

DANVILLE, IL. TRANSIT DBE PROGRAM

POLICY STATEMENT

Objectives/Policy Statement

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

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

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 assist the development of firms that can compete successfully in the market place outside the DBE Program.

We delegate the Human Relations Administrator as the DBE Liaison Officer (DBELO). In that capacity, the Human Relation Administrator is responsible for implementing all aspects of the DBE program. Implementation of the DBE program receives the same priority as compliance with all other legal obligations incurred by the City of Danville in its financial assistance agreements with the Department of Transportation.

Sandra Finch, Human Relations Administrator
City of Danville, IL
17 W. Main St.
Danville, IL 61832
217-431-2280
sfinch@cityofdanville.org

The City of Danville has disseminated this policy statement to the City Council 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. It is available on our ridedmt.org website, and distributed with all bid proposals for projects.

Rickey Williams, Jr., Mayor

Date

SUBPART A – GENERAL REQUIREMENTS

Objectives

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

Applicability

The City of Danville is the recipient of federal transit funds authorized by Titles I, III, V, and VI of ISTEA, Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, II, and V of the TEA-21, Pub. L. 105-178.

Definitions

The City of Danville will adopt the definitions contained in Section 26.5 for this program.

Non-discrimination Requirements

The City of Danville 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, the City of Danville 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.

Record Keeping Requirements

We will report DBE participation to DOT as follows:

City of Danville, Danville Mass Transit will report DBE participation on a semi-annual basis, in TrAMS. These reports will reflect payments actually made to DBEs on DOT assisted contracts.

Bidders List: 26.11(c)

The City of Danville 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, DBE non-DBE status, age, and annual gross receipts of firms.

We will collect this information in the following ways: Request information within bid documents.

The City will assess information available from Federal, State and local sources to ascertain actual and potential bidders. The list will be kept and maintained by DBELO, Sandra Finch.

Federal Financial Assistance Agreement

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

Assurance: 26.13(a)

The City of Danville shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part 26. The recipient shall take all

necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The recipient's DBE Program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the City of Danville of its failure to carry out its approved program, the Department may impose sanction as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

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

Contract Assurance: 26.13b

We 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 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

DBE Program Updates

Since the City of Danville has received grants of more than \$250,000, used for contracting purposes, we will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide DOT with updates representing significant changes in the program.

Policy Statement

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

DBE Liaison Officer (DBELO)

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

Sandra Finch
17 W. Main St.
Danville, IL 61832
217-431-2280
sfinch@cityofdanville.org

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program as needed and ensuring that the City of Danville complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Mayor 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 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. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment and identifies ways to improve progress.
6. Analyzes the City of Danville's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Mayor and City Council on DBE matters and achievement.
9. Sits on the DBE Advisory and Human Relations Committees.
10. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
11. Plans and participates in DBE training seminars.
12. Acts as liaison to the Uniform Certification Process in Illinois
13. Provides outreach to DBEs and community organizations to advise them of opportunities.
14. Maintains the City of Danville's updated directory on certified DBEs.

DBE Financial Institutions

It is the policy of the City of Danville 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.

To date we have identified the following such institutions: None

Information on the availability of such institutions can be obtained from the DBE Liaison Officer. DBE Liaison Officer will update the list annually and/or as contracts are being put out for bid.

Prompt Payment Mechanisms

The City of Danville will include the following clause in each DOT-assisted prime contract:

Per 49 CFR 26.29 (d), the prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contract receives from City of Danville. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractors 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 Danville Mass Transit. If good cause cannot be provided by prime, payment to prime can be withheld until prime can produce evidence that subs have received payment. This clause applies to both DBE and non-DBE subcontracts.

Directory

The City of Danville participates in the Illinois Unified Certification Program. The Directory of certified firms is available at <https://webapps.dot.illinois.gov/UCP/ExternalSearch>. It is updated more often than annually.

Overconcentration

The City of Danville has not identified that overconcentration exists in the types of work that DBEs perform. Reassessment of the overconcentration element will be evaluated annually by the DBELO.

Business Development Programs

The City of Danville has not established a business development program.

Small Business Element

City of Danville / Danville Mass Transit's DBE program includes requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or sub-contractors. We can achieve this goal in the following ways:

- (1) On prime contracts not having DBE contract goals, requiring the prime contractor to provide subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform, rather than self-performing all the work involved.
- (2) To meet the portion of your overall goal you project to meet through race-neutral measures, ensuring that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform.

To be considered a small business, service businesses must provide the DBELO with their annual gross receipts for the previous 3 years. Service businesses generally have a size standard that would be determined by averaging their gross annual receipts for the last three years. This average is compared to the NAICS code that best describes the procurement you are looking to compete under. The average annual receipts must fall under the designated amount for that NAICS code in order to be considered small. For most manufacturing NAICS codes, the number of employees will be used as a size standard. For example, a mining firm is considered "small" if it has fewer than 500 employees.

The small business element will be provided to businesses wishing to bid on DMT contracts. The City of Danville will not establish a race neutral set aside for small business.

Monitoring and Enforcement Mechanisms

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

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. Attachment 2 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 provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This is accomplished by personal monitoring by the department involved, and the report of findings to the DBELO.
4. We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Set-asides or Quotas

The City of Danville does not use quotas in any way in the administration of this DBE program.

Overall Goals

To ensure that the DBE program continues to be structured to avoid the effects of discrimination, the contract goals are adjusted as follows:

- (1) If determined that the overall goal for the year can be met through race-neutral means, the program can be implemented without setting contract goals during that year, unless it becomes necessary in order meet the overall goal.
- (2) If using contract goals, and determine that the overall goal will be exceeded, contract goals must be adjusted to ensure that the use of contract goals does not result in exceeding the overall goal. If determined that you will fall short of your overall goal, then modifications must be made in the use of race-neutral and/or race-conscious measures to allow the goal to be met.
- (3) If race-neutral DBE participation alone meets or exceeds the overall goals for two consecutive years, a projection of the amount of your goal can be eliminated in the next year. Do not set contract goals on any contracts in the next year. Continue using only race-neutral means to meet overall goals unless and until you do not meet your overall goal for a year.
- (4) If you obtain DBE participation that exceeds your overall goal in two consecutive years through the use of contract goals, adjust your use of contract goals proportionately in the following year.

In any year in which you project meeting part of your goal through race-neutral means and the remainder through contract goals, you must maintain data separately on DBE achievements in those contracts with and without contract goals, respectively. You must report this data to the concerned operating administration as provided in §26.11.

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 3 to this program. This section of the program will be updated every three years.

Attachment 6 of this DBE program explains the public participation process that the City of Danville will use to include input from minority, women's and general contractor groups, community organizations, and other officials or organizations regarding this program.

We 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 your principal office for 30 days following the date of the notice, and informing the public that you and DOT will accept comments on the goals for 45 days from the date of the notice. Normally, we will issue this notice by June 1 of each year. The notice must include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

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

We will begin using our overall goal immediately, unless we have received other instructions from DOT. If the awards and commitments in any fiscal year are less than the overall goal, we will analyze the reasons for the difference between the overall goal and our awards and commitments for that fiscal year. We will establish specific steps and milestones to correct the problems we identified.

Transit Vehicle Manufacturers Goals

The City of Danville 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, the City of Danville 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. FTA's certified list of TVM's can be found at <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada-eligible-transit-vehicle-manufacturers>

Any TVM purchases will be reported within 30 days of contract award. This will be done using the website: <https://www.surveymonkey.com/r/vehicleawardreportsurvey>. Total value of the contract, as well as the successful bidder's information will be provided in this survey.

Breakout of Estimated Race-Neutral & Race-Conscious Participation

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 when the goal calculation is updated.

Contract Goals

The City of Danville will use contract goals to meet any portion of the overall goal the city does not project being able to meet using race-neutral means. 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 such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work.)

We will express our contract goals as a percentage of the Federal share of a DOT-assisted contract.

Good Faith Efforts Procedures

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.

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

Director of Public Transportation
Human Relations Administrator/DBELO

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

Information to be submitted (26.53(b))

The City of Danville 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 contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts must be submitted under sealed bid procedures, as a matter of responsiveness, or with initial proposals, under contract negotiation procedures, or no later than 5 days after bid opening as a matter of responsibility.

Administrative reconsideration (26.53(d))

Within 5 days of being informed by the City of Danville that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: Sandra Finch 17 W. Main Street Danville, IL 61832 (217) 431-2280 sfinch@cityofdanville.org. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

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

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

The City of Danville 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 in writing, of the DBE's inability or unwillingness to perform and provide reasonable documentation. The DBE subcontractor must be notified in writing of the intent to terminate or substitute and the reason for the request, with a copy sent to the City.

Cause for DBE termination may include but is not limited to: (1) DBE subcontractor fails or refuses to execute a written contract; (2) DBE fails to perform work consistent with industry standards, given the failure is not a result of bad faith or discrimination by the prime; (3) DBE fails or refuses to meet the prime's nondiscriminatory bond requirements; (4) DBE becomes bankrupt; (5) DBE is subject to suspension and debarment proceedings; (6) DBE is determined to be an irresponsible contractor; (7) DBE voluntarily withdraws from the project; (8) DBE owner dies.

The DBE to be terminated or substituted will have five (5) days to object with a written response.

In this situation, we will require the prime contractor to obtain prior written approval from the City of Danville of the substitute DBE and to provide copies of documented good faith efforts to replace the DBE with another.

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

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 City of Danville to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. Failure by any contractor to carry out the requirements of this part is a breach of contract and may result in termination of the contract, or a designation of non-responsible on future bids, which is grounds for disqualification.

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. A DBE contract goal of ___% percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 1), 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 (4); and (5) if the contract goal is not met, evidence of good faith efforts.

The contractor shall utilize the specific DBE listed to perform the work and supply the materials for which each is listed unless the contractor obtains the City's written consent. Should the City's consent not be provided, the contractor will not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

Counting DBE Participation

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

SUBPART D – CERTIFICATION STANDARDS

Certification Process

The City of Danville 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 follow the process listed at:

<https://idot.illinois.gov/doing-business/certifications/dbe.html>

SUBPART E – CERTIFICATION PROCEDURES

Unified Certification Programs

The City of Danville is not a certifying agency, but is a member of a Unified Certification Program (UCP) administered by State of Illinois. The UCP will meet all of the requirements of this section.

Certification Appeals

Any firm or complainant may appeal the 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

SUBPART F – COMPLIANCE AND ENFORCEMENT

Information, Confidentiality, Cooperation

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

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

Monitoring Payments to DBEs

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

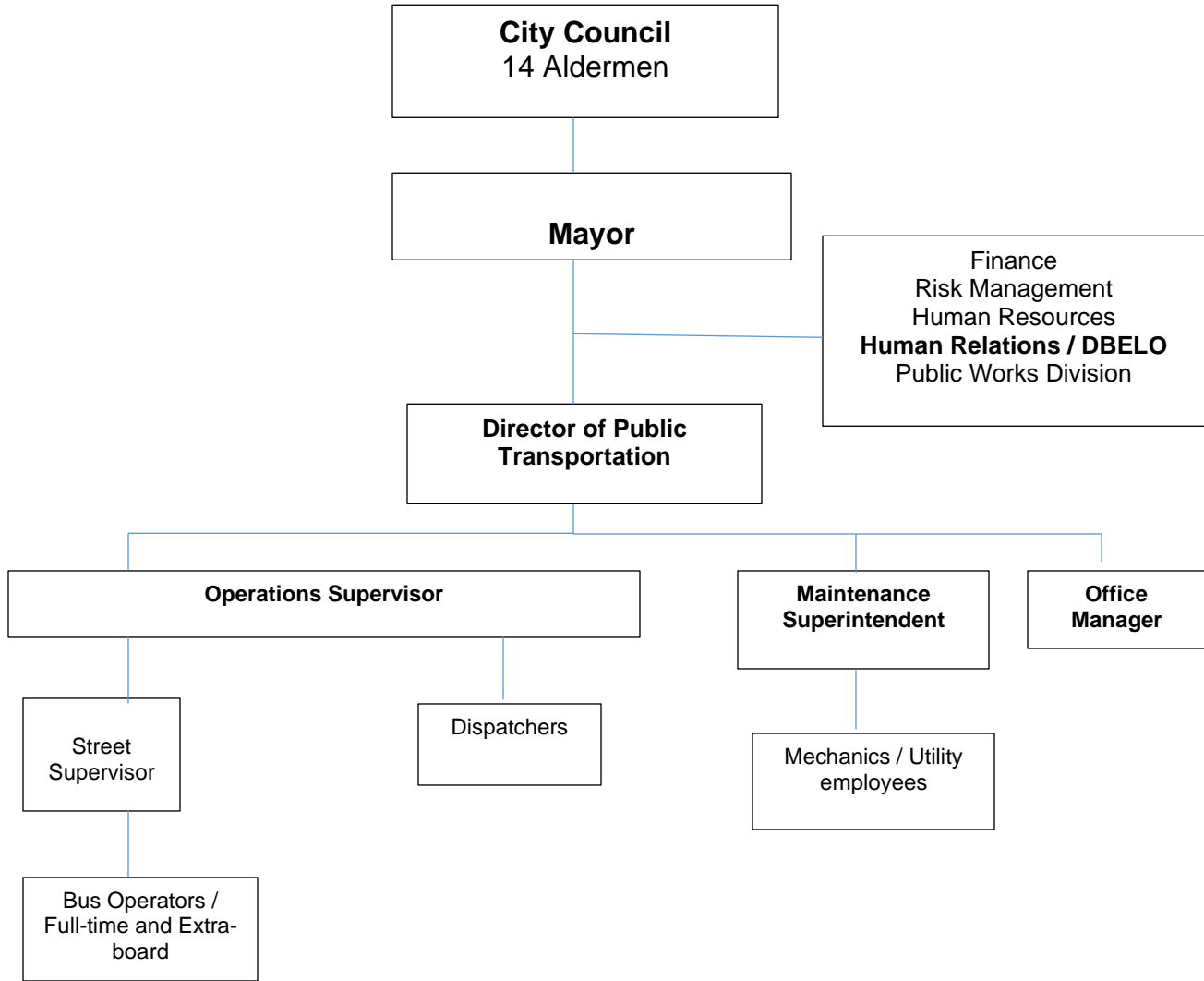
We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts states in the schedule of DBE participation.

ATTACHMENTS

Attachment 1	Organizational Chart
Attachment 2	Monitoring and Enforcement Mechanisms
Attachment 3	Overall Goal Calculations
Attachment 4	Breakout of Estimated Race-Neutral & Race-Conscious Participation
Attachment 5	Form 1 & 2 for Demonstration of Good Faith Efforts
Attachment 6	Public Participation Timeline
Attachment 7	Regulations: 49CFR part 26

Attachment 1
Organizational Chart

See appendix A



Attachment 2

Monitoring and Enforcement Mechanisms

The City of Danville 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 state law

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
3. Prosecution pursuant to 18 USC 1001.

Attachment 3

Section 26.45: Overall Goal Calculation

Amount of Goal

1. The City of Danville’s overall goal for FY 2023-26 is the following: .5% of the Federal Financial assistance we will expend in DOT-assisted contracts.

2. \$1,113,407.30 is the estimated FTA dollar amount of DOT-assisted contracts that City of Danville expects to award during the next three years. This means that The City has set a goal of expending \$5,567.04 with DBEs during these fiscal years/projects.

	NAICS Code	Project	Weight	x	Availability	Weighted Base Figure
1)	541211	Professional Services	0.0001	x	0.0108	.0001
2)	561621	Security	0.0000	x	0.0180	.0000
3)	812331	Uniform services	0.0000	x	0.0000	.0000
4)	424710	Fuel	0.0002	x	0.0019	.0000
5)	423130	Tires	0.0000	x	0.0019	.0000
6)	336390	Bus Parts	0.0002	x	0.0045	.0001
7)	453210	Office Supplies	0.0000	x	0.0013	.0000
8)	524210	Insurance	0.0004	x	0.0115	.0004
9)	221122	Utilities	0.0006	x	0.0909	.0058
10)	511120	Subscriptions	0.0000	x	0.0081	.0000
11)	541310	Architechural & Engineering	0.0026	x	0.0416	.0109
12)	236220	Lot renovations	0.0414	x	0.1059	.4383
13)	562998	UST replacement	0.0018	x	0.0049	.0009
14)				x		
					Total	0.4565
					Expressed as a % (*100)	.46%
					Rounded, Weighted Base Figure:	.5%

Methodology used to Calculate Overall Goal

This information covers the 2nd Congressional District which includes portions of the following counties: Champaign, eastern Will and southern Cook. It also includes most of Kankakee, Ford and Vermilion counties, and all of Iroquois.

Step 1: Determine the base figure for the relative availability of DBEs. This is done by dividing the number of ready, willing, and able DBEs by the number of all firms that are ready, willing and able to complete the project. The number of DBEs was derived by accessing the state UCP database and using the NAICS code to find the firms that have been certified. (see link below)

<https://idot.illinois.gov/doing-business/certifications/dbe/il-ucp/illinois-ucp-directory.html>

The number of all firms was derived from accessing the census bureau information and using the NAICS code for congressional district 2. (see link below)

<https://www.census.gov/data/datasets/2015/econ/cbp/2015-cbp.html>

Step 2: Our weighted percent is calculated by determining the approximate dollar amount associated with each NAICS code, dividing that number by the total federal dollars spent in the next 3 years. The percentage calculated is then multiplied by the relative availability of DBEs for the projects listed. The helped us determine that .5% would be used as our overall DBE goal, represented by the dollar amount of approximately \$5,567.04.

Attachment 4

Section 26.51: Breakout of Estimated Race-Neutral & Race Conscious Participation

The City of Danville will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation.

We estimate that, in meeting our overall goal of 0.5%, we will obtain 0.5% from race-neutral participation and .00% through race-conscious measures.

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

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

Attachment 5

Forms 1 & 2 for Demonstration of Good Faith Efforts

[Forms 1 and 2 should be provided as part of the solicitation documents.]

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 a submits documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: _____

State Registration No. _____

By _____ Title _____
(Signature)

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 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/offeror 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

Public Participation Timeline for Danville Mass Transit's DBE Program and Goals

The DBE program and goals are updated as needed, and the following process will be implemented for future submissions. Beginning in 2018, on or before May 1* of submission years, the DBE program will be prepared by the Director of Public Transportation, with the assistance of the City's Human Relations Administrator / DBELO. Following the preparation of the program, the DBELO will facilitate a meeting with local minority organization and business leaders to provide input regarding the goals of that have been set. After adjustments have been made accordingly, and no later than June 1*, notice will be given, informing the public that the program is on display for a period not to exceed 30 days by using the following means: 1. A notice will be posted in the local news publication and copies will be made available to the public. 2. The goals will be posted on the rideDMT.org website. Any comments or questions may be directed to the DBELO, Danville Mass Transit, or the FTA Region Five office within 45 days of the date of the notice. Additional comments will be taken into consideration and adjustments will be made to the program prior to FTA submission.

Once the public participation period has expired, the program has been adjusted, program has been approved by Danville City Council and signed by the Mayor, it will be submitted to FTA. The program will be posted on the rideDMT.org webpage.

**DBE program and public participation process for program years 2023-2026 were delayed while waiting for inclusion of any special program elements due to the re-designation of the City of Danville to a rural area.*

We published our DBE goal information in the following locations: Danville Commercial-News, rideDMT.org, cityofdanville.org, and Facebook

PPN Community meeting was held: August 8, 2023 through a virtual format

We will seek comments from attendees from the following individuals or organizations:

Sandra Finch, DBELO for DMT
Lisa Beith, Director of DMT
Members of the City of Danville's Human Relations Committee
In addition to any members of the general public who wish to participate

Summaries of these comments will be posted here:

Our attendees included two members of the Human Relations Committee who were also minority business owners in the area. Much of the discussion revolved around the application process for the state's DBE / ACDBE program. The attendees conceded that the percentages in our program clearly proved that both locally and regionally, there was a lack of participation from businesses that could potentially qualify as certified DBE's.

Another attendee was a member of Congresswoman Robin Kelly's staff from District 2 in Illinois. She was not aware of any programs that could assist applicants with the process, but also saw the need for both education about the program and guidance for

our local business owners. She will take the information collected from our meeting to her team and discuss the issue.

Responses to these comments will be posted here:

As the group reviewed the DBE availability in the district, there was more discussion about the need for some type of meeting / class / opportunity for interested business people in the area to walk through the application process with a mentor.

The City of Danville discussed steps we might take to establish a model for prospective DBE applicants.

And of course, the representative from Congresswoman Kelly's office made a note to take a deeper dive into this particular discussion to see what resources there might be on a more regional or state level.

All members in attendance were sent links to the UCP information, and copies of the application documents for their review.

Attachment 7

Regulations 49 CFR Part 26: DBE

https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/DBE_Final_Rule_2014.pdf

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