
**DISADVANTAGED BUSINESS
ENTERPRISE
PROGRAM AND PLAN**

March 1, 2025

**VICTOR
VALLEY
TRANSIT**



**Updated 03/01/2025.
(49 CFR Part 26)**

Policy Statement

Section 26.1, 26.23 Objectives/Policy Statement

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

It is the policy of VVTA to ensure that DBEs, as defined in Part 26, have an equal opportunity to participate in DOT-assisted contracts. It is also VVTA's policy:

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

The Procurement Manager position has been designated as the DBE Liaison Officer. In that capacity, Christine Plasting 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 VVTA in its financial assistance agreements with the Department of Transportation.

VVTA has disseminated this policy statement to the Board of Directors, to employees of the organization, and to DBE and non-DBE businesses that have performed work for VVTA on DOT-assisted contracts. Distribution of this policy statement is accomplished by the posting of this policy on the VVTA website at <http://vvta.org/procurement>.



Nancie Goff, Chief Executive Officer (CEO)



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

VVTA is the recipient of federal transit funds authorized by Titles I, III, V, and VI of the Intermodal Surface Transportation Efficiency Act of 1991 (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.

Section 26.5 Definitions

VVTA will adopt the definitions contained in section 26.5 for this program.

Section 26.7 Non-discrimination Requirements

VVTA 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.

In administering its DBE program, VVTA 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 26.9 – Not applicable

Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11(b)

VVTA will report DBE participation to DOT as follows:

VVTA will report DBE participation on a semi-annual basis, using the Federal Transit Administration's Transit Award Management System (TrAMS). These reports will reflect payments actually made to DBEs on DOT-assisted contracts.

Bidders List: 26.11 (c)

VVTA has created bidder's lists, 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 bidders list will include the name, address, DBE non-DBE status, race and gender information of the firm's majority owner, NAICS code applicable to each scope of work the firm sought to perform in its bid, and the age of the firm.

VVTA will collect the data from all bidders for federally assisted contracts by requiring the information listed in the above paragraph to be submitted with their bids and proposals.

VVTA is not a DBE Certifying agency.

Section 26.13 Federal Financial Assistance Agreement

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

Assurance: 26.13 (a)

VVTA 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. VVTA shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. VVTA'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 VVTA 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: 26.13b

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

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

VVTA is now considered a Tier I Recipient who will award prime contracts exceeding a cumulative total value of \$670,000 in FTA funds in a federal fiscal year, excluding transit vehicle purchases.

VVTA will continue to carry out this DBE program and meets the following requirements:

- (i) Reporting and record keeping under 26.11; and

- (ii) Contract assurances under 26.13.
- (iii) Policy statement under 26.23
- (iv) Fostering small business participation under 26.39; and
- (v) Transit Vehicle Procurements under 26.49

VVTA collects this information in the following ways:

State of CA DBE listing; State of CA Small Business/DVBE listing; a notice in all solicitations requiring bidders to report information directly to VVTA within their proposal package. Subcontractors will be required to report this information directly to VVTA once the Notice to Proceed has been issued to the Prime contractor.

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

VVTA has designated the following individual as its DBE Liaison Officer:

Christine Plasting
Procurement Manager
Victor Valley Transit Authority
17150 Smoke Tree St.
Hesperia, California 92345
(760) 995-3583 (P) * (760) 948-1380 (F)
cplasting@vvta.org

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

The DBELO is responsible for developing, implementing, and monitoring the DBE program in coordination with other appropriate officials. The DBELO's 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 the DBE program.
3. Works with all departments to set overall goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurement so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes VVTA's progress toward goal attainment and identifies ways to improve progress.

7. Participates in pre-bid meetings.
8. Advises the CEO and Board of Directors on DBE matters and achievement.
9. Participates with the Project Manager to determine contractor compliance with good faith efforts.
10. Provides DBEs with information and assistance in preparing bids and obtaining bonding and insurance.
11. Plans and participates in DBE training seminars.
12. Provides outreach to DBEs and community organizations to advise them of opportunities.
13. Maintains VVTA's updated directory on certified DBE's.
14. Delegates the above and other DBE tasks to appropriate staff.

Section 26.27 DBE Financial Institutions

It is the policy of VVTA 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. VVTA has identified the following such institutions:

Through the California UPC website, to date VVTA has identified the following such institutions:

Alamo Capital Financial Services, 201 N. Civic Drive #360, Walnut Creek, CA
Backstrom McCarley Berry & Co., LLC, 130 Battery Street, Suite 560, Mez A, San Francisco, CA 94111
Capital Access, 610 Wichita Ave., El Cajon, CA 92019
Living Benefits, Inc. 4680 Savona Place, San Diego, CA 92130

Information on the availability of such institutions can be obtained from the DBE Liaison Officer.

Section 26.29 Prompt Payment Mechanisms

VVTA includes the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 7 days from the receipt of each payment the prime contractor receives from VVTA. The prime contractor further agrees to return retainage payments to each subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of VVTA. This clause applies to both DBE and non-DBE subcontractors. A delay in payment by a prime contractor to a subcontractor is grounds for delay in the release of any retention payments due the prime contractor until restitution has been made to the subcontractor.

A subcontractor's work is satisfactorily completed when all tasks called for in the subcontract have been accomplished and documented as required by VVTA.

VVTA will include the following mechanisms for proactive monitoring and oversight of a prime contractor's compliance with subcontractor prompt payment and return of retainage:

Prime contractors are required to provide evidence that the payments to their subcontractors have been made within the required 30 days. The evidence includes a copy of reports showing when the payments were made. If further evidence is needed, VVTA has the option to request the invoices to ensure the reports received are correct.

For construction contracts, VVTA has contracted with third-party Construction Managers who are required to review invoices to ensure the subcontractors have been paid as required.

If a contractor has not made a prompt payment to a subcontractor, VVTA reserves the right to exercise liquidated damages to the prime contractor for each day the prompt payment is late.

For Construction Contracts, VVTA reserves the right to withhold payment or retention to the Prime Contractor until the subcontractors have received their payments of invoices and/or retention.

Section 26.31 Directory

VVTA maintains a directory identifying all firms eligible to participate as DBEs. The directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. VVTA revises the Directory at the end of each semi-annual period and during the planning period of a solicitation. VVTA makes the Directory available as follows:

www.vvta.org/procurement, and requests made directly to the DBELO at bids@vvta.org.

The State of California Unified Certification Directory may be found at <https://californiaucp.dbesystem.com/>

Section 26.33 Overconcentration

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

Section 26.35 Business Development Programs

VVTA has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

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

1. VVTA will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the DBE program, so that DOT can take the steps as provided for in Section 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. VVTA will also consider similar action under its own legal authority, including responsibility determinations in future contracts.
3. VVTA will also provide monitoring and enforcement mechanisms to verify the work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by contract compliance inspections by contracted Construction Managers, performing site visits and employee interviews with workers on the job sites for construction projects, and the DBELLO will perform inspections for any other contracts let out not affiliated with the Purchased Transportation contract at VVTA. The VVTA Contract Compliance officer will perform inspections for the Purchased Transportation project.
4. VVTA will keep a running tally of actual payments to DBE firms for work committed to them at the time of the contract award.

Section 26.39 Fostering Small Business Participation

1. Due to the decision made by the 9th Circuit Court of Appeals, VVTA's DBE Goal is Race-Neutral.
2. VVTA fosters Small Business Participation by utilizing the State of CA's Calprocure system: <https://caleprocure.ca.gov/pages/PublicSearch/supplier-search.aspx?psNewWin=true>
3. Solicitations are then sent directly or through publicpurchase.com to those businesses who are certified SB/DBVE.
4. As required by the State of California, VVTA must advertise solicitations in newspapers of general circulation. VVTA has established the process to include minority focused newspapers for those advertisements as a way to foster participation by DBEs and Small Businesses. The newspapers are El Chicano and San Bernardino American News.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

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

Section 26.45 Overall Goals

The purpose of an overall goal is to achieve a “level playing field” for ready, willing, and able DBEs seeking to participate in federally assisted contracts at VVTA. In an effort to establish this level playing field, VVTA has examined its programs and relevant local markets and has determined the amount of participation that DBEs would be expected to achieve in the

absence of present and past effects of discrimination. The Code of Federal Regulations (49 CFR part 26) requires recipients of DOT federal aid to use a two-step process in the development of their Overall DBE Goal.

Step One:

Determine the base figure for the Overall DBE Goal. VVTA first identified the upcoming Federally funded operational and capital projects and the total FTA funding amount is required to be at least \$250,000. Revenue vehicle purchases were not considered. VVTA then identified subcontracting opportunities attributable to the upcoming Federally funded capital and operational projects and used the North American Industry Classification System (NAICS) Codes and the American Public Transportation Association (APTA) comparable. VVTA then decided on the San Bernardino County market range for each subcontracting opportunity.

VVTA next calculated the relative availability of certified DBE firms that are ready, willing, and able to work on DOT-assisted contracts. This figure is a measurement of the current percentage of ready, willing, and able certified firms and is based on demonstrable evidence of the Victor Valley, San Bernardino County, and nationwide labor market conditions. In determining this percentage, VVTA used three data sources immediately available to the agency, consisting of (1) the CUCP Database for Certified DBEs Directory <https://californiaucp.dbesystem.com/> (2) The American Public Transportation Association (APTA) Database for transit related companies at <https://www.apta.com> and selecting Industry Information, then selecting COMPS (Catalog of Member Products & Services); and (3) the 2022 US Census Bureau County Business Patterns for all firms located at <https://www.census.gov/programs-surveys/cbp.html>

The percentage of available certified DBE firms was multiplied by each subcontracting opportunity cost to arrive at a Weighted Cost for each subcontracting opportunity total of all Weighted Costs was divided by the total FTA funding amount to arrive at the current Overall DBE Goal.

Step Two:

Adjust the Overall DBE Goal calculated in Step One to account for other evidence, such as prior years' actual percentages that were lower than the current year's calculations.

In accordance with Section 26.45, VVTA submits its overall DBE goal to DOT on August 1 every three years. Before establishing the overall goal for each period of time, VVTA will consult with the State of California CUCP Database, the area Chambers of Commerce, and other community organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses and the effects of discrimination on opportunities for DBEs and will review VVTA's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, VVTA will publish a notice of the proposed overall DBE goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at VVTA's principal office for 30 days following the date of the

notice, and that VVTA will accept comments on the goal for 45 days from the date of the notice. This notice will be placed in local newspapers of general circulation, and on the VVTA website. VVTA will issue this notice by June 15 of the first year of the triennial period. The notice will include the address to which comments may be sent and the address (including offices and websites) where the proposal may be reviewed.

VVTA's overall DBE goal submission to DOT will include a summary of information and comments received during this public participation process and VVTA's responses. VVTA will begin using its overall DBE goal on October 1 of each triennial period, unless other instructions are received from DOT. If VVTA establishes a goal on a project basis, VVTA will be using the goal by the time of the first solicitation for a DOT-Assistant contract for the project.

Section 26.49 Transit Vehicle Manufacturers

VVTA 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 sections. VVTA ensures compliance by reviewing the FTA Transit Vehicle Manufacturer's List at <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/eligible-transit-vehicle-manufacturers> and documents the manufacturer's compliance.

VVTA also reports transit vehicle procurement awards using the Transit Vehicle Award Reporting Form located here: <https://www.surveymonkey.com/r/vehicleawardreportsurvey>. VVTA keeps a copy of the reported purchase in the procurement files as well.

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

VVTA does not record Race-Conscious participation due to the ruling by the 9th Circuit Appeals Court decision requiring agencies to establish the Race-Neutral Goal. The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 4 to this program. This section of the program will be updated tri-annually when the goal calculation is updated.

Section 26.51 (d-g) Contract Goals

Because VVTA's DBE Goal is Race-Neutral, VVTA will not establish Contract Goals.

Section 26.53 Good Faith Efforts Procedures

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

Only in the event that VVTA is required to establish a Race-Conscious Goal, then the obligation of the bidder/offeror will be 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 DBE Liaison Officer is responsible for determining whether a bidder/offeror that has not met the contract goal has documented sufficient good faith efforts to be regarded as responsible. VVTA will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before VVTA commits to the performance of the contract by the bidder/offeror.

Information to be submitted (26.53(b))

VVTA treats bidder/offerors' 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/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.
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 30 days of being informed by VVTA that it is not responsible, because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. The bidder/offeror should make this request in writing to the following reconsideration official:

Director of Operations
Victor Valley Transit Authority
17150 Smoke tree St.
Hesperia, California 92345
(760) 948-4021
info@vvta.org

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

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with VVTA to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. VVTA will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The decision resulting from this reconsideration process is not administratively appealable to the DOT.

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

VVTA 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. VVTA 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, VVTA 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 prime contractor fails or refuses to comply at the time specified, VVTA's Procurement Manager will issue an order stopping all or part of payment or work until satisfactory action has been taken. If the prime contractor still fails to comply, VVTA may initiate 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 VVTA 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/offerors, including those who qualify as a DBE. Because VVTA's DBE Goal to a fully Race-Neutral Goal, there will not be a DBE contract goal for this contract. The bidder/Offeror shall make good faith efforts, as defined in Appendix A. 49 CFR Part 26 (Attachment 6), to meet 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; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (6), evidence of good faith efforts.

Counting DBE Participation (49 CFR Part 26.55)

VVTA 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

VVTA 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. To be certified as a DBE, a firm must meet all certification eligibility standards.

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

<https://dot.ca.gov/programs/civil-rights/dbe-certification-information>

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

VVTA is a member of a Unified Certification Program (UCP) administered by the California Department of Transportation (CALTRANS). The UPC will meet all of the requirements of this section. The following is a description of the UCP:

The main objectives of the DBE Program are:

- To ensure that small DBE firms can compete fairly for federally funded transportation-related projects.
- To ensure that only eligible firms participate as a DBE firm.
- To assist DBE firms in competing outside of the DBE Program.

In order for small, disadvantaged firms, including those owned by minorities and women, to participate as a DBE in DOT-assisted contracts, they must apply for and receive certification as a DBE. For the state of California, DBE certification is performed by the certifying agencies of the California Unified Certification Program (CUCP).

For additional information about the DBE Program, please visit the U.S. D.O.T., Office of Small and Disadvantaged Business Utilization at <https://www.transportation.gov/osdbu>

Section 26.83 Procedures for Certification Decisions

Re-certifications 26.83(a) & (c)

If firms were certified under former part 23, VVTA will ask firm to contact the CUCP for instructions on re-certification.

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

In the event a firm has a change in its ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR Part 26 or any material changes in the information they provided, VVTA will ask the firm to contact the CUCP for instructions.

The CUCP will require all owners of all DBEs who have been certified to submit on their anniversary date of their certification, a “no change” affidavit meeting the requirements of 26.83(j).

Section 26.85 Interstate Certification

Only the CUCP has the authority to approve or deny Interstate Certifications

VVTA will search other UCP's to determine if proposed DBEs not registered in California are certified.

Section 26.87 Removal of a DBE's Eligibility

Only the CUCP has the authority to remove a DBE's certifications. For any questions, please refer to the CUCP website.

Section 26.89 Certification Appeals

Any firm or complainant may appeal to the CUCP's decision in a certification matter to DOT. Such appeals may be sent to:

U.S. Department of Transportation
Departmental Office of Civil Rights
External Civil Rights Programs Division (S-33)
1200 New Jersey Ave., S.E.
Washington DC 20590
Phone (202) 366-4754
TTY: (202) 366-9696
Fax: (202) 366-5575

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

VVTA will safeguard from disclosure to third parties' information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. VVTA will adhere to California Public Records Act – Government Code 6250-6270.

Notwithstanding any contrary provisions of state or local law, VVTA 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

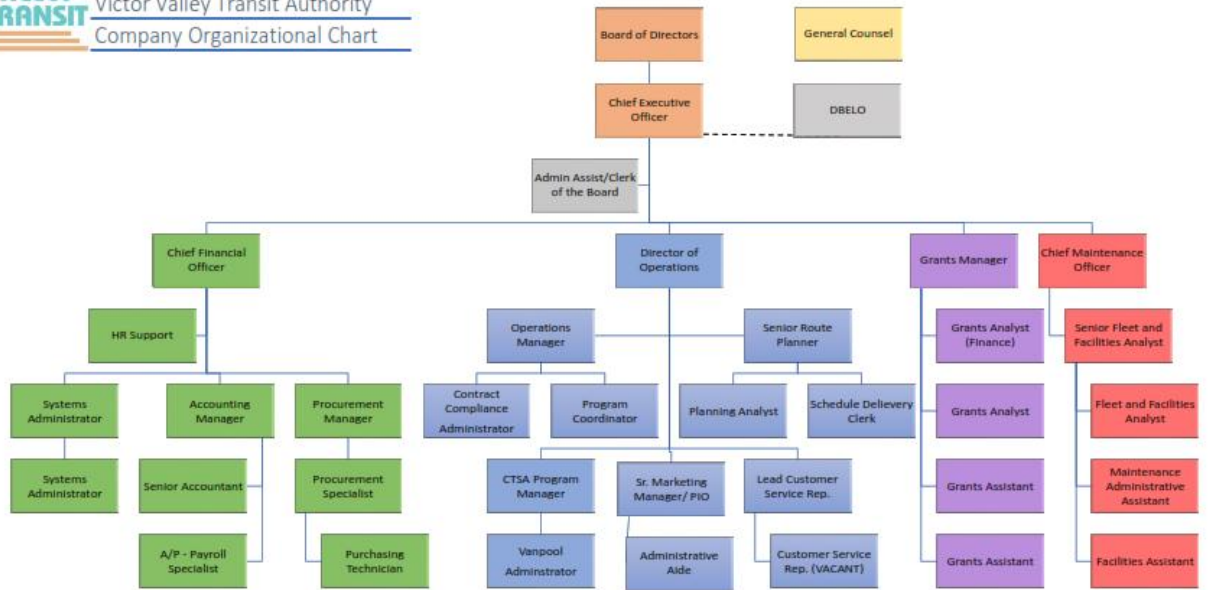
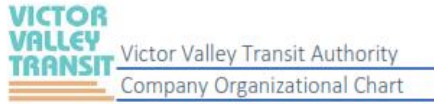
VVTA will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request of any authorized representative of VVTA or DOT. This reporting requirement also extends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

VVTA 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 Mechanisms
- Attachment 4 Breakout of Estimated Race-Neutral Participation
- Attachment 5 Form 1 & 2 for Demonstration of Good Faith Efforts
- Attachment 6 Regulations: 49 CRF Part 26

ATTACHMENT 1 ORGANIZATION CHART



Notes:
 Procurement Manager & DEBLO is one employee in dual roles.
 Admin Assist/Clerk of the Board and HR support is one employee in dual roles

ATTACHMENT 2

DBE DIRECTORY

Firm Name	Firm Address	DBE or non-DBE	Race and Gender	NAICS code
Above and Beyond Staffing	321 Western Ave., Glendale, CA 91201	DBE – CERT 48601	Black American – Female	561320, 561720
CAPP's Uniforms	4201 Long Beach Blvd., Long Beach CA 90807	DBE – CERT 44655	Hispanic American – Male	425120
MZ Auto Glass	12235 Chosen St., El Monte, CA 91733	DBE – Cert 44641	Hispanic American - Male	811122
Oscar Mobile Body and Detail	4410 Tyler Ave., El Monte, CA 91731	DBE – Cert 49218	Hispanic American - Male	811121, 811192
ADAride.com	19300 S. Hamilton Ave., Suite 120, Gardena, CA 90248	DBE – Cert 51739	Asian-Pacific American Male	485991, E4110
Digi-Vue Advertising	1007 West Avenue M-14, Palmdale, CA 93551	DBE – Cert 44667	Hispanic American – Male	541430, 541810, 541830, 541840, 541850, 541860
Source Graphics	1530 North Harmony Circle, Anaheim, CA 92807	DBE – Cert 7399	Subcontinent Asian American – Male	423430, 423850, 518210, 541519
Safeway Sign Company	9875 Yucca Road, Adelanto, CA 92301	DBE – Cert 51872	Hispanic American – Male	238120, 238992, 339950, 423850, 423990, 561990
Reliable Monitoring Services, Inc.	2698 Junipero Ave., 105-107 Signal Hill, CA 90755	DBE – Cert 47663	Hispanic American – Male	236210, 238210, 541420, 811219

Transportation Management & Design	2701 Loker Ave West, Suite 110, Carlsbad, CA 92010	DBE – CERT 49228	Caucasian Female	541320, 541611, 541614
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ATTACHMENT 3

MONITORING AND ENFORCEMENT MECHANISMS

VVTA has available a few remedies to enforce the DBE requirements contained in its contract, 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 Civil Code Section 3300-3322.

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.

Additionally, VVTA has determined that future contracts will include liquidated damages when Prime Contractors do not pay their DBE subcontractors within the required 30-Day payment period.

ATTACHMENT 4

BREAKOUT OF ESTIMATED RACE-NEUTRAL & RACE-CONSCIOUS PARTICIPATION

In response to race-neutral policy directives issued by the USDOT, VVTA utilizes a strictly race-neutral means. In a strictly race-neutral program, VVTA may not set numeric contract goals on any of its USDOT-assisted contracts for which DBE subcontracting possibilities exist. The application of race-neutral measures is in direct response to the Ninth Circuit U.S. Court of Appeals decision in *Western States Paving Co. v United States & Washington State Department of Transportation*, whereby the FTA issued a Notice (Guidance) for Public Transportation Providers (Docket No. FTA-2006-24063).

Based on the Guidance, each recipient was requested to do the following:

- If a recipient does not currently have sufficient evidence of discrimination of its effects, then the recipient would submit an all-race-neutral Overall DBE Goal.
- The recipient's submission shall include a statement concerning the absence of adequate evidence of discrimination and its effects and a description of plans to either conduct a disparity/availability study or other appropriate evidence gathering process to determine the existence of discrimination or its effects on the recipient's marketplace.
- An action plan describing the study and timeline for its completion should also be included.

VVTA is required to perform the appropriate evidence gathering process to determine the existence of discrimination and its effects on its respective marketplace to effectively respond to the Court's ruling and the USDOT's directive (Docket No. FTA-2006-24063; Supplemental Notice dated August 21, 2006). Staff determined it is not feasible for VVTA, nor is it required, to conduct its own independent disparity study.

ATTACHMENT 5

FORM 1 & 2 FOR DEMONSTRATION OF GOOD FAITH EFFORTS

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (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 (if unable to meet the DBE goal of ___ %) is committed to a minimum of ___ % DBE utilization on this contract and submits documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: _____

State Registration No.: _____

By: _____
(Signature)

Title: _____

FORM 2: LETTER OF INTENT

Name of bidder/offer's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ email: _____

Description of work to be performed by DBE firm:

The bidder/Offeror is committed to utilizing the above-named DBE firm(s) for the work described above. The estimated dollar value of 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/offer does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.

(Submit this page for each DBE subcontractor)

ATTACHMENT 6

REGULATIONS: 49 CFR PART 26

A copy of 49 CFR Part 26 can be found at:

<http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=8184acbe3990c7bc4ae31bce1991da75&mc=true&r=PART&n=pt49.1.26>

MINUTE EXCERPT

The following is an excerpt from the minutes of the Regular Meeting of the Board of Directors held on February 18, 2025:

Item #7: VVTA's Disadvantaged Business Enterprise Program and Plan.

Recommendation: Approve the VVTA DBE Program and Plan.

Presented by: Christine Plasting, DBELO.

A MOTION WAS MADE BY Alternate Director Leon to approve the recommended action. Seconded by Director Lee. The motion passed unanimously.

The foregoing Board meeting minutes will be presented for approval on the consent calendar at the Board's regularly scheduled meeting on March 17, 2025.

Attest: 

Debi Albin, Clerk of the Board

DATED: February 28, 2025