.53(b))

TACK treats bidder's/offers' compliance with good faith efforts' requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require the bidders/offers to submit 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;
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;
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.

Administrative reconsideration (26.53(d))

Within 14 days of being informed by TACK that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offers may request administrative reconsideration. Bidder/offers should make this request in writing to the following reconsideration official:

Executive Director
TACK
1209 N. Dixie Hwy
Elizabethtown, KY 42701

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

As part of this reconsideration, the bidder/offers 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/offers will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. The reconsideration official will send the bidder/offers 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.

Good Faith Efforts when a DBE is replaced on a contract (26.53(f))

TACK 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 contract goal. We will require the prime contractor to notify the DBE Liaison officer 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 prior approval of the substitute DBE and to 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 officer 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.

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the TACK to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offers, including those who qualify as a DBE. A DBE contract goal of seven percent (7%) has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 9), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required 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 firm will perform;
- (3) The dollar amount of the participation of each DBE firm participating;
- (4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal;
- (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under
- (6) If the contract goal is not met, evidence of good faith efforts.

Section 26.55 Counting DBE Participation

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

Subpart D- Certification Standards

Section 26.61-26.73 Certification Process

TACK will use the DBE directory that is managed by the KY Transportation Cabinet. All DBE firms must meet the Certification Process established by the KY Transportation Cabinet. TACK will review the KY Transportation Cabinet DBE Directory quarterly to review any updates and/or changes.

For information about the certification process or to apply for certification, firms should contact:

DBELO
KY Transportation Cabinet
200 Mero Street
Frankfort, KY 40622
502-564-3601

Certification application information is found in Attachment 7 to this program.

Subpart E- Certification Procedures

Section 26.81 Unified Certification Programs

TACK is a member of a UCP at this time in partnership with the KY Transportation Cabinet. The TACK will only count those DBE firms certified by the KY Transportation Cabinet.

Section 26.83 Procedures for Certification Decisions

Re-certification 26.83(a) & (c)

TACK will review the KY Transportation Cabinet DBE Directory quarterly to review any updates and/or changes. All recertification will be handled through the KY Transportation Cabinet.

“No Change” Affidavits and Notices of Change (26.83(j))

All DBE “No Change” Affidavits and Notices of Change will be handled through the KY Transportation Cabinet. TACK will review the KY Transportation Cabinet DBE Directory quarterly to review any updates and/or changes.

Section 26.85 Denials of Initial Requests for Certification

All Denials of Initial Request for Certification will be handled through the KY Transportation Cabinet. TACK will review the KY Transportation Cabinet DBE Directory quarterly to review any updates and/or changes.

Section 26.87 Removal of a DBE’s Eligibility

All Removals of a DBE’s Eligibility will be handled through the KY Transportation Cabinet. TACK will review the KY Transportation Cabinet DBE Directory quarterly to review any updates and/or changes.

Section 26.89 Certification Appeals

Any firm or complainant may appeal our decision in a certification matter to DOT. Such appeals may be sent to:

Department of Transportation
Office of Civil Rights Certification Appeals Branch
400 7th Street, SW
Room 2104
Washington, D.C. 20590

TACK will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT-assisted contracts (e.g., certify a firm if DOT has determined that our denial of its application was erroneous).

Subpart F- Compliance and Enforcement

Section 26.109 Information, Confidentiality, Cooperation

TACK will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, State, and Local Law. The Freedom of Information Act Exemption 4 and the KY Open Records Act, KRS 61.870-61.884 detail what public records are available for review and grant exemptions for confidential and proprietary information.

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 the Department of Transportation, without the written consent of the submitter.

Monitoring Payments to DBEs

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

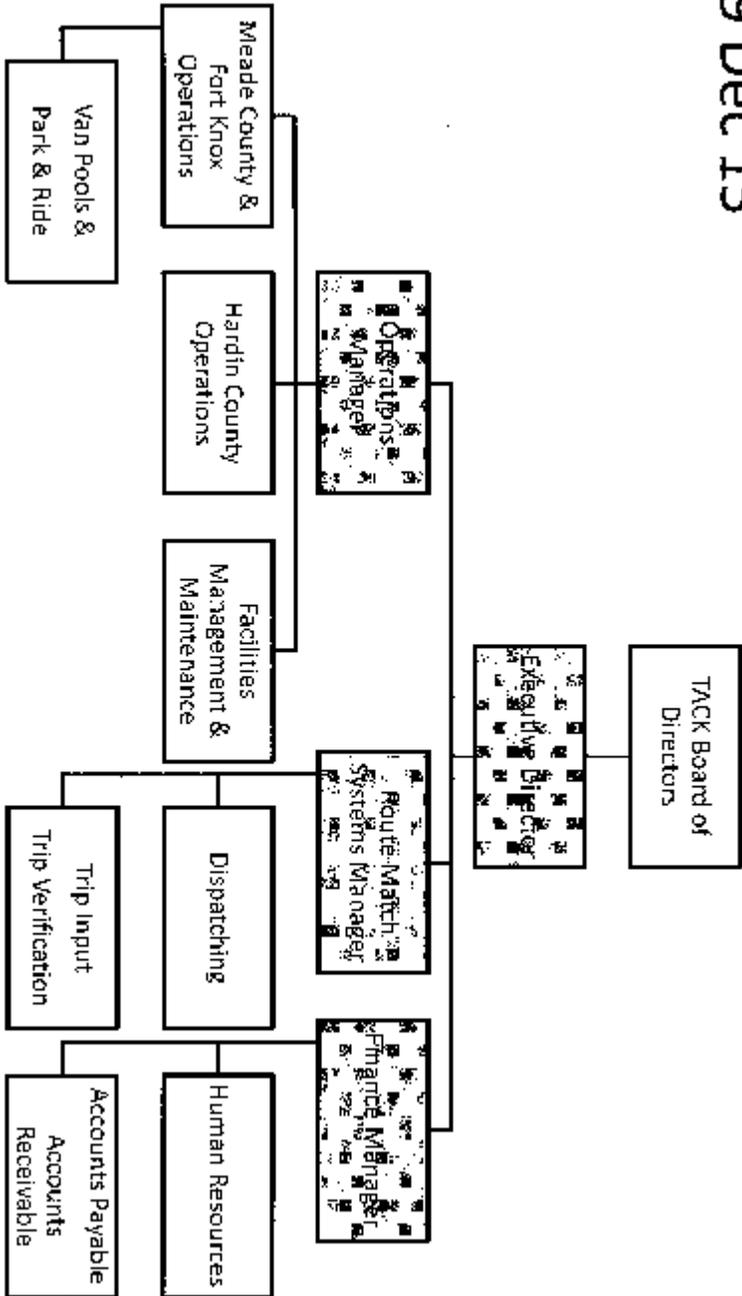
We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

Attachments

Attachment 1	Organizational Chart
Attachment 2	DBE Directory/Bidders List
Attachment 3	Monitoring and Enforcement Mechanisms
Attachment 4	Overall Goal Calculation
Attachment 5	Breakout of Estimate Race-Neutral & Race-Conscious Participation
Attachment 6	Forms 1 & 2 for Demonstration of Good Faith Efforts
Attachment 7	Certification Application Forms
Attachment 8	Procedures for Removal of DBE's Eligibility
Attachment 9	Regulation: 49 CFR Part 26

Attachment 1

Transit Authority of Central Kentucky 29 Dec 15



1/12/2016

Attachment 2

DBE Vendors who have contracted with TACK in the past

Advertising with Bonnie LLC

Ms. Bonnie Byrn, President

109 Mahan Avenue

London KY 40741

(606) 864-5725, FAX: (606) 864-2387

Bbyrn1@alltel.net

Service Vendor Provides: Promotional Materials, Shirts, Hats,

Third Rock Consultants, LLC

Ms. Molly Foree, Pres.

2526 Regency Road, Suite 180

Lexington, KY 40503-2996

(859) 977-2000, FAX: (859) 977-2001

mforee@thirdrockconsultants.com

Service Vendor Provides: Environmental Consulting (Transit Center Environmental Assessment)

Health Connections

Sarah Haydon, Owner

3004 Town Branch Road

Lexington, KY 40511

(859)805-0507

sarahhaydon@healthconnectionllc.com

Jones & Ritchie PSC

Judy Jones

2024 Shadybrook Lane

Lexington, KY 40502

(859)687-0303

jonesandritchie@aol.com

Rees Office Products

Rick and Margie Beach

301 W Lexington Ave

Winchester, KY 40391

(859)744-7485

rick@reesop.com

Attachment 3

Monitoring and Enforcement Mechanisms

TACK 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 the laws of the Commonwealth of Kentucky
3. Breach of contract action, pursuant to Bowling Green Code of Ordinances

In addition, the federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE program, 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
3. Prosecution pursuant to 18 USC 1001.

Attachment 4 Overall Goal Calculation

Amount of Goal

1. TACK's overall goal for FY 2015 is the following: Our goal is to expend 7% of the Federal Financial assistance in DOT-assisted contracts.
*This goal is exclusive of any federal financial assistance for the purchase of vehicles.

Methodology used to Calculate Overall Goal

Step 1: 26.45(c)

The base figure for the relative availability of DBEs was calculated as follows:

$$\begin{aligned} \text{Base Figure} &= \text{Ready, willing, and able DBEs} / \text{All firms ready, willing and able} \\ \text{Base Figure} &= 8,449 \text{ MBE Firms} + 77,159 \text{ WBE Firms} / 296,765 \text{ KY Firms} \\ \text{Base Figure} &= 85,608 \text{ DBE Firms} / 281,551 \text{ KY Firms} \\ \text{Base Figure} &= 30.4\% \end{aligned}$$

The data sources to derive the numerator:

“KY Minority Owned Business Report 2006,” KY Cabinet for Economic Development.
“KY Women-Owned Firms 2002,” KY Cabinet for Economic Development.

The data source or demonstrable evidence used to derive the denominator was:

“KY Minority Owned Business Report 2006,” KY Cabinet for Economic Development.

When we divided the numerator by the denominator, we arrived at the base figure for our overall goal; that number was .304, or 30.4%.

Step 2: 26.45(d)

After calculating a base figure of the relative availability of DBEs, evidence was examined to determine what adjustment was needed to the base figure in order to arrive at the overall goal.

In order to reflect as accurately as possible the DBE participation we would expect in the absence of discrimination we have adjusted our base figure by 78%. This is because our analysis of industry classification for DBE listings showed that 78% of the firms are in industries that the transit system would not be contracting. Potential contracting industries include: Financial, Insurance, & Real Estate (FIRE), Administrative & Support Services, & Construction. These industries represented approximately 22% of the DBE firms in KY.

The data used to determine the adjustment to the base figure was: “KY Women-Owned Firms 2002” KY Cabinet for Economic Development

Attachment 4
Overall Goal Calculation (continued)

From this data, we have adjusted our base figure to: 7%

$$\begin{aligned} \text{Base Figure} \times \text{Adjustment Percentage} &= \text{DBE Goal} \\ 30.4 \times .22 &= .06688 \approx 7\% \end{aligned}$$

Summer 2014- There have not been significant shifts in DBE business activity to change the calculation from the above amounts and the TACK will continue with the DBE goal of 7%.

Public Participation

We published our goal information in these publications: TACK Website.

We received comments from these individuals or organizations: No Comments Received.

Summaries of these comments are as follows: No Comments Received

Our responses to these comments are: No Responses Sent.

Attachment 5

Breakout of Estimate Race-Neutral & Race-Conscious Participation

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

- Provide application information to interested parties.
- Review the KY Transportation Cabinet DBE Directory for changes and updates.
- Publish DBE goal and receive comments.

Currently TACK does not have sufficient data to support utilizing race-conscious participation. On this basis, we estimate that, in meeting our overall goal of 7%, we will obtain 100% from race-neutral participation and 0% through race-conscious measures.

In order to ensure that our DBE program will be narrowly tailored to overcome the effects of discrimination, we will adjust the estimated breakout of race-neutral and race-conscious participation as needed in contract goals to reflect actual DBE participation, 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.
- DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

Attachment 6
Forms 1&2 for Demonstration of Good Faith Efforts

Form 1
DBE Utilization

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner (please check the appropriate space):

_____ The bidder/offeror is committed to a minimum of _____% DBE utilization on this contract.

_____ The bidder/offeror is committed to a minimum of _____ % DBE utilization on this contract and must submit documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: _____

By _____
Signature Title

Attachment 6
Forms 1&2 for Demonstration of Good Faith Efforts

Form 2
Letter of Intent

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE Firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE Firm:

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value for this work is \$_____.

Affirmation

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By: _____
Signature Title

If the bidder/offeror does not receive award of the prime contract, any and all representation in this Letter of Intent and Affirmation shall be null and void.

(Submit page for each DBE subcontractor)

Attachment 7

Certification Application Forms

The forms used in relation to the DBE Program are subject to modification from time to time. Please check the Kentucky Transportation Cabinet website at <http://www.transportation.ky.gov> for current information impacting the DBE Program or call the phone number(s) indicated.

**Available through the Office for Civil Rights and Small Business
Development at 502-564-3601:**

DBE Certified and Prequalified Directory

DBE Program Plan

Unified Certification Program (UCP) Application Packet

**Available through the Division of Construction Procurement at
502-564-3500:**

Certificate for Eligibility or Continuation Prequalification Packet

DBE Detail Participation Plan

General DBE Participation Plan

Prequalified Contractors List

Attachment 8

Procedures for Removal of DBE's Eligibility

It will be the responsibility of the KY Transportation Cabinet to remove the DBE's eligibility. TACK will monitor the DBE listing to ensure compliance.

Attachment 9

Regulation: 49 CFR Part 26

Go to www.ecfr.gov and choose Title 49 Transportation. You can then click on Part 1 – 99 under Subtitle A – Office of the Secretary of Transportation, then scroll down to Part 26 and click on this. It will take you to the regulation listed above, 49 CFR Part 26.