

MEETING AGENDA

DATE: Wednesday, January 22, 2025

TIME: 8:30 a.m.

Administration & Finance Committee & Operations & Capital Projects Committee, Legislative Committee (No Meeting), and Rural and Small Cities Committee (No Meeting)

LOCATION: Staples Street Center – 2ND Floor Boardroom (602 North Staples St., Corpus Christi, TX)

ADMINISTRATION & FINANCE COMMITTEE

Beatriz Charo, Committee Chair

David Berlanga Gabi Canales Armando Gonzalez Anna Jimenez

	TOPIC	SPEAKER	EST.TIME	REFERENCE
1.	Roll Call	M. Montiel	2 min.	-----
2.	Safety Briefing	J. Esparza	3 min.	-----
3.	Confirm Posting of Meeting’s Public Notice in Accordance with Texas Open Meetings Act, Texas Government Code, Chapter 551	B. Charo	1 min.	-----
4.	Receipt of Conflict of Interest Affidavits	B. Charo	2 min.	-----
5.	Opportunity for Public Comment 3 min. limit – no discussion	B. Charo	3 min.	-----
	Public Comment may be provided in writing, limited to 1,000 characters, by using the Public Comment Form online at www.ccrta.org/news-opportunities/agenda or by regular mail or hand-delivery to the CCRTA at 602 N. Staples St., Corpus Christi, TX 78401, and MUST be submitted no later than 5 minutes after the start of a meeting in order to be provided for consideration and review at the meeting. All Public Comments submitted shall be placed into the record of the meeting.			
6.	Discussion and Possible Action to Approve the Administration & Finance Committee Meeting Minutes of October 23, 2024 & November 20, 2024	B. Charo	3 min.	Pages 1-8
7.	Discussion and Possible Action to Recommend the Board of Directors Adopt a Resolution Authorizing the Filing of Grant Applications with the Federal Transit Administration (FTA) Under 49 U.S.C. Chapter 53 Title 23	C. Perez	3 min.	Pages 9-11 PPT
8.	Discussion and Possible Action to Recommend the Board of Directors Adopt Updated Disadvantaged Business Enterprise (DBE) Program Plan	S. Montez	3 min.	Pages 12-91 Attachments PPT
9.	Committee Chair Report	B. Charo	3 min.	-----
10.	Adjournment	B. Charo	1 min.	-----

Total Estimated Time: 24 min.

LEGISLATIVE COMMITTEE

Lynn Allison, Committee Chair

Gabi Canales Jeremy Coleman Aaron Muñoz Amanda Torres

	TOPIC	SPEAKER	EST.TIME	REFERENCE
1.	Roll Call	M. Montiel	2 min.	-----
2.	Safety Briefing	J. Esparza	3 min.	-----
3.	Confirm Posting of Meeting's Public Notice in Accordance with Texas Open Meetings Act, Texas Government Code, Chapter 551	L. Allison	1 min.	-----
4.	Receipt of Conflict of Interest Affidavits	L. Allison	2 min.	-----
5.	Opportunity for Public Comment 3 min. limit – no discussion	L. Allison	3 min.	-----
Public Comment may be provided in writing, limited to 1,000 characters, by using the Public Comment Form online at www.ccrta.org/news-opportunities/agenda or by regular mail or hand-delivery to the CCRTA at 602 N. Staples St., Corpus Christi, TX 78401, and MUST be submitted no later than 5 minutes after the start of a meeting in order to be provided for consideration and review at the meeting. All Public Comments submitted shall be placed into the record of the meeting.				
6.	Discussion and Possible Action to Approve the Legislative Committee Meeting Minutes of November 1, 2024	L. Allison	3 min.	Pages 1-3
7.	Update on Legislative Initiatives	L. Allison	10 min.	-----
8.	Committee Chair Report	L. Allison	3 min.	-----
9.	Adjournment	L. Allison	1 min.	-----

Total Estimated Time: 28 min.

OPERATIONS & CAPITAL PROJECTS COMMITTEE

NO MEETING

RURAL AND SMALL CITIES COMMITTEE

Armando Gonzalez, Committee Chair

David Berlanga Beatriz Charo Anna Jimenez Eloy Salazar

NO MEETING

On **Friday, January 17, 2025** this Notice was posted by **Marisa Montiel** at the CCRTA Staples Street Center, 602 N. Staples Street, Corpus Christi, Texas; and sent to the Nueces County and the San Patricio County Clerks for posting at their locations.

PUBLIC NOTICE is given that the Board may elect to go into executive session at any time during the meeting in order to discuss matters listed on the agenda, when authorized by the provisions of the Open Meetings Act, Chapter 551 of the Texas Government Code. In the event the Board elects to go into executive session regarding an agenda item, the section or sections of the Open Meetings Act authorizing the executive session will be publicly announced by the presiding officer.

In compliance with the Americans with Disabilities Act, individuals with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the Assistant Secretary to the Board at (361) 903-3474 at least 48 hours in advance so that appropriate arrangements can be made. Información en Español: Si usted desea esta información en Español o en otro idioma, por favor llame al teléfono (361) 289-2712.

Mission Statement

To provide our riders with safe, accessible, convenient, and sustainable transportation solutions that unites communities and promotes local economic growth.

Vision Statement

Provide an integrated system of innovative accessible and efficient public transportation services that increase access to opportunities and contribute to a healthy environment for the people in our service area.

**CORPUS CHRISTI REGIONAL TRANSPORTATION AUTHORITY
ADMINISTRATION & FINANCE COMMITTEE MEETING MINUTES
WEDNESDAY, November 20, 2024**

Summary of Actions

1. **Roll Call**
2. **Heard Safety Briefing**
3. **Confirmed Posting of Meeting's Public Notice in Accordance with Texas Open Meetings Act, Texas Government Code, Chapter 551**
4. **Receipt of Conflict of Interest Affidavits – None Received**
5. **Opportunity for Public Comment – No Public Comments**
6. **No Action- Administration & Finance Committee Meeting Minutes of October 23, 2024**
7. **No Action- Recommend the Board of Directors Adopt a Resolution for the Proposed Change to the Reserve Policy**
8. **No Action - Recommend the Board of Directors Authorize the Chief Executive Officer (CEO) or Designee to Execute Payment of \$766,576 to Texas Municipal League Inter-Governmental Risk Pool (TMLIRP) for the Following Lines of Coverage for FY2025: Auto Liability Insurance, Auto Catastrophe Insurance, Property Insurance, General Liability Insurance, Errors & Omissions Insurance, Law Enforcement Liability and Workers' Compensation Insurance**
9. **No Action - Recommend the Board of Directors Authorize the Chief Executive Officer (CEO) or Designee to Authorize the Lease Renewal with State of Texas for Senator Hinojosa Office Lease Space at the Staples Street Center Building**
10. **No Action- Recommend the Board of Directors Authorize the Chief Executive Officer (CEO) or Designee to Authorize the Lease Renewal with General Land Office Lease Space at the Staples Street Center Building**
11. **Heard Committee Chair Report**
12. **Adjournment**

The Corpus Christi Regional Transportation Authority Board of Directors met at 8:30 a.m. in the Corpus Christi Regional Transportation Authority Staples Street Center facility located at 602 N. Staples Street, 2nd Floor Board Room Corpus Christi, Texas.

Call to Order & Roll Call

Beatriz Charo; Committee Chair, called the meeting to order at 8:37 a.m. Stephanie Alvarez called roll and stated there was not a quorum present.

Board Members Present

Beatriz Charo and David Berlanga.

Board Members Absent

Anna Jimenez, Gabi Canales, and Armando Gonzalez.

Staff Present

David Chapa, Angelina Gaitan, John Esparza, Derrick Majchszak, Sharon Montez, Stephanie Alvarez, Rita Patrick, Gordon Robinson, Miguel Rendón, Robert Saldaña and JoAnna Serna.

Public Present

Luis Rubio and Thomas Arredondo with Safety-Klean. Robert Ramirez and John Pena with Cummins. James Duenes, TGLO. Virtual: Michael Enders, Adan Ayala, Andy Rodriguez, Seth G. and Michael.

Safety Briefing

Mr. Miguel Rendón, Deputy CEO, gave a safety briefing to the Board and audience. He provided exit instructions in the event of an emergency. Ms. Alvarez would account for all Board Members and he would be the last out to ensure everyone exits safely.

Confirmed Posting of Meeting's Public Notice in Accordance with Texas Open Meetings Act, Texas Government Code, Chapter 551

Ms. Alvarez confirmed proper posting of the meeting.

Receipt of Conflict of Interest Affidavits

None received.

Opportunity for Public Comment

None received.

Public Comment may be provided in writing, limited to 1,000 characters, by using the [Public Comment Form](http://www.ccrta.org/news-opportunities/agenda) online at www.ccrta.org/news-opportunities/agenda or by regular mail or hand-delivery to the CCRTA at 602 N. Staples St., Corpus Christi, TX 78401, and MUST be submitted no later than 5 minutes after the start of a meeting in order to be provided for consideration and review at the meeting. All Public Comments submitted shall be placed into the record of the meeting.

Discussion and Possible Action to Approve the Administration & Finance Committee Meeting Minutes of October 23, 2024

Committee Chair Charo noted no quorum was present to vote on this item.

Discussion and Possible Action to Recommend the Board of Directors Adopt a Resolution for the Proposed Change to the Reserve Policy

Mr. Robert Saldaña presented the item for informational purposes only.

Discussion and Possible Action to Recommend the Board of Directors Authorize the Chief Executive Officer (CEO) or Designee to Execute Payment of \$766,576 to Texas Municipal League Inter-Governmental Risk Pool (TMLIRP) for the Following Lines of Coverage for FY2025: Auto Liability Insurance, Auto Catastrophe Insurance, Property Insurance, General Liability Insurance, Errors & Omissions Insurance, Law Enforcement Liability and Workers' Compensation Insurance

Mr. Miguel Rendón presented the item for informational purposes only.

Discussion and Possible Action to Recommend the Board of Directors Authorize the Chief Executive Officer (CEO) or Designee to Authorize the Lease Renewal with State of Texas for Senator Hinojosa Office Lease Space at the Staples Street Center Building

Ms. Sharon Montez, Managing Director of Capital Programs and Customer Services, presented the item for informational purposes only.

Discussion and Possible Action to Recommend the Board of Directors Authorize the Chief Executive Officer (CEO) or Designee to Authorize the Lease Renewal with General Land Office Lease Space at the Staples Street Center Building

Ms. Sharon Montez, Managing Director of Capital Programs and Customer Services, presented the item for informational purposes only.

Heard Committee Chair Report

Director Charo thanked the staff for their presentations without the quorum.

Adjournment

There being no further review of items, the meeting adjourned at 9:02 a.m.

Submitted by: Marisa Montiel

Subject: Adoption of the Resolution Authorizing the Filing of Grant Applications with the Federal Transit Administration (FTA) Under 49 U.S.C. Chapter 53 Title 23

Background

The Corpus Christi Regional Transportation Authority (CCRTA) is seeking to file applications with the Federal Transit Administration (FTA) for federal transportation assistance. This assistance will enable the CCRTA to undertake various transportation projects that will benefit both the CCRTA and the community.

Identified Need

Federal funding is essential to support the CCRTA's efforts in providing efficient and reliable transportation services to the Corpus Christi region. The FTA grants will enable the CCRTA to pursue critical projects that align with its mission and goals.

Disadvantaged Business Enterprise

There are no DBE goals associated with this Resolution.

Financial Impact

The FTA grants will provide a financial boost to the CCRTA, enabling it to leverage federal funds for local transportation improvements like Capital Improvement Projects and Preventive Maintenance. By utilizing FTA grants, the CCRTA leverages the local sales tax revenue to fund assets and support a state of good repair. CCRTA will be responsible for providing the local share of the project cost, as required by the grant or cooperative agreement.

Board Priority

This item aligns with the Board Priority – Public Image & Transparency

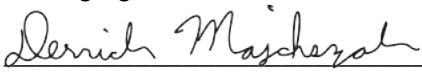
Recommendation

Staff requests the Administration & Finance Committee recommend the Board of Directors adopt the Resolution authorizing the CCRTA to file grant applications with the Federal Transit Administration (FTA) under 49 U.S.C. Chapter 53 Title 23.

Respectfully Submitted,

Submitted by: Christina Perez
Director of Procurement

Reviewed by: Robert M. Saldaña
Managing Director of Administration

Final Approval by: 
Derrick Majchszak
Chief Executive Officer



Resolution

Resolution authorizing the filing of applications with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for federal transportation assistance authorized by 49 U.S.C. Chapter 53; title 23, United States Code, or other federal statutes administered by the Federal Transit Administration.

WHEREAS, the Federal Transit Administrator has delegated authority to award federal financial assistance for a transportation project;

WHEREAS, the grant or cooperative agreement for federal financial assistance will impose certain obligations upon the applicant, and may require the applicant to provide the local share of the project cost;

WHEREAS, the applicant has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CORPUS CHRISTI REGIONAL TRANSPORTATION AUTHORITY:

Section 1. That the Chief Executive Officer or their designee is authorized to execute and file an application for federal assistance on behalf of the Corpus Christi Regional Transportation Authority with the Federal Transit Administration for federal assistance authorized by 49 U.S.C. Chapter 53, title 23, United States Code, or other federal statutes authorizing a project administered by the Federal Transit Administration. The Corpus Christi Regional Transportation Authority is the designated recipient as defined by 49 U.S.C. 5307(a)(2).

Section 2. That the Chief Executive Officer or their designee is authorized to execute and file with its applications the annual certifications and assurances and other documents the Federal Transportation Administration requires before awarding a federal assistance grant or cooperative agreement.

Section 3. That the Chief Executive Officer or their designee is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of the Corpus Christi Regional Transportation Authority.

DULY PASSED AND ADOPTED this ____ day of February 2025

ATTEST:

**CORPUS CHRISTI REGIONAL
TRANSPORTATION AUTHORITY**

Lynn Allison
Board Secretary

Arthur Granado
Chairman of the Board

Subject: Adopt Updated Disadvantaged Business Enterprise (DBE) Program Plan

Background

The Corpus Christi Regional Transportation Authority (CCRTA) has implemented a Disadvantaged Business Enterprise (DBE) Program in accordance with the regulations set forth by the U.S. Department of Transportation (USDOT) under 49 Code of Federal Regulations (CFR) Part 26. The CCRTA is required to adhere to Part 26, which mandates that an updated DBE Program Plan be submitted whenever there are significant changes to the program as a condition of receiving continued funding under USDOT.

On April 9, 2024, the USDOT published a DBE Final Rule in the Federal Register to modernize and streamline the DBE program regulations. Through this rule change, the USDOT has addressed many of the challenges DBEs have faced. Changes to the DBE program include:

- Expanding reporting requirements to DOT
- Streamlining the DBE certification and eligibility process
- Adjusting the personal net worth cap for inflation for small business owners, including excluding retirement assets from the calculation
- Formalizing guidance establishing successful COVID-19 flexibilities, such as virtual on-site visits, to conserve certification and firm resources
- Expediting interstate reciprocity

CCRTA's DBE Policy Statement and Program was last adopted by the Board of Directors on December 6, 2023.

Identified Need

As part of the USDOT DBE Final Rule which took effect on May 9, 2024, a new tiered system was developed for FTA grant recipients. This update results in data collection from FTA grant recipients and provides clarity around prohibited discriminatory practices, which will help FTA ensure contractors bidding for or working on transit projects do not experience discrimination in the award and administration of FTA-funded contracts.

While the tiers have been implemented, they will not be enforced until FY 2025, allowing recipients time to transition and meet the newly established requirements.

- **Tier I Recipients:** FTA grant recipients who will award more than \$670,000 in federal transit funds annually excluding transit vehicle purchases in third-party contracts are subject to all provisions. Tier I recipients must upload their updated DBE program into TrAMS by March 1, 2025, for FTA review.
- **Tier II Recipients:** FTA grant recipients who will award \$670,000 or less in federal transit funds annually excluding transit vehicle purchases are subject to a subset of provisions, including reporting requirements and the small business element. Tier II recipients do not submit documentation of these provisions for FTA for approval. However, FTA will verify compliance with these requirements during Triennial and State Management Reviews.

The CCRTA falls under Tier 1 Recipients and as such, its DBE Program needs updating to reflect the DBE Final Rule of May 9, 2024.

Staff incorporated the DBE Final Rule in the CCRTA's DBE Program Plan (Attachment A) to be submitted to the Federal Transit Administration by March 1, 2025.

Disadvantaged Business Enterprise (DBE)

Not applicable.

Financial Impact

None

Board Priority

This project aligns with Board Priority – Public Image & Transparency.

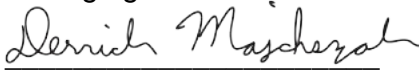
Recommendation

Staff requests the Administration & Finance Committee to recommend the Board of Directors adopt the updated Disadvantaged Business Enterprise (DBE) Program Plan.

Respectfully Submitted,

Submitted by: Laura Yaunk
DBE Liaison Officer

Reviewed by: Rita Patrick
Managing Director of Public Relations

Final Approval by: 
Derrick Majchszak
Chief Executive Officer



**CORPUS CHRISTI REGIONAL
TRANSPORTATION AUTHORITY**



DISADVANTAGED BUSINESS ENTERPRISE (DBE)

49 CFR PART 26

Policy Statement and Program Manual

March 2025

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**CORPUS CHRISTI REGIONAL TRANSPORTATION AUTHORITY
Disadvantaged Business Enterprise (DBE) Program**

POLICY STATEMENT

I. Objectives/Policy Statement (49 CFR §26.1, §26.23)

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

It is the policy of the CCRTA to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also CCRTA's policy:

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

The CCRTA Board of Directors delegates the responsibility for carrying out the organization's commitment to the DBE program to the Chief Executive Officer (CEO). The CEO works closely with the DBE Liaison Officer to facilitate the daily implementation of this program. The implementation of the DBE program is given the same priority as compliance with all other legal obligations that CCRTA has under its financial assistance agreements with the Department of Transportation.

CCRTA will disseminate this policy statement to its Board of Directors, the Executive Management Team, all components of its organization, and all DBE and non-DBE business communities that perform work for CCRTA on DOT-assisted contracts. CCRTA's Policy Statement will be published on the Authority's website at <https://www.ccrta.org/news-opportunities/dbe-program/> and will be distributed electronically or in paper format upon request.

Derrick Majchszak
Chief Executive Officer

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

The Corpus Christi Regional Transportation Authority (hereafter referred to by its operating name of “CCRTA”), is a direct 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. Titles I, III, and V of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), [Public Law 109-59](#), 119 Stat. 1144; Divisions A and B of the Moving Ahead for Progress in the 21st Century Act (MAP-21), [Public Law 112-141](#), 126 Stat. 405; Titles I, II, III, and VI of the Fixing America's Surface Transportation Act (FAST Act) [Public Law 114-94](#); and Divisions A and C of the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (IIJA) ([Pub. L. 117-58](#)), [Public Law 117-58](#).

Section 26.5 Definitions

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

Any terms used in this Program that are defined in 49 CFR Part 26 or elsewhere in the Regulations shall have the meaning outlined in the Regulations.

Section 26.7 Non-discrimination Requirements

CCRTA 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, CCRTA 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.

Through such efforts, the CCRTA will ensure that its contracting and procurement-related processes promote equity in access, consideration, and opportunity for DBEs in response to the requirements set forth under Title 49 CFR, Part 26: *“Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.”*

CCRTA maintains a recordkeeping system that identifies U.S. DOT-assisted contract awards and tracks prime contractors' progress in achieving DBE goal commitments throughout the performance of the contract. CCRTA verifies payments made to DBEs and keeps a record of actual DBE attainments. Any areas identified as non-compliance are subject to administrative sanctions against the contractor as outlined in this program.

CCRTA's records document all necessary information for U.S. DOT-assisted contracts to comply with U.S. DOT regulations. These records will include, but are not limited to, the following information:

- a) Contract title and number
- b) Original contract value, current contract value, contract value change
- c) Award date/approval date and end date
- d) Prime contractor information – name, contact person, business address and phone
- e) Contract funding source (i.e. FTA/Local)
- f) Contract type
- g) DBE contract goal
- h) DBE commitment (percentage and dollar amount allocated to DBEs)
- i) DBE status, gender, ethnicity, and dollar amount of participation for each listed DBE
- j) Type of work performed by each listed DBE
- k) On-site interview forms
- l) Tally of DBE utilization throughout the life of the contract, including final DBE utilization reported at contract close-out

Uniform Reports of DBE Awards/Commitments and Payments: §26.11(a)

CCRTA will submit a semi-annual Uniform Report of DBE Awards or Commitments and Payments for Federal Transit Administration (FTA) review and approval. In conformance with FTA's direction, CCRTA will submit reports through FTA's Transit Award Management System (TrAMS) by June 1 and December 1 of each federal fiscal year.

The report will include the dollar value of DBE participation for U.S. DOT-assisted contracts and subcontracts that have been awarded and closed, demonstrating CCRTA's progress towards achieving the FTA-approved overall/triennial DBE goal. All dollar amounts reported will reflect the federal share of such contracts. The report will identify the dollar amount awarded to certified DBEs through the use of race-conscious and race-neutral methods; and will include the DBE participation and payments on ongoing contracts.

Pursuant to DBE Program regulations effective May 9, 2024, CCRTA will also include in the semi-annual report the names of DBEs, North American Industry Classification System (NAICS) codes performed in a contract, federally assisted contract number(s), and the dollar value of the contract.

CCRTA will adhere to the following reporting period based on the Federal Fiscal Year:

- Reporting period: October 1st through March 31st report due June 1st
- Reporting period: April 1st through September 30th report due December 1st

Bidders List: §26.11(c)

Under 49 CFR §26.11, CCRTA is required to create and maintain a comprehensive Bidders List. CCRTA will obtain bidders' list information about all DBE and non-DBEs who bid or quote as prime contractors and subcontractors on each DOT-assisted contract.

CCRTA will report the bidders' list information and enter it into a system designated by the U.S. Department of Transportation, as required by the DBE Final Rule effective May 9, 2024.

The Bidders List shall, at a minimum, include the following information for each firm:

1. Business Name
2. Business address and phone number
3. Email address
4. Contact name and title
5. Number of years in business
6. Firm's status as a DBE or non-DBE
7. Race and Gender for the firm's majority owner
8. NAICS codes applicable to each scope of work the firm sought to perform in its bid
9. Annual gross receipts of the firm

CCRTA will use this information to assist in establishing its market area and as a resource in CCRTA's DBE goal-setting process.

Section 26.13 Federal Financial Assistance Agreement

As a recipient of funds from U.S. DOT, CCRTA has signed a financial assistance agreement with U.S. DOT containing the following assurance, applicable to all U.S. DOT-assisted contracts and their administration:

CCRTA 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. CCRTA shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. CCRTA's DBE program, as required by 49 CFR Part 26 and as approved by U.S. DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and the failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to CCRTA of its failure to carry out its approved program, the Department may impose sanctions 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.).

Pursuant to the requirements of 49 CFR §26.13, the following language shall be included in all contracts awarded by CCRTA and required to be included in all subcontracts signed by any CCRTA contractor:

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.

If CCRTA enters into a DOT-assisted financial assistance agreement with any sub-recipient in the future, the above assurance will be required for the sub-recipient and included in the agreement.

SUBPART B – ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Requirements

CCRTA is a regional provider of mass transportation services, primarily within Nueces County and part of San Patricio County. Nueces County includes the cities of Agua Dulce, Bishop, Corpus Christi, Driscoll, Port Aransas, Robstown, and unincorporated areas. San Patricio County coverage includes the cities of Gregory and Old San Patricio. The total area is 838 square miles and has an approximate population of 317,773. An 11-member Board of Directors governs CCRTA. The City of Corpus Christi, Nueces County, and the Committee of Small City Mayors appoint members to the Board.

As a recipient of DOT grant funds and under 49 CFR §26.21, CCRTA shall continue to implement the DBE Program, in its entirety, unless and until all funds from DOT financial assistance have been expended.

CCRTA will regularly review directives issued by the U.S. DOT and update its DBE Program as necessary to fully comply with the intent of the U.S. DOT's DBE Program. The Part 26 regulations were published by DOT on February 2, 1999, effective March 4, 1999, which supersede the previous DBE regulations in Part 23 and have since been revised with the most current revision occurring and becoming effective May 9, 2024. One of the grant requirements is that transit recipients adopt a new disadvantaged business enterprise program. Adoption of this CCRTA Disadvantaged Business Enterprise Program by the CCRTA Board of Directors enables compliance with current DBE regulation requirements.

Section 26.21(b)(2) DBE Program Updates

CCRTA will submit its DBE program to FTA for approval through TrAMS when there are significant changes to the program.

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer

CCRTA has designated the following individual as its DBE Liaison Officer (DBELO):

Laura Yaunk, 602 N. Staples Street, Corpus Christi, TX 78401
(361) 903-3521; lyaunk@ccrta.org

In that capacity, DBELO is responsible for implementing all aspects of the DBE program and ensuring that CCRTA complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the Chief Executive Officer of CCRTA 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, administering, implementing, and monitoring the DBE program, in coordination with other appropriate officials. The duties and responsibilities of the DBELO include the following:

1. Develop, monitor implementation of, and provide continuing evaluation of CCRTA's Disadvantaged Business Enterprise Program.
2. Submit updates to the U.S. DOT, regarding any significant changes to the Authority's DBE Program.
3. Review and submit CCRTA's triennial overall DBE goals to the FTA.
4. Conduct an annual review of CCRTA's overall DBE goal; adjust and/or recalculate the goal as necessary and submit it to the FTA.
5. Review triennial/overall DBE goal commitments at the end of each federal fiscal year (FFY); analyze any goal shortfall and prepare a written analysis of why the overall goal was not achieved, as well as a written plan for corrective actions that CCRTA will take, to remedy the goal shortfall.
6. Certify, decertify, or deny certification according to criteria set by U.S. DOT 49 CFR Part 26.

7. Maintain and continually update a directory of disadvantaged businesses eligible to participate in CCRTA's DBE program including information on principal business activities and contact persons.
8. Assist in securing management and technical assistance resources for disadvantaged businesses as requested.
9. Conduct and coordinate outreach efforts to DBEs and small businesses to provide information regarding contracting opportunities with CCRTA; utilize the assistance of small business development centers, minority and women business associations, vendor fairs, workshops to assist with outreach efforts.
10. Publicize CCRTA business opportunities to disadvantaged businesses in a timely manner and refer such businesses to assistance resources for aid in bidding on CCRTA contracts and subcontracts.
11. Identify contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract-specific goals) and monitor results.
12. Attend pre-proposal, pre-bid, and pre-award meetings to explain DBE requirements.
13. Review third-party contracts and purchase requisitions and determine contractors' and subcontractors' compliance with all applicable requirements for DBE participation.
14. Participate in training sessions, workshops, seminars, etc. to inform potential bidders/proposers of the DBE Program and business opportunities with CCRTA.
15. Serve as a liaison with agencies supporting economic development in the minority community.
16. Maintain accurate and up-to-date records demonstrating CCRTA efforts and progress.
17. Report at a minimum of once a year to the CCRTA Board of Directors and the Chief Executive Officer on progress being made in the implementation of the DBE Program and to recommend program modifications that were deemed appropriate.
18. Gather and report statistical data and other information, as required by U.S. DOT and other funding agencies.
19. Maintain open lines of communication with disadvantaged business communities.
20. Act as the CCRTA Liaison to the Uniform Certification Program ("UCP") Partners in Texas.

Section 26.27

DBE Financial Institutions

CCRTA will investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, make reasonable efforts to use such institutions, and encourage prime contractors on DOT-assisted contracts to make use of these institutions. CCRTA shall maintain listings of financial

institutions and insurance firms owned and controlled by socially and economically disadvantaged individuals who qualify as such.

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

Section 26.29 Prompt Payment Mechanisms

CCRTA will include the following clause(s) in each DOT-assisted contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than thirty (30) days from the receipt of each payment the prime contract receives from the Corpus Christi Regional Transportation Authority (CCRTA). Any delay or postponement of payment from the above-referenced time frame may occur only for good cause following written approval of the Corpus Christi Regional Transportation Authority. This clause applies to both DBE and non-DBE subcontracts.

The prime contractor agrees to return retainage payments to each subcontractor within thirty (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 the Corpus Christi Regional Transportation Authority (CCRTA). This clause applies to both DBE and non-DBE subcontracts.

The clause to be used will be determined by what is being procured by CCRTA.

DBELO will monitor payments made to subcontractors via its compliance forms monthly to ensure the timeliness and accuracy of payments. Sanctions of non-compliance may apply to untimely payments to subcontractors.

Non-Compliance and Sanctions

Determination of Non-compliance

It shall be the responsibility of CCRTA's DBE Liaison Officer (DBELO) to monitor the Compliance Plan, as well as the fulfillment of any special conditions, work order goals, or other obligations by contract awardees.

1. The DBELO shall determine whether a contractor has complied with the obligations under its compliance plan and other related requirements. The contractor has the burden of proving compliance with all obligations and requirements.
2. If the contractor fails to fulfill the requirements of the compliance plan or other compliance-related contractual obligation, CCRTA will notify the contractor of the deficiencies. Following notification, the contractor shall have sixty (60) days to cure

the deficiencies. If the deficiencies are not cured, CCRTA shall make a determination of non-compliance and recommend the imposition of sanctions.

Sanctions for Non-Compliance

1. Sanctions for non-compliance may include but are not limited to the following:
 - a. Withholding payments under the contract;
 - b. Recommendation not to exercise contract renewal option, if any;
 - c. Termination of the contract; and
 - d. Debarment from future business with CCRTA.

Section 26.31 Directory

CCRTA is a certifying partner in the Texas Unified Certification Program (TUCP) which includes the following:

- City of Austin
- City of Houston
- North Central Texas Regional Certification Agency (NCTRCA)
- South Central Texas Regional Certification Agency (SCTRCA)
- Texas Department of Transportation (TxDOT)

The TUCP Certifying Partners will maintain an online system of unified DBE Directory containing pertinent information on all firms certified by the TUCP (including those from other states certified under the provisions of this part).

The DBE Directory is made available to the public electronically (on the internet) as well as in print. The electronic version is downloadable into a searchable and sortable Excel spreadsheet which allows or permits the public including bidders and proposers to search and/or filter for DBEs by:

1. Physical location
2. North American Industry Classification System (NAICS) codes
3. Work descriptions
4. Location or Work District/Region

The DBE Directory can be found online at <https://www.ccrta.org/news-opportunities/dbe-program/> and <https://txdot.txdotcms.com/> The directory contains the following information for each certified DBE, as applicable:

1. Business name
2. Owner
3. Address
4. Business phone
5. Fax number
6. Email address

7. Website
8. County
9. Certifying agency
10. Certification type
11. Certified business description
12. NAICS codes
13. Work District/Region

Section 26.33 Overconcentration

CCRTA has not identified that overconcentration exists in the types of work that DBEs perform. If at any time CCRTA observes an over-concentration of DBE firms in a certain type of work as to unduly burden the opportunity of non-DBE firms to participate in the type of work that is being over-burdened, CCRTA will devise appropriate measures, at that time, to address the overconcentration.

Section 26.35 Business Development Programs

CCRTA has not established a business development and mentor-protégé program at this time. The DBELO will continually evaluate the need and assess whether CCRTA should establish a Business Development Program and/or Mentor-Protégé Program. If CCRTA establishes either program, the program will be guided by the applicable Appendix C and D of 49 CFR Part 26 and approved by the Federal Transit Administration (FTA) before being implemented.

Section 26.37 Monitoring and Enforcement Mechanisms

CCRTA has implemented appropriate monitoring and enforcement mechanisms to ensure compliance to ensure prime and subcontractor compliance with DBE Program requirements as stated in 49 CFR Part 26:

1. CCRTA 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. CCRTA will consider similar action under our own legal authorities, including responsive determinations in future contracts. 49 CFR §26.87(j) lists the regulation, provisions, and contract remedies available to us in the event of non-compliance with the DBE regulation by a participant in our procurement activities.

3. CCRTA will also provide a monitoring and enforcement mechanism to verify that work committed, or in the case of race-neutral participation, the work subcontracted to all DBEs at contract award or subsequently is performed by the DBEs to which the work was committed or subcontracted to, and such work is counted according to the requirements of §26.55. This will be accomplished through the following but not limited to:
 - a. Collecting a copy of a signed subcontractor agreement between the prime contractor/consultant and the DBE.
 - b. Verifying payments made to the DBEs through the prime contractor's submission of the monthly DBE Payment Report form every 1st day of the month.
 - c. Tracking DBE participation throughout the life of the contract.
 - d. Conducting site visits, field observations, and construction worker interviews on applicable contracts.
 - e. Recording and reporting final DBE participation at contract close-out; and
 - f. Measuring achieved DBE participation in comparison to committed participation.

4. CCRTA will keep running tally mechanisms:
 - a. Monitoring the DBE overall goal

To achieve the overall goal, awarded and approved DOT-assisted contracts are reported monthly in the contract compliance module utilizing the B2GNow online system. This assists DBELO in determining whether the implementation of contract goals is projected to be sufficient to meet CCRTA's annual goal.
 - b. Monitoring the DBE commitment

With respect to each DBE commitment, DBELO conducts a monthly audit of DOT-assisted contracts by reporting payments made by the CCRTA to prime contractors, as well as payments made by these prime contractors to the DBE subcontractors to ensure that work committed to DBEs at contract award is actually performed by DBEs. Payments are reported in the B2GNow contract compliance module. This assists DBELO in monitoring and tracking the DBE commitment for each DOT-assisted contract and whether any projected shortfall exists that may require the prime contractor's good faith efforts to meet the contract goal pursuant to §26.53(g).

Section 26.39

Fostering Small Business Participation

Pursuant to the requirements of 49 CFR §26.39, CCRTA has established and incorporated a Small Business Enterprise (SBE) Program, a non-discriminatory element to its DBE Program. The purpose of the program is to facilitate competition on DOT-assisted projects by small business concerns (both DBEs and non-DBE small businesses) and to increase opportunities for small businesses to perform work for CCRTA. A revised Small Business Enterprise (SBE) Program effective October 2023 can be found in [Attachment 2](#) to this program.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

CCRTA does not use quotas in any way in the administration of its DBE program.

Section 26.45 Overall Goals

A description of the methodology used 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 on a triennial basis.

Under 49 CFR § 26.45(f)(1)(i), CCRTA will submit its overall goal to the Federal Transit Authority (FTA) on August 1st at three-year intervals. Before establishing the overall triennial goal, CCRTA will consult with local stakeholders, including minority, women, and general contractor groups, community organizations, and other officials or organizations through a publicized public meeting to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and CCRTA's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, CCRTA will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at CCRTA's Staples Street Center at 602 N. Staples Street, Corpus Christi, TX 78401 for 30 days following the date of the notice, and informing the public that CCRTA and FTA will accept comments on the goals for 30 days from the date of the notice. The notice will include an address to which comments may be sent, an email address as to where the comments can be sent electronically and where the proposal may be reviewed on-site as well as on CCRTA's website. CCRTA will publish its final DBE triennial goal on its website.

CCRTA will begin using the triennial goal on October 1st of each year unless the agency has received other instructions from the FTA.

Section 26.47 Shortfall Analysis and Corrective Action Plan

If at the end of each federal fiscal year, awards/commitments are less than the applicable overall goal, CCRTA will analyze the reasons for the shortfall and establish specific steps that may enable the agency to meet its overall goal in the next year.

The shortfall analysis and corrective action plan report is to be kept on file for three years and will be made available to the Federal Transit Administration (FTA) upon request.

Section 26.49 Transit Vehicle Manufacturers Goals

CCRTA requires, per 49 CFR §26.49(a) that each transit vehicle manufacturer (TVM), as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, certify that it has complied with the requirements of this section. Only those TVMs listed on FTA's list of eligible TVMs, or that have submitted a goal methodology to the FTA that has been approved or has not been disapproved, at the time of solicitation are eligible to bid. The DBE Liaison Officer will verify, at the time of the bid, the status of the TVM through the FTA's website.

CCRTA will report to FTA by electronically submitting within 30 days of making an award, the name of the successful bidder, and the total dollar value of the contract in the manner prescribed in the grant agreement to FTA.

Alternatively, and per 49 CFR §26.49(f), CCRTA 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 and Race-Conscious Participation

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

Section 26.51(d-g) Contract Goals

CCRTA will use contract goals to meet any portion of the overall goal CCRTA does not project to be 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.

CCRTA will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. CCRTA 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).

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

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 DBE Liaison Officer (DBELO) is 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.

To be responsive, a bidder must make good faith efforts to meet CCRTA's DBE goal in either of two ways. The bidder must either:

- 1) Document on how it will meet the full goal by completing and signing DBE Participation Schedules A and B or C (if a joint venture) forms; or
- 2) Document its attempt to meet the goal through detailed, corroborating evidence, i.e., demonstrate that it took *all necessary and reasonable steps* which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if the bidder was not fully successful.

CCRTA's DBELO will make a fair and reasonable judgment whether a bidder who did not meet the goal made adequate good faith efforts. The DBELO will consider the quality, quantity, and intensity of the different kinds of efforts that the bidder/proposer made. The efforts employed by the bidder should be those that one would reasonably expect a bidder to take if the bidder were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE contract goal. Mere *pro forma* efforts are not good faith efforts to meet the DBE contract requirements.

The following is a list of types of action that DBELO will consider as part of the evaluation of the bidder's good faith efforts to obtain DBE participation. It is not intended to be a mandatory check list or to be exclusive or exhaustive. Other factors or types of effort may be relevant in appropriate cases:

- A. Soliciting through all reasonable and available means (e.g., attendance at pre-bid meetings, if applicable, advertising, and/or written notices) the interest of all certified DBEs who can perform the work of the contract. The bidder must solicit this interest within sufficient time to allow the DBEs to respond to the solicitation. The bidder must determine with certainty if the DBEs are interested in taking appropriate steps to follow up on initial solicitations.

- B. Selecting portions of the work to be performed by DBEs to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the bidder might otherwise prefer to perform these work items with its own forces.
- C. Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.
- D. Negotiating in Good Faith with interested DBEs
1. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, to facilitate DBE participation. Evidence of such negotiation includes:
 - the names, addresses, and telephone numbers of DBEs that were considered;
 - a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and
 - evidence as to why additional agreements could not be reached for DBEs to perform the work.
 2. A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take into consideration a firm's price and capabilities, as well as contract goals. The fact that there may be some additional costs involved in finding and using DBEs, however, is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a bidder to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good-faith efforts. Bidders are not, however, required to accept high quotes from DBEs if the price difference is excessive or unreasonable.
- E. Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The bidder's standing within the industry, membership in specific groups, organizations, or associations and political or social affiliations (for example, union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the bidder's efforts to meet the project goal.
- F. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by CCRTA or the bidder.

- G. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
- H. Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, state, and federal minority/women business assistance offices, and other organizations as allowed on a case-by-case basis to assist in the recruitment and placement of DBEs.

DBELO will also consider the performance of other bidders in meeting the contract goal. For example, when the apparent successful bidder fails to commit to the contract goal, but others commit to the goal, it will raise the question of whether, with additional reasonable efforts, the apparent successful bidder could have committed to the goal. If the apparent successful bidder fails to commit to the goal but meets or exceeds the average DBE participation obtained by other bidders, the DBELO may view this, in conjunction with other factors, as evidence that the apparent successful bidder made good faith efforts.

DBELO is responsible for determining whether a bidder has properly committed to meeting the DBE goal and whether a bidder who has not committed to meeting the goal has documented good faith efforts in order to be responsive. DBELO must be satisfied that all information is complete and accurate and adequately documents the bidder's good faith efforts before CCRTA commits to the performance of the contract by the successful bidder.

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

Information to be submitted (§26.53(b)(3)(i)(A))

CCRTA treats the bidder/offer's compliance with good faith efforts' requirements as a matter of responsiveness.

In those instances where a contract-specific DBE goal is included in the solicitation, CCRTA will follow the procedure outlined in 49 CFR §26.53 (b)(3)(i)(A) – *“under sealed bid procedures, as a matter of responsiveness, or with initial proposals, under contract negotiation procedures.”*

Each solicitation for which a contract goal has been established will require bidders/offerors to submit the following information along with their bids:

- 1) The names and addresses of DBE firms that will participate in the contract;
- 2) A description of the work that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract;

- 3) The dollar amount of the participation of each DBE firm participating;
- 4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal ([Attachment 5 -DBE Participation Schedule A attached hereto](#));
- 5) Written confirmation from the DBE that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment ([Attachment 5 - DBE Participation Schedule B attached hereto](#)); and
- 6) If the contract goal is not met, evidence of good faith efforts. DBELO examines the documentary evidence provided by the bidder and determines whether the efforts made are consistent with examples of good faith efforts as found in Appendix A of 49 CFR Part 26.

Administrative Reconsideration (§26.53(d))

In accordance with 49 CFR §26.53(d), if CCRTA determines that a bidder is not responsive because it has not committed to meeting the contract goal or has not documented sufficient good faith efforts, it will notify the bidder in writing, and the bidder will have five (5) business days after receipt of this notification to request administrative reconsideration. The bidder must make this request in writing to the following CCRTA Reconsideration Official:

Chief Executive Officer (CEO)
Corpus Christi Regional Transportation Authority
602 N. Staples St. Corpus Christi, TX 78401

The Reconsideration Official will not have played any role in the original determination that the bidder did not document sufficient good faith efforts.

As part of this Reconsideration, the bidder shall have the opportunity to provide written documentation or argument concerning the issue of whether it is committed to meeting the contract goal or made adequate good faith efforts to do so. The bidder can also request in writing to meet in person with CCRTA's Reconsideration Official to discuss these issues; this request for a meeting must be submitted within five (5) business days after receipt of notification of non-compliance. CCRTA will send the bidder a written decision within 10 business days after its reconsideration request was received by CCRTA, explaining CCRTA's basis for the finding that the bidder did or did not meet the goal or did or did not make adequate good faith efforts to do so. The result of this reconsideration process is not administratively appealable to the United States Department of Transportation and CCRTA's decision shall be final.

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

The DBE Office monitors contracts to ensure compliance with federal DBE regulations, and CCRTA's Federal DBE Program. As stated in the DBE compliance requirements section of

CCRTA's general contract conditions: "Failure to abide by the DBE participation requirements shall be viewed as a breach of contract and subject to such sanctions and penalties as are allowed by law." CCRTA may exercise its right to terminate the contract for breach of the DBE requirements. In the event of such a breach, CCRTA may first invoke its administrative remedies under the contract and allow the contractor a reasonable opportunity to cure the breach prior to termination.

The contractor's use of DBEs is monitored to ensure that pre-award commitments are kept. A Contractor may not terminate a listed and approved DBE subcontractor or an approved substitute DBE firm without the prior written approval of CCRTA's DBE Liaison Officer. This includes but is not limited to, instances in which a contractor seeks to perform work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, or another DBE firm. The Contractor will have to show good cause to terminate the listed and approved DBE firm.

Good Cause includes the following circumstances:

1. The listed DBE subcontractor fails or refuses to execute a written contract;
2. The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided, however, that good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the contractor;
3. The listed DBE subcontractor fails or refuses to meet the contractor's reasonable, nondiscriminatory bond requirements;
4. The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;
5. The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR Parts 180, 215, and 1200 or applicable state law;
6. DBELO has determined that the listed DBE subcontractor is not a responsible contractor;
7. The listed DBE subcontractor voluntarily withdraws from the project and provides you with written notice of its withdrawal;
8. The listed DBE is ineligible to receive DBE credit for the type of work required;
9. A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract;
10. Another documented good cause is that the DBELO compels the termination of the DBE subcontractor. Provided, that good cause does not exist if:

- The contractor seeks to terminate the DBE it relied upon to obtain the contract so that the contractor can self-perform the work for which the DBE contractor was engaged; or
- So that the contractor can substitute another DBE or non-DBE contractor after the contract award.

The DBE Office monitors whether identified DBE businesses are performing the work as identified by the Contractor through both field inspection and documentation, which includes verification of payment from the Contractor to the DBE subcontractor via the DBE Contract Compliance forms and other proof of performance. The DBE Office shall monitor the Contractor’s efforts to assist DBE subcontractors as may be needed during the performance of the contract. The Contractor shall inform the DBE Office whenever regularly scheduled progress payments are not made to DBE subcontractors.

Sanctions for Non-Compliance may include but are not limited to the following:

- Withholding payments under the contract;
- Recommendation not to exercise contract renewal option, if any;
- Termination of the contract; and/or
- Debarment of future business with CCRTA.

Section 26.55 Counting DBE Participation

CCRTA will count DBE participation toward overall and contract goals as provided in 49 CFR §26.55. CCRTA monitors its projects to ensure that DBEs are performing a commercially useful function (CUF). The results of the CUF evaluation are reported using a DBE Commercially Useful Function (CUF) Evaluation/Review Form can be found in [Attachment 6](#) to this program.

SUBPART D – CERTIFICATION STANDARDS

Section 26.61-26.71 Certification Process

CCRTA 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. CCRTA will make certification decisions based on the facts as a whole.

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

Corpus Christi Regional Transportation Authority - DBE Liaison Officer
 602 N. Staples St.
 Corpus Christi, TX 78401

CCRTA's certification application forms and documentation requirements are found online at <https://www.ccrta.org/news-opportunities/dbe-program/> and in Attachment 4 to this program.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Program

CCRTA is a member of the Texas Unified Certification Program (TUCP) administered by all members of the TUCP. The TUCP will meet all the requirements of this section. The following is a description of the TUCP:

Pursuant to the requirements of the federal regulations, 49 CFR Part 26, all recipients of federal aid must implement a “one-stop” certification process for Disadvantaged Business Enterprises (DBE) and Airport Concessions Disadvantaged Business Enterprises (ACDBE). As a result of this requirement, the following six entities have established the Texas Unified Certification Program (TUCP). The six certifying United States Department of Transportation (US DOT) direct recipients (Participants) are:

- City of Austin
- City of Houston
- Corpus Christi Regional Transportation Authority (CCRTA)
- North Central Texas Regional Certification Agency (NCTRCA)
- South Central Texas Regional Certification Agency (SCTRCA)
- Texas Department of Transportation (TxDOT)

The TUCP is based on the concept of reciprocity among the Participants. Pursuant to 49 CFR §26.81(b)(2), “one-stop shopping” will be provided to applicants for DBE certification, such that an applicant need only to apply once for DBE certification that will be honored by all recipients in the state of Texas.

Section 26.83 Procedures for Certification Decisions

Re-certifications §26.83(a) & (h)(1)(2)

CCRTA must ensure that only firms certified as eligible DBEs participate as DBEs in its program.

For firms that CCRTA has certified under Part 26, those firms will remain certified unless and/or until CCRTA removes its certification, in whole or in part (*i.e.*, NAICS code removal), through the procedures of 49 CFR §26.87.

CCRTA may not require a DBE to reapply for certification, renew its certification, undergo a recertification, or impose any functionally equivalent requirement. It may, however, conduct

a certification review at any reasonable time and/or at regular intervals of at least two years. The certification review may, at CCRTA's discretion, include a new on-site review (OSR). CCRTA may also make an announced visit to DBE's offices and/or job site. CCRTA may also rely on another certifier's report of its OSR of the DBE.

Declaration of Eligibility (DOE) (§26.83(j))

CCRTA requires all DBEs to provide every year on the anniversary of its original certification, a new Declaration of Eligibility (DOE) along with specified documentation in §26.65(a), including gross receipts for its most recently completed fiscal year, calculated on a cash basis regardless of the DBEs overall accounting method. The sufficiency of documentation (and its probative value) may vary by business type, size, history, resources, and overall circumstances. However, the following documents may generally be considered "safe harbors," provided that they include all reportable receipts, properly calculated, for the full reporting period: audited financial statements, a CPA's signed attestation of correctness and completeness, or all income-related portions of one or more (when there are affiliates) signed Federal income tax returns are file. Non-compliance, whether full or partial, is a §26.109 (c) failure to cooperate.

CCRTA will automatically notify all currently certified DBE firms of these obligations online through the B2GNow certification module 30 days before the DBEs' anniversary date of certification. This notification will inform DBEs to submit the completed and signed DOE, wherein owners must swear or affirm that they meet all regulatory requirements of Part 26, including personal net worth.

Likewise, if a firm's owner knows or should know that he or she, or the firm, fails to meet Part 26 eligibility requirements (e.g., personal net worth), the obligation to submit a notice of change applies. The DBE must notify CCRTA of a material change in its circumstances that affects its continued eligibility within 30 days of its occurrence, explain the change fully, and include a duly executed DOE with the notice. The DBE's non-compliance is a §26.109 (c) failure to cooperate.

Section 26.86 Denials of Initial Requests for Certification

If CCRTA denies a firm's application, it may not reapply until twelve (12) months have passed since CCRTA's action.

Section 26.87 Removal of a DBE's Eligibility

In the event CCRTA proposes to remove a DBE's certification, CCRTA will follow procedures consistent with 49 CFR §26.87. [Attachment 7](#) to this program sets forth these procedures in detail. To ensure the separation of functions in a decertification, CCRTA has determined that their Chief Executive Officer (CEO) will serve as the decision-maker in decertification

proceedings. CCRTA has established an administrative “firewall” to ensure that the CEO will not participate in any way in the decertification proceeding against the firm (including in the decision to initiate such a proceeding).

Section 26.89 Certification Appeals

Applicant and decertified firms may appeal CCRTA’s decision in a certification matter directly to USDOT in accordance with 49 CFR §26.89(a).

Appellants must email the Department at DBEAppeals@dot.gov to submit their appeals within 45 days from the date of CCRTA’s final decision regarding certification denial or removal. The appeal must include a copy of CCRTA’s denial or decertification letter, including a narrative that explains fully and specific statement as to why the decision is erroneous, what outcome-determinative facts CCRTA has failed to consider, or what provisions of the DBE regulations CCRTA did not properly apply. If appellants do not have access to email, they may send a letter to:

U.S. Department of Transportation
Departmental Office of Civil Rights
Disadvantaged Business Enterprise Program Division
1200 New Jersey Ave, S.E.
Washington, DC 20590

CCRTA’s decision remains in effect until USDOT resolves the appeal or CCRTA reverses itself.

When USDOT receives an appeal from the applicant and decertified firms, CCRTA will provide a complete administrative record, including video, audio recordings, or transcripts of any hearing, within 20 days of a USDOT request.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

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

Notwithstanding any provision of Federal or state law, CCRTA will not release any information that may reasonably be construed as confidential business information to any third party without the written consent of the firm that submitted the information. This includes applications for DBE certification and supporting information. However, CCRTA will transmit this information to DOT in any certification appeal proceeding under §26.89 or to any other state to which the individual’s firm has applied for certification under §26.85.

CCRTA is required to cooperate fully and promptly with DOT and recipient compliance reviews, certification reviews, investigations, and other requests for information.

ATTACHMENTS

Attachment 1	Organizational Chart
Attachment 2	Small Business Enterprise (SBE) Program
Attachment 3	Overall Goal Calculation (FFY2023-2025)
Attachment 4	Uniform Certification Application
Attachment 5	DBE Participation Schedule A and Schedule B
Attachment 6	Monitoring Forms
Attachment 7	Procedures for Removal of DBE's Eligibility



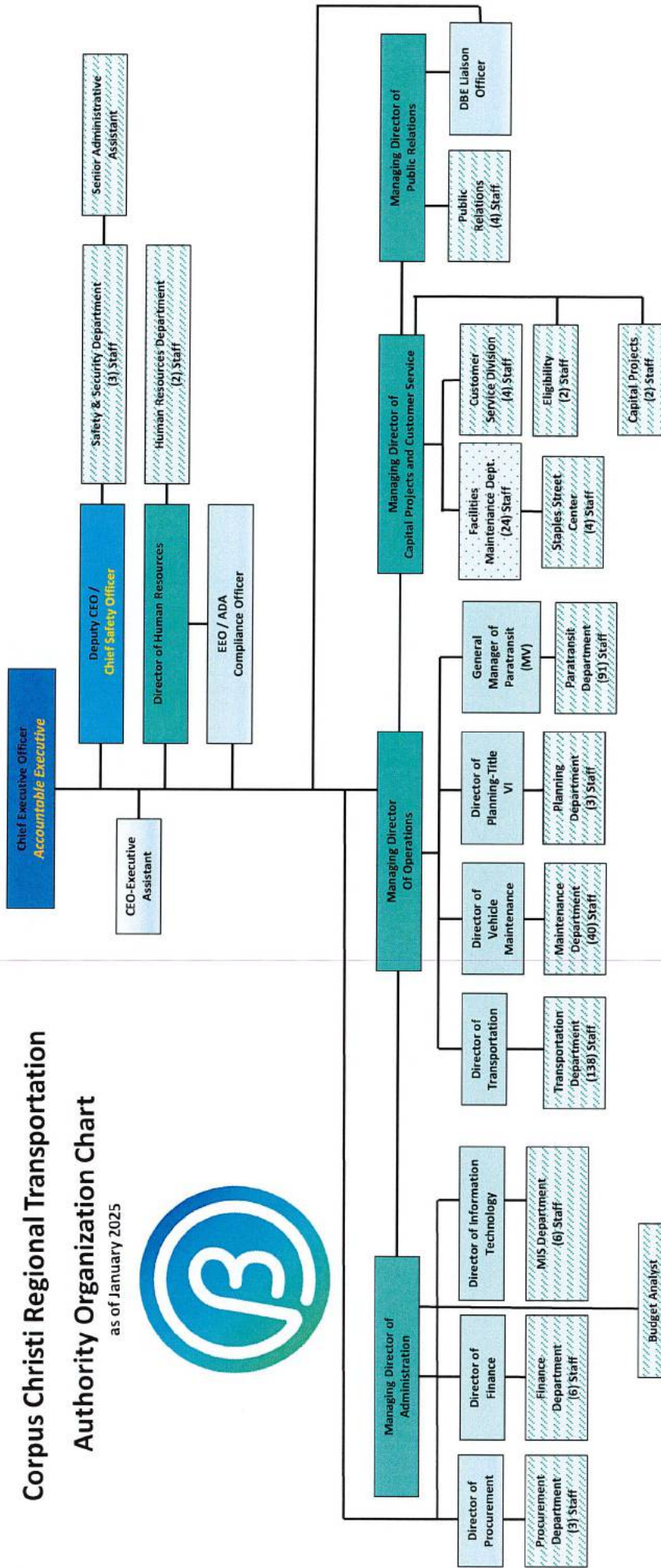
DBE Program Plan Attachments

Attachment 1: Organizational Chart

Corpus Christi Regional Transportation

Authority Organization Chart

as of January 2025



Encompass essential responsibilities that require a direct line to CEO



DBE Program Plan Attachments

Attachment 2: Small Business Enterprise (SBE) Program

Small Business Enterprise (SBE) Program

Introduction

As specified in 49 CFR Part 26.39, CCRTA has created a program to foster small business element as part of the Disadvantaged Business Enterprise (DBE) Program Plan. In accordance with 49 CFR Part 26.51, the program is designed to ensure that the maximum feasible portion of the overall DBE goal is met by using race-neutral DBE participation. The SBE Program is a race-neutral small business program which restricts competition on certain contracts to only small businesses either as a prime contractor or subcontractor, regardless of the gender and ethnicity of the owners. The program will facilitate competition and small business participation on federally-funded Corpus Christi Regional Transportation Authority (CCRTA) contracts.

Certified DBE firms that are also certified as SBE will be counted toward race-neutral participation in the program and will contribute to attainment of the overall DBE goal. Race-neutral DBE participation includes any time a DBE wins a prime contract through customary competitive procurement procedures or is awarded a subcontract on prime contract that does not carry a DBE contract goal.

Program Objectives

1. To provide opportunities for small business to participate in all phases of CCRTA contracting activities;
2. To ensure non-discriminatory practices in the utilization of small businesses in CCRTA contracts;
3. To encourage all small businesses to seek work as either as a prime or a subcontractor when qualified and when work is available;
4. To create formal processes and procedures that adequately and effectively assists in small business participation; and
5. To certify firms that meets the Small Business Enterprise (SBE) definition set forth below.

Definition of a Small Business

In determining whether a firm is eligible to compete as a small business, CCRTA will adopt the definitions contained in 13 CFR 121.103 and 121.104 for this policy and definition of small business concerns set out in 49 CFR 26.5.

Small Business Enterprise (SBE)

A small business is defined as any business whose annual gross receipts, including the annual gross receipts of all of the firm's affiliates, for the five previous years may not have exceeded the United States Small Business Administration's size standard for the North American Industry Classification System (NAICS) Code, as provided by 13 CFR 121.201 and not to

exceed the business size set out in 49 CFR part 26.65(b); and must be owned by one or more persons who are U.S. citizen or lawfully-admitted permanent residents.

Implementation

CCRTA is committed to conduct the SBE program to foster small business (DBEs and non-DBE small businesses) participation in compliance with 49 CFR Part 26.39 through race-neutral measures. The SBE program is a supplement to the federal Disadvantaged Business Enterprise (DBE) program.

CCRTA incorporates the following non-discriminatory elements to its DBE Program, in order to facilitate competition on federally-funded projects by small business concerns (both DBEs and non-DBE small businesses):

- 1) The SBE program applies to contracts for which CCRTA has not set a DBE goal. However, if a certified DBE has been awarded a contract either as a prime contractor or subcontractor (when there is no contract goal), its participation shall be counted towards CCRTA's DBE overall goals.
- 2) When no DBE goal is established for a contract, provide procurement with a list of vendors found in the Texas Unified Certification Program (TUCP) DBE Directory and CCRTA's SBE Directory, and SBEs certified by TUCP Partners that may have the capability to bid the contract as a prime contractor or subcontractor. These vendors are notified of the contract opportunity.
- 3) Unbundle contracts, when possible, so an SBE can become a prime contractor on separate smaller contracts. This also includes the removal of unnecessary and unjustified bundling of contract requirements. Project Managers, Director of Procurement, Managing Director of Public Affairs, and the DBELO may conduct contract reviews on FTA-assisted contracts to determine whether portions of the project could be unbundled or bid separately.
- 4) Encourage CCRTA vendors to apply for SBE certification with CCRTA. CCRTA implemented a simplified certification process for SBEs. A qualified SBE, as defined by the United States Small Business Administration (SBA) must meet the required average gross receipts (under Title 13 CFR Part 121.104) or average number of employees (under Title 13 CFR Part 121.106) to qualify as a small business concern.
- 5) Exploring best practices to share the letting information with SBEs and encouraging small businesses which are also owned and controlled by socially and economically disadvantaged individuals to seek DBE certification.

While the SBE component of the DBE program does not require utilization goals on projects, CCRTA encourages contractors to utilize small businesses that are registered as SBEs on their contracts. The contractor will use the TUCP DBE Directory, CCRTA's SBE Directory, and

SBEs certified by TUCP Partners to search for certified DBEs and SBEs that can be used on the contract. However, SBEs that are not DBEs will not be counted toward DBE participation.

Small Business Enterprise (SBE) Certification Registration Procedures

To be eligible for certification as an SBE:

- a) A firm's annual gross receipts, including the annual gross receipts of all the firm's affiliates, for the five preceding completed fiscal years may not have exceeded the United States Small Business Administration (SBA) size standard for the North American Industry Classification System (NAICS) Code, as provided by 13 C.F.R. §121.201 and definition of small business concerns set out in 49 CFR Part 26.5.
- b) At least 51% of the firm's assets and interest and classes of stock, if applicable, must be owned by one or more persons who are U.S. citizens or lawfully admitted permanent residents.

CCRTA's certified DBEs will be automatically certified as an SBE. Businesses interested in pursuing SBE certification shall apply online via the CCRTA's Business Opportunity and DBE Program web portal at: <https://ccrta.gob2g.com>.

Certification Application Review and Evaluation

CCRTA will review and evaluate applications for SBE certification. At CCRTA's discretion or if circumstances warrant, an onsite inspection may be conducted to verify eligibility.

- A. When an applicant is approved by CCRTA as an SBE, the business will be notified in writing of such certification. The certification shall be effective as of the date of the approval and shall remain valid unless revoked or withdrawn voluntarily by the certified SBE owner.
- B. SBE certification is valid for three years from the initial date of certification. To be recertified as an SBE, SBE firm must submit a renewal application and documentation requirements.
- C. CCRTA may deny an application if:
 - (1) the application is not completed satisfactorily;
 - (2) the applicant is not eligible to be certified as an SBE;
 - (3) the applicant knowingly supplies false or inaccurate information; and
 - (4) the applicant does not comply with the documentation requirements.
- D. When an applicant is denied certification as an SBE, the business shall be notified in writing of the reasons for that decision. The burden of proof of eligibility shall be upon the applicant in any such proceeding.
- E. A firm may not reapply for SBE certification within 12 months after the date of the denial notice.



DBE Program Plan Attachments

Attachment 3: Overall Goal Calculation (FFY 2023-2025)

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DBE Triennial Overall Goal and Methodology for FFY 2023-2025

I. SUMMARY

Corpus Christi Regional Transportation Authority (CCRTA) submits the following Disadvantaged Business Enterprise (DBE) overall goal and methodology for Federal Fiscal Years (FFY) 2023-2025 to Federal Transit Administration (FTA) for review in accordance with 49 Code of Federal Regulations (CFR) Part 26.45. CCRTA's triennial overall goal of 14% for FFY 2023-2025 includes a race-conscious projection of 11.58% and race-neutral projection of 2.42%. CCRTA shall make good faith efforts to meet the overall DBE goal each year during the triennial period. The overall goal was derived in the following manner:

- A base goal of 22.29% was calculated;
- An adjustment to the base goal was made taking into consideration the median past participation of 5.96%, thus reducing the base goal to 14.13% rounded to 14%;
- The maximum portion of the adjusted goal is 11.58% which is race-conscious and the race-neutral portion of the adjusted goal is 2.42%.

II. BACKGROUND

As a recipient of Federal Transit Administration (FTA) funding, CCRTA is required to establish and submit a triennial DBE overall goal for its FTA-assisted projects pursuant to the U.S. Department of Transportation (USDOT) rules and regulations provided in Title 49 Code of Federal Regulations (CFR) Part 26 (DBE Regulations). DBE regulations required USDOT recipients to set an overall goal based on demonstrable evidence of the availability of ready, willing, and able DBEs relative to all businesses ready, willing, and able to participate on federally-assisted contracts. The goal must reflect CCRTA's determination on the level of DBE participation expected absent the effects of discrimination.

III. FTA-ASSISTED CONTRACTING PROGRAM FOR FFY 2023-2025

Table 1 represents CCRTA's FTA-assisted projects that are anticipated to be awarded during the triennial period and which are considered in preparing this goal methodology. The projects have viable subcontracting possibilities and corresponding availability of DBEs, a required criterion for overall goal consideration.

Table 1

Project Name	Estimated FTA Funding for FFY 2023-2025
Bus Stop Shelter Amenities	\$1,098,085.00
Bus Stop Improvements	\$1,200,000.00
Concrete Bus Pads	\$840,000.00
Bus Wash Replacement	\$200,000.00
Bus Lift Replacements	\$680,000.00
Fork Lift Replacement	\$43,008.00
Mobile Radio Replacement	\$195,200.00
Support Vehicle Purchases	\$506,726.00
Total	\$4,763,019.00

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DBE Triennial Overall Goal and Methodology for FFY 2023-2025

Categories of Work

CCRTA reviewed each project anticipated to be awarded in the triennial period and determined the applicable categories of work applicable for each project using North American Industry Classification System (NAICS) codes. The corresponding dollar values for each NAICS code for each project are summarized below for purposes of weighting the categories of work based on the staff estimates. Table 2 provides a summary of the categories of project with estimated dollars for each.

Table 2

NAICS Code	Bus Stop Shelter Amenities	Bus Stop Improv	Concrete Bus Pads	Bus Wash Replc	Bus Lifts Replc	Fork Lift Replc	Mobile Radio Replc	Support Vehicle Purchases	Est. FTA \$ Share NAICS	Est. FTA % Share NAICS
236220	\$957,296	\$400,000							\$1,357,296	28.50%
237310		\$200,000	\$465,000						\$665,000	13.96%
238110	\$120,789	\$450,000	\$375,000						\$945,789	19.86%
238910	\$20,000	\$50,000							\$70,000	1.47%
334220							\$195,200		\$195,200	4.10%
423120					\$680,000	\$43,008			\$723,008	15.18%
441110								\$506,726	\$506,726	10.64%
541330		\$100,000							\$100,000	2.10%
811192				\$200,000					\$200,000	4.20%
	\$1,098,085	\$1,200,000	\$840,000	\$200,000	\$680,000	\$43,008	\$195,200	\$506,726	\$4,763,019	100.00%

IV. GOAL METHODOLOGY

Step 1: Determination of a Base Figure

The calculations to determine the base figure are made in order to measure the relative availability of DBE firms or firms that could be certified as DBE firms to perform the types of prime and subcontract work that CCRTA contracts. The methodology used determines the percentage of DBE firms that are ready, willing, and able to respond to solicitations for the types of work that CCRTA will be performing during the 2023-2025 federal fiscal years.

CCRTA followed one of the prescribed federal goal-setting methodologies in accordance with 49 CFR Part 26.45 regulations. This was accomplished by accessing the *Texas Unified Certification Program (TUCP) Directory of Certified DBE firms* and the *2020 U.S. Census Bureau County Business Patterns (CBP) database*.

Local Market Area:

Comparisons were made within CCRTA’s local market area which consists of Nueces, San Patricio, and Aransas counties and by specified industries and type of businesses. This is where the substantial majority of CCRTA’s contracting dollars are expended and/or the substantial majority of contractors’ and subcontractors’ bids or quotes are received.

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DBE Triennial Overall Goal and Methodology for FFY 2023-2025

In accordance with the formula below, the Base Figure is derived by dividing the number of ready, willing, and able DBE firms identified for each NAICS work category by the number of all firms identified for each corresponding work category (relative availability), then weighting the relative availability for each work category by the corresponding work category weight from Table 2 (weighted ratio) and then adding the weighted ratio figures together.

$$\text{Base Figure} = \frac{\text{Number of Ready, Willing, and Able DBEs}}{\text{Number of All Ready, Willing, and Able Firms}} \times \text{Weight} \times 100$$

⇒ For the numerator: Texas UCP DBE Database of Certified Firms

⇒ For the denominator: 2020 U.S. Census Bureau’s County Business Pattern (CBP) Database

CCRTA made a concerted effort to ensure that the scope of businesses included in the numerator was as close as possible to the scope included in the denominator.

The result of the Base Figure calculation is **22.29%**, as shown in Table 3 as follows:

Table 3

NAICS CODE	NAICS TITLE	NAICS %	DBEs	ALL FIRMS	RELATIVE AVAILABILITY (DBE ÷ All Firms)	WEIGHTED RATIO (Relative Availability % x NAICS %)
236220	Bus shelter construction	28.50%	9	43	20.93%	5.97%
237310	Concrete paving	13.96%	6	10	60.00%	8.38%
238110	Concrete pouring	19.86%	9	24	37.50%	7.45%
238910	Site preparation contractors	1.47%	7	27	25.93%	0.38%
334220	Mobile communication equipment	4.10%	0	4	0.00%	0.00%
423120	Shop equipment	15.18%	0	12	0.00%	0.00%
441110	Auto/light utility truck dealers	10.64%	0	25	0.00%	0.00%
541330	Engineering services	2.10%	5	100	5.00%	0.11%
811192	Truck and bus washes	4.20%	0	21	0.00%	0.00%
					Base Figure	22.29%

Step 2: Adjusting the Base Figure

Upon establishing the base figure, CCRTA reviewed and assessed other known evidence potentially impacting the relative availability of DBEs within the market area, in accordance with prescribed narrow tailoring provisions set forth under 49 CFR Part 26.45: Step 2; DBE Goal Adjustment guidelines.

Evidence considered in making an adjustment to the Base Figure included past DBE goal attainments and other evidence as follows:

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DBE Triennial Overall Goal and Methodology for FFY 2023-2025

A. Past DBE Goal Attainments

As historical DBE participation attainments provide demonstrable evidence of DBE availability and capacity to perform, CCRTA considered DBEs’ past participation as a relevant factor and proceeded to calculate past DBE participation attainments for the last three federal fiscal years, for which DBE attainment data is available. The projects anticipated to be awarded during the triennial period are slightly similar to those awarded in the recent past. Every semi-annual reporting period, CCRTA awards FTA-assisted contracts that consist of varying dollar amounts, varying term periods, use of varying procurement selection methods and depending on the contract, a varying number of DBE firms ready, willing, and able to perform those type of services. These multiple factors have resulted in a range of DBE attainment rates in the given semi-annual reporting period.

Table 4 shows the demonstrated capacity of DBEs (measured by actual historical DBE participation attainment) on FTA-assisted contracts awarded by CCRTA in the last three federal fiscal years.

Table 4

FFY	Total Dollars	Total \$ to DBEs	Race-Conscious (RC) DBEs \$	Race-Neutral (RN) DBEs \$	RC %	RN%	Total RC+RN%*	FFY DBE Goal Attainment %
2019 - Oct-Mar	\$586,533.00	\$0.00	\$0.00	\$0.00	0.00%	0.00%	0.00%	
Apr-Sep	\$768,247.00	\$80,765.00	\$40,015.00	\$40,750.00	5.21%	5.30%	10.51%	5.96%
2020 - Oct- Mar	\$247,552.00	\$40,000.00	\$0.00	\$40,000.00	0.00%	16.16%	16.16%	
Apr-Sep	\$1,407,719.00	\$0.00	\$0.00	\$0.00	0.00%	0.00%	0.00%	2.42%
2021 - Oct-Mar	\$1,183,193.00	\$58,128.00	\$58,109.00	\$19.00	4.91%	0.002%	4.91%	
Apr-Sep	\$687,845.00	\$91,373.00	\$71,618.00	\$19,755.00	10.41%	2.87%	13.28%	8.00%
Median DBE Attainment within the last three FFY								5.96%

**The percentage of DBE goal attainment on the FTA share from CCRTA’s Semi-Annual Uniform reports that were submitted to FTA.*

The median DBE attainment for the past three years, as shown in Table 4, is lower than the base figure derived from Step 1; therefore, an adjustment to the base figure based on CCRTA’s past DBE goal attainments has been made. The adjustment is calculated by averaging the base figure with the median DBE past attainment, as shown below:

$$\text{Adjusted Base Figure} = \frac{\text{Base Figure (22.29\%)} + \text{Median Past Attainment (5.96\%)}}{2}$$

The formula resulted in an adjustment (decrease) to the base figure from 22.29% to 14.13% rounded to **14%**.

B. Disparity Studies

CCRTA has not conducted any disparity studies in the past three federal fiscal years. Therefore, no disparity studies were considered.

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DBE Triennial Overall Goal and Methodology for FFY 2023-2025

C. Other Related Evidence

In accordance with DOT DBE regulations, if available, CCRTA must consider evidence from related fields that affect the opportunity for DBEs to form, grow, and compete which include but not limited to: statistical data that show disparities in the ability of DBEs getting financing, bonding and insurance required to participate in CCRTA's DBE Program; and data on employment, self-employment, education, training, and union apprenticeship programs to the extent related to the opportunities for DBEs to perform in CCRTA's DBE Program. No such evidence of the kind described in the regulations at 49 CFR Part 26.45(d)(2) was available to consider in determining whether an adjustment to base figure is warranted.

V. PROPOSED OVERALL DBE GOAL

The final proposed overall DBE goal for federal fiscal years (FFY) 2023-2025 for Corpus Christi Regional Transportation Authority's (CCRTA) FTA-assisted contracts is 14%.

BREAKOUT OF ESTIMATED RACE-NEUTRAL/RACE-CONSCIOUS PARTICIPATION

The federal regulations require CCRTA to meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. Race-neutral participation includes:

- DBEs who win prime contracts through customary competitive procurement procedures;
- DBEs who are awarded subcontracts on prime contracts that do not carry a DBE goal; and
- DBEs who are awarded subcontracts in excess of the stated DBE contract goal.

To calculate the race-neutral and race conscious split of the overall goal, CCRTA examined the race-neutral attainment for the past three years to determine the maximum feasible race-neutral participation. The median was used instead of the average to exclude outliers – that is, abnormally high or low numbers. Table 5 shows that CCRTA achieved a median of 2.42% of the goal over the past three years through race neutral means. CCRTA intends to meet the maximum feasible portion of the overall goal by using a combination of race-neutral and race conscious DBE participation.

Table 5

FFY	Total Dollars	Total \$ to DBEs	DBE Goal Attainment%	Race-Conscious DBEs \$	Race-Neutral DBEs \$	Race-Conscious %	Race-Neutral %
2019	1,354,780.00	80,765.00	5.96%	40,015.00	40,750.00	2.95%	3.01%
2020	1,655,271.00	40,000.00	2.42%	0.00	40,000.00	0.00%	2.42%
2021	1,871,038.00	149,501.00	7.99%	129,727.00	19,774.00	6.93%	1.06%
Median Race-Neutral Attainment							2.42%

CCRTA anticipates meeting the overall goal of 14% DBE participation for FFY 2023-2025 with 2.42% race-neutral participation and 11.58% race-conscious participation calculation as follows:

Overall DBE goal for FFY 2023-2025	-	14.00%
Race-neutral DBE goal (median FFY 2019-2021)	-	<u>- 2.42%</u>
Race-conscious DBE goal	-	11.58%

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DBE Triennial Overall Goal and Methodology for FFY 2023-2025

Pursuant to the final rule requiring submission of a goal-setting methodology on a three-year cycle, CCRTA is also required to conduct an annual review to account for changes that may warrant an adjustment to the overall goal or make an adjustment based on changed circumstances (i.e. significant change in the legal standards governing the DBE program, new contracting opportunities presented by the availability of new or different grant opportunities, etc.) to ensure the goal and program as a whole are narrowly-tailored throughout the goal period.

CCRTA will monitor and adjust as needed the estimated breakout of race-neutral and race-conscious participation to reflect actual DBE participation. On a quarterly basis, CCRTA will:

- Separately track and report race-neutral and race-conscious participation
- Maintain data on DBE achievements in those contracts with or without contract goals.

VI. RACE-NEUTRAL IMPLEMENTATION METHODS

To assist in increasing race-neutral participation on its contracts, CCRTA will continue to actively seek procurement participation from DBE certified firms which includes the following but are not limited to:

- Participating in conference, seminars and community outreach activities for the purpose of informing potential contractors of CCRTA's contracting procedures and available business opportunities;
- Hosting DBE Certification and How to Do Business with CCRTA outreach events in the local market area;
- Providing and arranging for pre-bid and pre-proposal meetings to allow for networking opportunities for primes and subcontractors;
- Ensuring participants at pre-bid meetings are informed of CCRTA's DBE Program and requirements;
- Advising its contracting community of the benefits of becoming DBE certified, the eligibility requirements to become certified as a DBE, and the online directory of certified DBEs found at CCRTA's website: www.ccrta.org & the Texas UCP website: <https://txdot.txdotcms.com/>;
- Ensuring that Invitation for Bids (IFBs), Requests for Proposals (RFPs), and all corresponding contracting requirements foster participation by DBEs and other small businesses.
- Encouraging prime contractors to subcontract portions of the work to DBEs.

VII. PUBLIC PARTICIPATION & FEEDBACK

A Public Notice was issued on the CCRTA website, publishing the Proposed DBE Overall Goal Setting & Methodology for FFY 2023-2025. The Public Notice informed the public that the proposed goal and methodology were available for review at the CCRTA's Staples Street Center during the normal business hours for 30 days following the date of the public notice; and that CCRTA would also be accepting written comments regarding the proposed goal for 45 days from the date of the publication of the notice.

In accordance with 49 CFR Part 26.45 (g)(1)(i), minority, women, local business associations, and community organizations within the market area were contacted and provided an opportunity to

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DBE Triennial Overall Goal and Methodology for FFY 2023-2025

review the triennial goal analysis and provide input. CCRTA reached out to various local minority, women, community business organizations, and stakeholders) by email (Attachment 3: Email to various local minority, women, community business organizations, and stakeholders) with a request that they disseminate CCRTA's Proposed DBE Overall Goal for FFY 2023-2025 to afford their members and clients to participate and solicit comments. Emails were sent to the following:

- United Corpus Christi Chamber of Commerce
- Robstown Area Development Commission
- Coastal Bend – Procurement Technical Assistance Center & Small Business Development Center
- Corpus Christi International Airport
- Corpus Christi Black Chamber of Commerce
- National Association for the Advancement of Colored People (NAACP) Corpus Christi Branch
- Hispanic Women's Network of Texas
- Westside Business Association
- U.S. Small Business Administration (SBA) Corpus Christi Branch

A public meeting notice (in-person and virtual) was posted to CCRTA's website. The public meeting notice was also sent to the City of Corpus Christi, Nueces County Office, San Patricio County Office for posting including neighboring small cities in the Coastal Bend. Invites to the public meeting was also sent to the above-mentioned organizations via email for public comment with presentation describing how the goal was developed and inviting questions and comments.

CCRTA held a hybrid public meeting with a presentation describing how the goal was developed and inviting questions and comments. The public meeting was held on July 20, 2022 at the CCRTA Staples Street Center, 602 N. Staples St. Corpus Christi, TX 78401 at 1:30 p.m. Representatives from Coastal Bend -Procurement Technical Assistance Center & Small Business Development Center, Corpus Christi International Airport, a local small business, and a DBE certified firm attended the public meeting. The attendees did not provide any specific comment or feedback on the methodology.

Feedback from Public Participation Process

CCRTA has not received any comment/feedback related to the FFY 2023-2025 overall DBE goal setting and methodology and proposed DBE goal.



DBE Program Plan Attachments

Attachment 4: Uniform Certification Application and PNW



**UNIFORM CERTIFICATION APPLICATION
DISADVANTAGED BUSINESS ENTERPRISE (DBE)/AIRPORT CONCESSIONS
DISADVANTAGED BUSINESS ENTERPRISE (ACDBE) PROGRAMS 49 CFR Parts 23 and 26**

1. Should I apply?

You may be eligible to participate in the DBE/ACDBE programs if:

(1) The firm is a for-profit business that performs or seeks to perform transportation-related work (or an airport concession activity) for a recipient of Federal Aviation Administration, Federal Highway Administration, or Federal Transit Administration funds.

- The firm is at least 51% owned and controlled by a socially and economically disadvantaged individual(s) who is a U.S. citizen(s) or lawfully admitted permanent U.S. resident(s).
 - Refer to § 26.5 of 49 CFR Part 26 for the definition of "socially and economically disadvantaged individual."
 - Refer to <https://www.transportation.gov/DBEPNW> for "personal net worth cap."
 - Refer to § 26.69 and 26.70 of 49 CFR Part 26 to determine whether you meet the ownership and control requirements.
- The firm meets the Small Business Administration's (SBA) and the DBE/ACDBE program's size standards at <https://www.transportation.gov/DBEsizestandards>

It is the applicant firm's responsibility to provide sufficient evidence to demonstrate that, more likely than not, it meets all eligibility requirements.

2. How do I apply?

Firms applying for DBE/ACDBE certification in their home state, i.e., the state in which the firm maintains its principal place of business, must submit to a certifying agency in their home state a completed Uniform Certification Application and all required documents (see attached checklist) and participate in an on-site interview. Failure to timely submit documents may result in delayed processing or denial of your application.

Firms already certified as a DBE/ACDBE in their home state do not have to complete this form. Section 26.85 of 49 CFR Part 26 explains the process for obtaining certification in additional states, i.e., interstate certification.

3. Where can I send my application?

Transportation agencies in each state perform DBE and ACDBE certification functions. DOT's website has a table of certifying agency contacts at <https://www.transportation.gov/DBEPOC>. Click on the link to access contact information for your state/territory and obtain details on how to submit your application.

4. What happens after I apply?

A transportation agency in your state that performs certification functions will contact you.

5. Where can I find more information?

Visit the USDOT website at <https://www.transportation.gov/DBE> for links to the DBE/ACDBE program rules and regulations (including those for interstate certification), answers to frequently asked questions, points of contact, and more.

SBA Small Business Size Standards matched to the North American Industry Classification System (NAICS): <http://www.census.gov/eos/www/naics/> and <http://www.sba.gov/content/table-small-business-size-standards>.

Under 49 CFR § 26.107, if, at any time, the Department or a recipient has reason to believe that any person or firm has willfully and knowingly provided incorrect information or made false statements, the Department may initiate suspension or debarment proceedings against the person or firm under 2 CFR Parts [180](#) and [1200](#). No procurement Suspension and Department, take enforcement action under 49 CFR Part 31, Program Fraud and Civil Remedies, and/or refer the matter to the Department of Justice for criminal prosecution under 18 USC 1001, which prohibits false statements in federal programs



INSTRUCTIONS

NOTE: All participating firms must be for-profit enterprises with current business operations. If your firm is not for profit, or is not conducting business, then you do NOT qualify for the DBE/ACDBE program and should not complete this application. If you require additional space for any question in this application, please attach additional sheets or copies as needed, taking care to indicate on each attached sheet/copy the section and number of this application to which it refers.

Section 1: CERTIFICATION INFORMATION

A. Basic Contact Information

- (1) Enter the name and title of the person completing this application who will serve as your firm's contact for this application.
- (2) Enter the legal name of your firm, as indicated in your firm's Articles of Incorporation (if any) or similar document.
- (3) Enter the primary phone number of your firm.
- (4) Enter a secondary phone number, if any.
- (5) Enter your firm's fax number, if any.
- (6) Enter the contact person's email address.
- (7) Enter your firm's website address, if any.
- (8) Enter the street address of the firm where its offices are physically located (not a P.O. Box).
- (9) Enter the mailing address of your firm, if it is different from your firm's street address.

B. Prior/Other Certifications and Applications

Indicate whether your firm or any firms owned by the persons listed has ever been denied certification as a DBE/ACDBE, 8(a), or Small Disadvantaged Business (SDB) firm, or state and local MBE/WBE firm. Indicate if the firm has ever been decertified from one of these programs. Indicate if the application was withdrawn or whether the firm was debarred, suspended, or otherwise had its bidding privileges denied or restricted by any state or local agency, or Federal entity. If your answer is yes, identify the name of the agency, and explain fully the nature of the action in the space provided. Indicate if you have ever appealed this decision to the Department and if so, attach a copy of USDOT's final agency decision(s).

Section 2: GENERAL INFORMATION

A. Business profile:

- (1) Give a concise description of the firm's primary activities, the product(s) or services the company provides, or type of construction. If your company offers more than one product/service, list primary product or service first (attach additional sheets if necessary). This description may be used in states' online directories of certified firms.
- (2) If you know the appropriate North American Industry Classification System (NAICS) code for the type(s) of work you identified in your business profile, enter the codes in the space provided.

- (3) State the date on which your firm was established as stated in your firm's Articles of Incorporation (if any) or similar document.
- (4) State the date each person became a firm owner. Check the appropriate box describing the manner in which you and each other owner acquired ownership of your firm. If you checked "Other," explain in the space provided.
- (5) Check the appropriate box that indicates whether your firm is "for profit." **If you checked "No," then you do NOT qualify for the DBE/ACDBE program** and should not complete this application. All participating firms must be for-profit enterprises. Provide the Federal Tax ID number as stated on your firm's Federal tax return.
- (6) Check the appropriate box that describes the type of legal business structure of your firm, as indicated in your firm's Articles of Incorporation or similar document. If you checked "Other," briefly explain in the space provided.
- (7) Indicate in the spaces provided how many employees your firm has, specifying the number of employees who work on a full-time, part-time, and seasonal basis. Attach a list of employees, their job titles, and dates of employment to your application.
- (8) Specify the firm's gross receipts for each of the **past five years**, as stated in your firm's filed federal tax returns. You must submit all portions of federal tax returns related to gross receipts and signature pages, as filed. If there is no federal tax return yet filed for the most recent taxable year, you may provide an income statement signed by a CPA who attests to its accuracy and completeness. If there are any affiliates or subsidiaries of the applicant firm or owners, you must provide documentation these firms' gross receipts also as described above. Affiliation is defined in 49 C.F.R. §26.5 and 13 C.F.R. Part 121.

B. Relationships and Dealings with Other Businesses

- (1) Check the appropriate box that indicates whether your firm is co-located at any of its business locations, or whether your firm shares a telephone number(s), a post office box, any office space, a yard, warehouse, other facilities, any equipment, financing, or any office staff and/or employees with any other business, organization or entity of any kind. If you answered "Yes," then specify the name of the other firm(s) and fully explain the nature of your relationship with these



other businesses by identifying the business or person with whom you have any formal, informal, written, or oral agreement. Provide an explanation of any items shared with other firms in the space provided.

- (2) Check the appropriate box indicating whether any other firm currently has or had an ownership interest in your firm at present or at any time in the past. If you checked yes, please explain.
- (3) Check the appropriate box that indicates whether at present or at any time in the past your firm:
 - (a) ever existed under different ownership, a different type of ownership, or a different name;
 - (b) existed as a subsidiary of any other firm;
 - (c) existed as a partnership in which one or more of the partners are/were other firms;
 - (d) owned any percentage of any other firm; and
 - (e) had any subsidiaries of its own.
 - (f) served as a subcontractor with another firm constituting more than 25% of your firm's receipts.

If you answered "Yes" to any of the questions in (3)(a-f), you may be asked to explain the arrangement in detail.

Section 3: MAJORITY OWNER INFORMATION

Identify all individuals or holding companies with any ownership interest in your firm, providing the information requested below (if your firm has more than one owner, provide completed copies of this section for each owner):

A. Identify the majority owner of the firm holding 51% or more ownership interest:

- (1) Enter the full name of the owner.
- (2) Enter the owner's title or position.
- (3) Give the owner's phone number.
- (4) Enter the owner's home (street) address.
- (5) Indicate the owner's gender.
- (6) Identify the owner's ethnic group membership. If you checked "Other," specify this owner's ethnic group/identity not otherwise listed.
- (7) Check the appropriate box to indicate whether this owner is a U.S. citizen or a lawfully admitted permanent resident. If this owner is neither a U.S. citizen nor a lawfully admitted permanent resident of the U.S., then the firm may not rely on this owner's social and economic disadvantaged status for DBE certification eligibility.
- (8) Enter the number of years this owner has been an owner of your firm.
- (9) Indicate the percentage of the total ownership this person holds and the date acquired, including (if appropriate), the class of stock owned.
- (10) Indicate the dollar value of this owner's initial investment to acquire an ownership interest in your firm, broken down by cash, real estate, equipment, gift and/or other investment. Describe

how the owner acquired the business and attach documentation substantiating this investment.

- (11) List additional investments.

B. Additional Owner Information

- (1) Describe the familial relationship of this owner to each other owner of your firm and employees.
- (2) Indicate whether this owner performs a management or supervisory function for any other business. If you checked "Yes," state the name of the other business and this owner's function/title held in that business.
- (3) (a) Check the appropriate box that indicates whether this owner owns or works for any other firm(s) that has any relationship with your firm. If you checked "Yes," identify the name of the other business, the nature of the business relationship, and the owner's function at the firm.
 - (b) If the owner works for any other firm, non-profit organization, or is engaged in any other activity more than 10 hours per week, please explain this activity.
- (4) (a) Provide the personal net worth of the owner claiming social and economic disadvantage in the space provided. Complete and attach the accompanying "Personal Net Worth Statement for DBE/ACDBE Program Eligibility" with your application. Complete this section and accompanying statement only for each owner claiming to be socially and economically disadvantaged.
 - (b) Check the appropriate box that indicates whether any trust has been created for the benefit of the disadvantaged owner(s). If you answered "Yes," you may be asked to provide a copy of the trust instrument.
- (5) Check the appropriate to indicate whether any of your immediate family members, managers, or employees, own, manage, or are associated with another company. Immediate family member is defined in 49 C.F.R. §26.5. If you answered "Yes," provide the name of each person, your relationship to that person, the name of the company, the type of business, and whether that person owns or manages the company.

Section 4: CONTROL

A. Identify the firm's Officers and Board of Directors

- (1) In the space provided, state the name, title, date of appointment, group membership, and gender of each officer.
- (2) In the space provided, state the name, title, date of appointment, group membership, and gender of each individual serving on your firm's Board of Directors.
- (3) Check the appropriate box to indicate whether any of your firm's officers and/or directors listed above performs a management or supervisory function for any other business. If you answered "Yes," identify each such individual by name and provide the name of the other business in which that individual is involved, and describe the



nature of that individual's role in the other business.

- (4) Check the appropriate box that indicates whether any of your firm's officers and/or directors listed above own or work for any other firm(s) that has a relationship with your firm. (e.g., ownership interest, shared office space, financial investments, equipment leases, personnel sharing, etc.) If you answered "Yes," identify the name of the firm, the individual's name, and the nature of the individual's relationship with that other firm.

B. Duties of Owners, Officers, Directors, Managers and Key Personnel

Specify the roles of the majority and minority owners, directors, officers, and managers, and key personnel who are responsible for the functions listed for the firm. Submit résumés for each owner and non-owner identified below. State the name of the individual, title, race and gender and percentage ownership if any. Circle the frequency of each person's involvement as follows: "always, frequently, seldom, or never" in each area.

Indicate whether any of the persons listed in this section perform a management or supervisory function for any other business. Identify the person, business, and their title/function. Identify if any of the persons listed above own or work for any other firm(s) that has a relationship with this firm (e.g., ownership interest, shared office space, financial investment, equipment, leases, personnel sharing, etc.) If you answered "Yes," describe the nature of his/her business relationship with that other firm.

C. Inventory: Indicate firm inventory in these categories:

(1) Equipment and Vehicles

State the make and model, and current dollar value of each piece of equipment and motor vehicle held and/or used by your firm. Indicate whether each piece is either owned or leased by your firm or owner, whether it is used as collateral, and where this item is stored.

(2) Office Space

State the street address of each office space held and/or used by your firm. Indicate whether your firm or owner owns or leases the office space and the current dollar value of that property or its lease.

(3) Storage Space

State the street address of each storage space held and/or used by your firm. Indicate whether your firm or owner owns or leases the storage space and the current dollar value of that property or its lease. Provide a signed lease agreement for each property.

D. Does your firm rely on any other firm for management functions or employee payroll?

Check the appropriate box that indicates whether your firm relies on any other firm for management functions or for employee payroll. If you answered "Yes," you may be asked to explain the nature of that reliance and the extent to which the other firm carries out such functions.

E. Financial / Banking Information

State the name, city and state of your firm's bank. Identify the individuals authorized to sign checks on this account. Provide bank documentation that shows all individuals who are authorized to sign checks on the firm's behalf.

Bonding Information. State your firm's bonding limits both aggregate and project limits.

F. Sources, amounts, and purposes of money loaned to your firm, including the names of persons or firms guaranteeing the loan.

State the name and address of each source, the name of person securing the loan, original dollar amount and the current balance of each loan, and the purpose for which each loan was made to your firm. Provide copies of signed loan agreements and security agreements

G. Contributions or transfers of assets to/from your firm and to/from any of its owners or another individual over the past two years:

Indicate in the spaces provided, the type of contribution or asset that was transferred, its current dollar value, the person or firm from whom it was transferred, the person or firm to whom it was transferred, the relationship between the two persons and/or firms, and the date of the transfer.

H. Current licenses/permits held by any owner or employee of your firm.

List the name of each person in your firm who holds a professional license or permit, the type of permit or license, the expiration date of the permit or license, and identify the state that issued the license or permit. Attach copies of licenses, license renewal forms, permits, and haul authority forms.

I. Largest contracts completed by your firm in the past three years, if any.

List the name of each owner or contractor for each contract, the name and location of the projects under each contract, the type of work performed on each contract, and the dollar value of each contract.

J. Largest active jobs on which your firm is currently working.

For each active job listed, state the name of the prime contractor and the project number, the location, the type of work performed, the project start date, the



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anticipated completion date, and the dollar value of the contract.

Section 5: AIRPORT CONCESSION (ACDBE) APPLICANTS

Complete the entries in this section if you are applying for ACDBE certification. Indicate in Section A if you operate a concession at the airport, and/or supply a good or service to an airport concessionaire. Indicate in Section B whether the applicant firm owns or operates any off-airport locations, providing the type of business, lease information, address/location, and annual gross receipts generated. Provide similar information in section C for any airport concession locations the firm currently owns or operates. If the applicant firm has any affiliates, provide the requested information in Section D. Indicate whether the ACDBE firm is participating in any joint ventures, and if so, include the original and any amended joint venture agreements.

DECLARATION & SIGNATURE

The Declaration of Eligibility must accompany your application. Carefully read the attached declaration in its entirety. Fill in the required information for each blank space, and sign and date the declaration.



IF YOU ARE ALREADY CERTIFIED AS A DBE/ACDBE, YOU DO NOT HAVE TO COMPLETE THIS APPLICATION FOR OTHER STATES. REFER TO § 26.85 OF 49 CFR PART 26 FOR DETAILS ABOUT THE INTERSTATE CERTIFICATION PROCESS.

Section 1: CERTIFICATION INFORMATION

A. Basic Contact Information:

My firm is applying for certification as _____ DBE ___ ACDBE

(1) Contact person's name and title:

(2) Legal name of firm:

(3) Phone #: _____ (4) Other Phone #: _____ (5) Fax#: _____

(6) E-mail: _____ (7) Firm Websites: _____

(8) Street address of firm (No P.O. Box): _____ City: _____ County/Parish: _____ State: _____ Zip: _____

(9) Mailing address of firm (No P.O. Box): _____ City: _____ County/Parish: _____ State: _____ Zip: _____

B. Prior/Other Certifications and Applications

(10) Indicate whether the firm or any persons listed in this application have ever been:

(a) Denied certification or decertified as a DBE, ACDBE, 8(a), SDB, MBE/WBE firm? ___ Yes ___ No

(b) Withdrawn an application for these programs, or debarred or suspended or otherwise had bidding privileges denied or restricted by any state or local agency, or federal entity? ___ Yes ___ No If yes, explain the nature of the action. (If you appealed the decision to DOT or another agency, attach a copy of the decision.)

Section 2: GENERAL INFORMATION

A. Business Profile: (1) Give a concise description of the firm's primary activities and the product(s) or service(s) it provides. If your company offers more than one product/service, list the primary product or service first. Please use additional sheets if necessary. This description may be used in states' online databases and directories of certified firms. _____

(2) NAICS Codes for this line of work include: _____

(3) This firm was established on: _____

(4) Is the firm "for profit"? ___ Yes Federal Tax ID# _____ **NO STOP! If the firm is NOT for-profit, then the firm does NOT qualify for this program and should not fill out this application.**



(5) Type of Legal Business Structure: (check all that apply):

- Sole Proprietorship
- Limited Liability Partnership
- Partnership
- Corporation
- Limited Liability Company
- Other (describe): _____

(6) Number of employees: Full-time _____ Part-time _____ Seasonal _____ Total _____
(Provide a list of employees, their job titles, and dates of employment, to your application).

(7) Specify the firm's gross receipts for the last 5 years. (Submit complete copies of the firm's federal tax returns for each year. You may provide gross receipt information for the past 5 years. If there are affiliates or subsidiaries of the applicant firm or owners, you must submit complete copies of these firms' Federal tax returns).

Year _____	Gross Receipts of Applicant Firm \$ _____	Gross Receipts of Affiliate Firms \$ _____
Year _____	Gross Receipts of Applicant Firm \$ _____	Gross Receipts of Affiliate Firms \$ _____
Year _____	Gross Receipts of Applicant Firm \$ _____	Gross Receipts of Affiliate Firms \$ _____
Year _____	Gross Receipts of Applicant Firm \$ _____	Gross Receipts of Affiliate Firms \$ _____
Year _____	Gross Receipts of Applicant Firm \$ _____	Gross Receipts of Affiliate Firms \$ _____

B. Relationships and Dealings with Other Businesses

(1) Is your firm co-located at any of its business locations, or does it share a telephone number, P.O. Box, office or storage space, yard, warehouse, facilities, equipment, inventory, financing, office staff, and/or employees with any other business, organization, or entity? Yes No

If yes, explain the nature of your relationship with these other businesses by identifying the business or person with whom you have any formal, informal, written, or oral agreement. Provide details about the shared items.

(2) Has any other firm had an ownership interest in your firm at present or at any time in the past?

Yes No If yes, explain: _____

(3) At present, or at any time in the past, has your firm:

(a) Ever existed under different ownership, a different type of ownership, or a different name? Yes No

(b) Existed as a subsidiary of any other firm? Yes No

(c) Existed as a partnership in which one or more of the partners are/were other firms? Yes No

(d) Owned any percentage of any other firm? Yes No

(e) Had any subsidiaries? Yes No

(f) Served as a subcontractor with another firm constituting more than 25% of your firm's receipts? Yes No

(If you answered "Yes" to any of the questions in (2) and/or (3)(a)-(f), you may be asked to provide further details and explain whether the arrangement continues).

Section 3: MAJORITY OWNER INFORMATION

A. Identify the owner of the firm **holding 51% or more** ownership interest in the firm.

(1) Full Name: _____

(2) Title: _____



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(3) Home Phone #: _____

(4) Home Address (Street and Number) _____ City _____ State _____ Zip _____

(5) Gender: Male Female Other: _____

(10) Initial investment to acquire ownership in firm:

(6) Group membership (Check all that apply):

Type	Dollar Value
Cash	\$ _____
Real Estate	\$ _____
Equipment	\$ _____
Other	\$ _____

- Black American
- Hispanic American
- Asian-Pacific American
- Native American
- Subcontinent Asian American
- Other: _____

Describe how the majority owner acquired ownership of the firm:

(7) Residency Status:
 U.S. Citizen
 Lawfully Admitted Permanent Resident

- Started business myself
- Received it as a gift from _____
- Bought it from: _____
- Inherited it from: _____
- Other: _____

(8) Number of years as owner: _____

(9) Percentage owned: _____

(a) Class of stock owned (if applicable): _____

(Attach documentation substantiating your investment and method of acquisition)

(b) Date acquired _____

B. Additional Owner Information

(1) Describe familial relationship to other owners and employees: _____

(2) Does this owner perform a management or supervisory function for any other business? Yes No
If yes, identify: Name of Business: _____ Function/Title: _____

(3)(a) Does this owner own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.) Yes No
If yes, identify the name of the business, and the nature of the relationship, and the owner's function at the firm: _____

(b) Does this owner work for any other firm, non-profit organization, or engage in any other activity more than 10 hours per week? Yes No If yes, identify this activity: _____

(4)(a) What is the Personal Net Worth (PNW) of this disadvantaged owner? _____

(b) Has any trust been created for the benefit of this disadvantaged owner(s)? Yes No

(If Yes, you may be asked to provide a copy of the trust instrument).

(5) Do any of your immediate family members, owners, directors, officers, managers, or employees own, manage, or have any association with another company? Yes No If yes, provide their name, relationship, company, type of business, and indicate whether they own or manage the company: (Please attach extra sheets, if needed): _____



Section 3: ADDITIONAL OWNER INFORMATION

A. Identify all individuals, firms, or companies that hold **LESS THAN 51%** ownership interest in the firm (Attach separate sheets for each additional owner)

- (1) Full Name: _____
- (2) Title: _____
- (3) Home Phone #: _____
- (4) Home Address (Street and Number) _____ City _____ State _____ Zip _____
- (5) Gender: Male Female Other: _____

- (6) Group membership (Check all that apply):
- Black American
- Hispanic American
- Asian-Pacific American
- Native American
- Subcontinent Asian American
- Other: _____

- (7) Residency Status:
- U.S. Citizen
- Lawfully Admitted Permanent Resident

- (8) Number of years as owner: _____
- (9) Percentage owned: _____
- (a) Class of stock owned (if applicable): _____
- (b) Date acquired _____

(10) Initial investment to acquire ownership in firm:

Type	Dollar Value
Cash	\$ _____
Real Estate	\$ _____
Equipment	\$ _____
Other	\$ _____

Describe how the owner acquired ownership:

- Started business myself
- Received it as a gift from _____
- Bought it from: _____
- Inherited it from: _____
- Other: _____

(Attach documentation substantiating your investment and method of acquisition)

B. Additional Owner Information

(1) Describe familial relationship to other owners and employees: _____

(2) Does this owner perform a management or supervisory function for any other business? Yes No
If yes, identify: Name of Business: _____ Function/Title: _____

(3)(a) Does this owner own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.) Yes No
If yes, identify the name of the business, and the nature of the relationship, and the owner's function at the firm: _____

(b) Does this owner work for any other firm, non-profit organization, or engage in any other activity more than 10 hours per week? Yes No If yes, identify this activity: _____

(4)(a) What is the Personal Net Worth (PNW) of this disadvantaged owner? _____

(b) Has any trust been created for the benefit of this disadvantaged owner(s)? Yes No



(If Yes, you may be asked to provide a copy of the trust instrument).

(5) Do any of your immediate family members, owners, directors, officers, managers, or employees own, manage, or have any association with another company? Yes No If yes, provide their name, relationship, company, type of business, and indicate whether they own or manage the company: (Please attach extra sheets, if needed): _____

Section 4: CONTROL

A. Identify your firm's Officers and Board of Directors (If additional space is required, attach a separate sheet):

	Name	Title	Date Appointed	Ethnicity	Gender
(1) Officers of the Company	(a)				
	(b)				
	(c)				
	(d)				
(2) Board of Directors	(a)				
	(b)				
	(c)				
	(d)				

(3) Do any of the persons listed above perform a management or supervisory function for any other business?

Yes No If yes, identify for each:

Person: _____ Title: _____

Business: _____ Function: _____

Person: _____ Title: _____

Business: _____ Function: _____

(4) Do any of the persons listed in Section A above own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)

Yes No If Yes, identify for each:

(4) Do any of the persons listed in section A above own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)

Yes No If Yes, identify for each:

Firm Name: _____ Person: _____

Nature of Business Relationship: _____

B. Duties of Owners, Officers, Directors, Managers, and Key Personnel

1. Complete for all owners who are responsible for the following functions: (Attach separate sheets as needed)



A = Always F = Frequently	S = Seldom N = Never	Majority Owner (51% or more)				Minority Owner (49% or less)			
		Name: _____				Name: _____			
		Title: _____				Title: _____			
		Percent Owned: _____				Percent Owned: _____			
Sets policy for company direction/scope of operations		A	F	S	N	A	F	S	N
Bidding and estimating		A	F	S	N	A	F	S	N
Major purchasing decisions		A	F	S	N	A	F	S	N
Marketing and sales		A	F	S	N	A	F	S	N
Supervises field operations		A	F	S	N	A	F	S	N
Attend bid opening and lettings		A	F	S	N	A	F	S	N
Perform office management (billing, accounts receivable/payable, etc.)		A	F	S	N	A	F	S	N
Hires and fires management staff		A	F	S	N	A	F	S	N
Hire and fire field staff or crew		A	F	S	N	A	F	S	N
Designates profits spending or investment		A	F	S	N	A	F	S	N
Obligates business by contract/credit		A	F	S	N	A	F	S	N
Purchase equipment		A	F	S	N	A	F	S	N
Signs business checks		A	F	S	N	A	F	S	N

Do any of the persons listed in B1 or B2 perform a management or supervisory function for any other business? If Yes, identify the person, the business, and their title/function:

Do any of the persons listed above own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.) If Yes, describe the nature of the business relationship: _____

C. Inventory: Indicate your firm's inventory in the following categories (Please attach additional sheets if needed):

1. Equipment and Vehicles

Make and Model	Current value	Owned or leased by firm or owner?	Used as collateral?	Where is item stored?

2. Office Space

Address (Street and Number) _____ City _____ State _____ Zip _____
 Owned or Leased by Firm or Owner? Yes No (if yes, provide details): _____

Current Value of Property or Lease: _____

3. Storage Space (Provide signed lease agreements for the properties listed)

Address (Street and Number) _____ City _____ State _____ Zip _____
 Owned or Leased by Firm or Owner? Yes No (if yes, provide details): _____

Current Value of Property or Lease: _____



D. Does your firm rely on any other firm for management functions or employee payroll? Yes No

E. Financial/Banking Information (Provide bank authorization and signature cards)

Name of bank: _____ City and State: _____

The following individuals are authorized to sign checks on this account: _____

Name of bank: _____ City and State: _____

The following individuals are authorized to sign checks on this account: _____

Name of bank: _____ City and State: _____

The following individuals are authorized to sign checks on this account: _____

Bonding Information: If you have bonding capacity, identify the firm's bonding aggregate and project limits:

Aggregate limit _____ Project limit _____

F. Identify all sources, amounts, and purposes of money loaned to your firm including from financial institutions. Identify whether the owner or any other person or firm loaned money to the applicant DBE/ACDBE. Include the names of any persons or firms guaranteeing the loan, if other than the listed owner. (Provide copies of signed loan agreements and security agreements).

Name of Source	Address of Source	Name of Person Guaranteeing the Loan	Original Amount	Current Balance	Purpose of Loan

G. List all contributions or transfers of assets to/from your firm and to/from any of its owners or another individual over the past two years (Attach additional sheets if needed):

Contribution/Asset	Dollar Value	From Whom Transferred	To Whom Transferred	Relationship	Date of Transfer

H. List current licenses/permits held by any owner and/or employee of your firm (e.g., contractor, engineer, architect, etc.)(Attach additional sheets if needed):

Name of License/Permit Holder	Type of License/Permit	Expiration Date	State

I. List the three largest contracts completed by your firm in the past three years, if any:

Name of Owner/Contractor	Name/Location of Project	Type of Work Performed	Dollar Value of Contract



SECTION 5 - AIRPORT CONCESSION
(ACDBE APPLICANTS ONLY)

A. I am applying for ACDBE certification to: (check all that apply)

_____ Operate a concession at an airport _____ Supply a good or service to an airport concessionaire

B. Does the applicant firm own/operate any off-airport locations? __ Yes __ No (if yes, identify the following):

Type of Business (e.g., F&B, News & Gift, Retail, Duty Free, Advertising, etc.)	Lease Term (years)	Lease Start Date	Address / Location	Annual Gross Receipts Generated

C. Does the applicant firm currently own/operate any airport concession locations? __ Yes __ No (If yes, supply the following information):

Airport Name	Concession Type (e.g., F&B, News & Gift, Retail, Duty Free, Advertising, etc.)	Number of Leases	Number of Locations	Annual Gross Receipts Generated	Lease Type (e.g., Direct Lease, Subcontract Management Agreement, etc. enter all that apply to the leases listed)

D. Does the applicant firm have any affiliates? __ Yes __ No If Yes, provide the following information concerning any locations owned/operated by affiliate firms.

Airport Name	Concession Type (e.g., F&B, News & Gift, Retail, Duty Free, Advertising, etc.)	Number of Leases	Number of Locations	Annual Gross Receipts Generated	Lease Type (e.g., Direct Lease, Subcontract Management Agreement, etc. enter all that apply to the leases listed)

E. Is the ACDBE applicant firm a participant in any joint ventures? __ Yes __ No If Yes, attach all original and any amended Joint Venture Agreements and any amendments to the agreements.



DECLARATION OF ELIGIBILITY

This form must be signed by *EACH OWNER* upon whose disadvantaged status the firm relies for certification.

A FALSE STATEMENT OR MATERIAL OMISSION MADE IN CONNECTION WITH THIS SUBMISSION IS SUFFICIENT CAUSE FOR DENIAL OF CERTIFICATION, DECERTIFICATION, OR SUSPENSION OR DEBARMENT PROCEEDINGS, AND MAY SUBJECT THE PERSON OR ENTITY MAKING THE FALSE STATEMENT TO ANY AND ALL CIVIL AND CRIMINAL PENALTIES AVAILABLE UNDER FEDERAL AND STATE LAW.

I _____(full name printed), declare under penalty of perjury that I am _____(title) of the firm _____, all of the foregoing information and statements submitted for eligibility are true, correct, and complete to the best of my knowledge. The responses include all material information necessary to fully and accurately identify and explain the operations, capabilities and pertinent history of the named firm as well as the ownership, control, and affiliations thereof.

I recognize that the information submitted in this material is for the purpose of inducing certification by a government agency. I understand that a government agency may, by means it deems appropriate, determine the accuracy and truth of the statements in the material, and I authorize such agency to contact any entity named in certification material, and the named firm's bonding companies, banking institutions, credit agencies, contractors, clients, and other certifying agencies for the purpose of verifying the information supplied and determining the named firm's eligibility.

I agree to submit to government audit, examination and review of books, records, documents and files, in whatever form they exist, of the named firm and its affiliates inspection of its places(s) of business and equipment, and to permit interviews of its principals, agents, and employees. I understand that refusal to permit such inquiries shall be grounds for denial or decertification.

If awarded a contract, subcontract, concession lease or sublease, as detailed in § 26.55, I agree to promptly and directly provide the prime contractor, if any, and the Department, recipient agency, or federal funding agency, on an ongoing basis, current, complete and accurate information regarding my firm's (1) commercially useful function (CUF) performed on the project or concession lease; (2) payments; and (3) proposed changes, if any, to the foregoing arrangements.

I agree to notify the certifying agency of a material change in circumstances that affects my firm's eligibility within 30 days of its occurrence, explain the change fully, and include a duly executed Declaration of Eligibility (this form) with the notice.

I acknowledge and agree that any misrepresentations in certification materials or in records pertaining to a contract

or subcontract will be grounds for terminating any contract or subcontract which may be awarded; denial or decertification; suspension and debarment; and for initiating action under federal and/or state law.

I declare that I am a socially and economically disadvantaged individual who is an owner of the above-referenced firm seeking certification as a Disadvantaged Business Enterprise or Airport Concession Disadvantaged Business Enterprise. In support of my application, I declare that I am a member of one or more of the following groups, and that I have held myself out as a member of the group(s): (Check all that apply):

- Women Black American Hispanic American
- Native American Asian-Pacific American
- Subcontinent Asian American
- Other pursuant to 49 CFR § 26.67(d)

I declare that I am socially disadvantaged because I have been subjected to racial or ethnic prejudice or cultural bias, or have suffered the effects of discrimination, because of my identity as a member of one or more of the groups identified above, without regard to my individual qualities.

I further declare that my personal net worth does not exceed the DBE program's limit posted on <https://www.transportation.gov/DBEPNW>, and that I am economically disadvantaged because My ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same or similar line of business who are not socially and economically disadvantaged.

PURSUANT TO 28 USC § 1746:

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON _____

**SIGNATURE _____
(OWNER)**



SUPPORTING DOCUMENTS CHECKLIST

Required Documents for All Applicants

___ Résumés (that include places of employment with corresponding dates), for all owners, officers, and key personnel of the applicant firm.

___ Personal Net Worth Statement for each socially and economically disadvantaged owners who the applicant firm relies upon to satisfy the Regulation's 51% ownership requirement.

___ Personal Federal tax returns for the past 3 years, if applicable, for each disadvantaged owner.

___ Federal tax returns (and requests for extensions) filed by the firm and its affiliates with related schedules, for the past 5 years, or the number of years in business, if fewer.

___ Documented proof of contributions used to acquire ownership for each owner (e.g., both sides of cancelled checks).

___ Signed loan and security agreements, and bonding forms.

___ List of equipment and/or vehicles owned and leased including VIN numbers, copy of titles, proof of ownership, insurance cards for each vehicle.

___ Title(s), registration certificate(s), and U.S. DOT numbers for each truck owned or operated by your firm.

___ Licenses, license renewal forms, permits, and haul authority forms.

___ Descriptions of all real estate (including office/storage space, etc.) owned/leased by your firm and documented proof of ownership/signed leases.

___ Documented proof of any transfers of assets to/from your firm and/or to/from any of its owners over the past 2 years.

___ DBE/ACDBE and SBA 8(a), SDB, MBE/WBE certifications, denials, and/or decertification's, if applicable; and any U.S. DOT decisions on these actions.

___ Bank authorization and signatory cards.

___ Schedule of salaries (or other remuneration) paid to all officers, managers, owners, and/or directors of the firm.

___ List of all employees, job titles, and dates of employment.

___ Proof of warehouse/storage facility ownership or lease arrangements.

Partnership or Joint Venture

___ Original and any amended Partnership or Joint Venture Agreements.

Corporation or LLC

___ Official Certificate of Formation and current Operating/Shareholder Agreement, if any.

___ Official Articles of Incorporation (signed by the state official).

___ Both sides of all corporate stock certificates and your firm's stock transfer ledger.

___ Minutes of stockholder, member, partner, and board of director's meetings, if any.

___ Company by-laws and any amendments.

___ Evidence of signature authority on the firm's bank accounts.

Failure to provide any of these required documents that are applicable to your firm's application may result in denial of your application.

Optional Documents to Be Provided on Request

The certifying agency to which you are applying may require the submission of the following documents. If requested to provide any of these documents, you must supply them with your application or at the on-site visit. Failure to do so may result in denial of your application.

___ Proof of citizenship or lawful permanent residence

___ Insurance agreements for each truck owned or operated by your firm.

___ Audited financial statements (if available)

___ Trust agreements held by any owner claiming disadvantaged status.

Suppliers

___ List of product lines carried and list of distribution equipment owned and/or leased.



INSTRUCTIONS

An individual's personal net worth according to 49 C.F.R. Parts 23 and 26 includes assets and liabilities that she or he owns or is deemed to own without regard to community property or equitable distribution laws.

If the personal net worth of the majority owner(s) of the firm exceeds the PNW cap posted online at <https://www.Transportation.gov/DBEPNW>, as defined by 49 C.F.R. Parts 23 and 26, the firm is not eligible for DBE or ACDBE certification.

Provide all Worksheets. Provide documents to support each entry. If you have any questions about completing this form, contact the certifying agency.

Assets

Report assets at their current fair market values as of the date of your PNW form. In cases of joint ownership, report only the value of your ownership unless Worksheet directs otherwise. Do not report the value of the applicant firm.

Cash and Cash Equivalents: Enter total from Worksheet 1.

Investment Accounts and Individual Securities: Enter total from Worksheet 2.

Real Estate: Enter total from Worksheet 3.

Personal Property and Other Assets: Enter total from Worksheet 4.

Ownership in Other Businesses: Enter total from Worksheet 5.

Life Insurance: Enter total from Worksheet 6.

Amounts Owed to You: Enter total from Worksheet 7.

Assets Held in Trust: Enter total from Worksheet 8.

Transfers Within Preceding Two Years: If you transferred assets worth at least \$20,000 in aggregate to related parties within the last two years, enter total from Worksheet 9. *Exclude transfers to applicant or DBE.*

Relatives include your spouse or domestic partner, children (whether biological, adopted, or stepchildren), siblings (including stepsiblings and those of the spouse or domestic partner), and parents (including stepparents and those of the spouse or domestic partner). Related entities include for-profit privately held companies of which any relative is an owner, officer, director, or equivalent; and family or other trusts of which you or any relative is grantor, trustee, or beneficiary, except when the transfer is irrevocable. See 49 C.F.R. 26.68(c)(7)-(9).

Liabilities

Report current balances. Report only your own, direct liabilities. *Do not report* guarantees or other contingent liabilities. *Do not report* business debt, debt secured by retirement assets, or any amount you owe, directly or indirectly, to the applicant or DBE.

Mortgages: Enter total from Worksheet 10.

Loans on Life Insurance: Enter total from Worksheet 11.

Other Liabilities: Enter total from Worksheet 12.

Other Information

Retirement Assets. Complete Worksheet 13 but *do not* enter value on PNW Statement.

Primary Residence. Complete Worksheet 14 but *do not* enter value on PNW Statement.

Declaration

You must sign and date the statement.



Personal Net Worth Statement

As of _____

This form is used by all participants in the U.S. Department of Transportation's Disadvantaged Business Enterprise (DBE) and Airport Concession DBE (ACDBE) Programs. Each individual owner of a firm applying to participate as a DBE or ACDBE, whose ownership and control are relied upon for DBE certification must complete this form. Each person signing this form authorizes the certifying agency to make inquiries as necessary to verify the accuracy of the statements made. The agency you apply to will use the information provided to determine whether an owner is economically disadvantaged as defined in the DBE program regulations 49 C.F.R. Parts 23 and 26. Return form to appropriate certifying agency, not U.S. DOT.

Name			
Residence (As reported to the IRS) Address, City, State, and Zip Code			
Company's Legal Name		Phone:	
Marital Status: <input type="checkbox"/> Single <input type="checkbox"/> Married/Domestic Partnership		Business Phone:	
Assets	(Omit Cents)	Liabilities	(Omit Cents)
1. Cash and Cash Equivalents (checking and savings accounts, CDs etc.) (Complete Worksheet 1)		10. Mortgages on Real Estate Other Than Primary Residence (Complete Worksheet 10)	
2. Investment Accounts and Individual Securities (Complete Worksheet 2)		11. Loans on Life Insurance (Complete Worksheet 11)	
3. Value of Your Ownership Interest in Real Estate, Excluding Primary Residence (Complete Worksheet 3)		12. Other Liabilities (Complete Worksheet 12)	
4. Personal Property and Other Assets (Complete Worksheet 4)			
5. Ownership in Other Businesses (Complete Worksheet 5)			
6. Life Insurance (Cash Surrender Value) (Complete Worksheet 6)			
7. Amounts Owed to You (Complete Worksheet 7)			
8. Assets Held in Trust (Complete Worksheet 8)			
9. Assets Transferred to Related Parties Within the Past Two Years (Complete Worksheet 9)			
<u>Total Assets:</u>		<u>Total Liabilities:</u>	

Personal Net Worth:



Worksheets

Worksheet 1—List Cash and Cash Equivalents (checking or savings accounts CDs etc.) (Attach additional sheets as necessary)

Cash/Account	Balance

Total _____

Worksheet 2—Investment Accounts and Individual Securities (e.g., Brokerage and Custodial accounts, stocks, bonds) (Full Value) (Attach additional sheets as necessary)

Account or Security Name and Number	Value

Total _____

Worksheet 3—Real Estate Other than Primary Residence (Attach additional sheets as necessary)

	Property 1	Property 2	Property 3
Type of Property			
Address			
Date Acquired			
Purchase Price			
Present Market Value			
Source of Market Valuation			

Total _____



Worksheet 4—Personal Property and Other Assets (Attach additional sheets as necessary)

Type of Property or Asset	Is this asset insured?	Value
Vehicles (e.g., cars, trucks, recreational vehicles, motorcycles, boats, etc.) and titled in your name or of which you are the primary operator. (Itemize)		
Household Property (total value)		
Artwork (total value)		
Jewelry (total value)		
Other collectables (total value)		
Amounts owed to you (e.g., loans to others, including companies) (Itemize)		
Assets subject to the two-year transfer rule (see 49 CFR 26.68 (c)(7)-(9))		
Other (e.g., livestock, farm equipment, greenhouse)		

Total _____



Worksheet 5—Ownership in Other Business Investments (excluding applicant firm) Sole Proprietorships, General Partners, Joint Ventures, Limited Liability Companies, Closely-held and Public Traded Corporations. (Attach additional sheets as necessary)

	Business 1	Business 2	Business 3	Business 4
Business name				
Address				
Value				

Total _____

Worksheet 6— Life Insurance (do not list term life insurance) (Attach additional sheets as necessary)

Policy	Insurance Company	Cash Surrender Amount

Total _____

Worksheet 7—Amounts Owed to You (loans to other individuals and entities including applicant firm) (Attach additional sheets as necessary)

Debtor	Description	Balance

Total _____

Worksheet 8—Assets Held in Trust (Attach additional sheets as necessary)

Trust Name	Description/Additional Information	Value

Total _____



Worksheet 9— Assets Transferred to Related Parties Within the Past Two Years (Attach additional sheets as necessary)

Asset	Description	Value

Total _____

Worksheet 10—Mortgages on Real Estate Other Than Primary Residence (Itemize by loan, attaching additional sheets if necessary)

	Property 1	Property 2	Property 3
Type of Property			
Address			
Name of all Mortgage Holders			
Loan Balance			

Total _____

Worksheet 11— Loan on Life Insurance (do not list term life insurance) (Attach additional sheets as necessary)

Policy	Insurance Company	Loan Amount

Total _____



Worksheet 12—Other Liabilities (Attach additional sheets as necessary)

Type of Debt	Creditor	Amount of Liability (Balance)
Loans on Motor Vehicles (itemize)		
Loans Secured by Property Other Than Real Estate or Vehicles		
Loans Secured by Property Other Than Real Estate or Vehicles		
Unpaid Taxes (fixed in amount and currently due)		
Any Other Amount, Not Reported Above, That You Currently Owe (itemize and describe)		

Total _____



Worksheet 13--Retirement Accounts (Attach additional sheets as necessary)

Account Name	Value

Total _____

Worksheet 14--Primary Residence

Address	
Date Acquired	
Purchase Price	
Market Value	
Source of Market Valuation	

Declaration

I declare under penalty of perjury that the information provided in this personal net worth statement and supporting documents is complete, true and correct. I declare that no assets have been transferred to any beneficiary for less than fair market value in the last two years. I recognize that the information submitted in this application is for the purpose of inducing certification approval by a government agency. I understand that a government agency may, by means it deems appropriate, determine the accuracy and truth of the statements in the application and this personal net worth statement, and I authorize such agency to contact any entity named in the application or this personal financial statement, including the names banking institutions, credit agencies, contractors, clients, and other certifying agencies for the purpose of verifying the information supplied and determining the named firm's eligibility. I acknowledge and agree that any misrepresentations in this application or in records pertaining to a contract or subcontract will be grounds for terminating any contract or subcontract which may be awarded; denial or revocation of certification; suspension and debarment; and for initiating action under federal and/or state law concerning false statement, fraud or other applicable offenses.

Signature (DBE/ACDBE Owner)

Date



DBE Program Plan Attachments

Attachment 5: DBE Participation Schedule A and Schedule B
(including Schedule C in case of Joint Venture)

ATTACHMENT
DBE PARTICIPATION FORMS
SCHEDULES A – C

INSTRUCTIONS:

1. Do not submit the instruction page.
2. Identify DBE subcontractors and/or any lower-tier DBE or non-DBE firms
3. Submit completed DBE participation forms:
 - a) Schedule A: Contractor- Summary of DBE Participation as Subcontractor, Supplier, and/or Consultant – *to be signed by the Contractor*
 - b) Schedule B: Confirmation of Proposed DBE Participation (for each DBE firm identified on this form) – *to be signed by the DBE owner/representative*
 - c) Schedule C: If proposing to perform as a DBE/non-DBE Joint Venture

NOTES:

- Responsible Bidders that indicate they have met the DBE goal must submit completed and signed forms with their bid proposal.
- Services provided by the DBE firm – must coincide with the NAICS Code the DBE is certified in.
- To search for DBE-certified firms - Texas Unified Certification Program (TUCP) DBE Directory link: <https://txdot.txdotcms.com/>
- For net DBE Credit:

If the materials or supplies are obtained from a DBE manufacturer, count 100% of the cost of the materials or supplies toward the DBE goal.

A manufacturer is a firm that owns (or leases) and operates a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications. Manufacturing includes blending or modifying raw materials or assembling components to create the product to meet contract specifications. When a DBE makes minor modifications to the materials, supplies, articles, or equipment, the DBE is not a manufacturer. Minor modifications are additional changes to a manufactured product that are small in scope and add minimal value to the final product.

If the materials or supplies are purchased from a DBE regular dealer, count 60% of the cost of materials or supplies toward the DBE goal.

To be a regular dealer, the firm must be an established business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question. A DBE supplier performs a CUF as a regular dealer and receives credit for 60 percent of the cost of materials or supplies (including transportation cost) when all, or at least 51 percent of, the items under a purchase order or subcontract are provided from the DBE's inventory, and when necessary, any minor quantities delivered from and by other sources are of the general character as those provided from the DBE's inventory.

SCHEDULE A

CONTRACTOR - SUMMARY OF DBE PARTICIPATION AS SUBCONTRACTOR, SUPPLIER, AND/OR CONSULTANT

(Must be completed, signed by the Contractor, and submitted with the bid proposal)

Commitments listed on this form shall be subject to the award and receipt of a signed contract from the Corpus Christi Regional Transportation Authority (CCRTA) for the subject project. Certified DBEs MUST be listed in the Texas Unified Certification Program (TUCP) Directory at the time of submittal.

Contractor		IFB/RFP Number	
Contact Person		Project Name	
Phone Number		Total Bid Amount	
Email		DBE Contract Goal	0.00%
		DBE Commitment Amount	
DBE Commitments			
DBE Firm Name	Work to be Performed	NAICS Code	Agreed Subcontract Price
Total Subcontract Amount			\$ 0.00
Total Bid Amount			
Total DBE Percentage			0.00%
<p>Note: Prices represented on this page should accurately reflect the agreement between the Contractor and DBE Subcontractor.</p> <p>The Contractor is responsible for ensuring that the selected DBEs are certified for the work to be performed and that their eligible participation has been properly counted.</p> <p>*If the materials or supplies are obtained from a DBE manufacturer count 100% of the cost of the materials or supplies. If the materials or supplies are purchased from a DBE regular dealer, count 60% of the cost of the materials or supplies (including transportation costs). For the complete definition of DBE manufacturer and DBE regular dealer, please refer to the attached Special Provisions concerning the Disadvantaged Business Enterprise – under DBE Calculations.</p>			
Prime Contractor Signature			
Affidavit of Contractor: Failure to submit this form without a signature will result in the bid being rejected in its entirety.			
<p>The Contractor will enter into written agreements with all listed DBE firms for work as indicated by this Schedule A and accompanying Schedules and will enter into such agreements within 30 calendar days after receipt of the contract executed by CCRTA. In the event, the Prime Contractor cannot meet said 30-day schedule it must provide a written explanation for the delay and an estimated date by which the written agreements will be completed.</p> <p>The Contractor understands that if it knowingly provides incorrect information or false statements or fails to comply with the contract DBE requirements, CCRTA has an obligation (49 CFR 29.17(B)) to inform the U.S. Department of Transportation which may then initiate actions that would prohibit the Contractor from participation in future government contracts and may result in a conviction for a third-degree felony, including a penalty of one and a half times the value of the contract. Any substitutions of the above-named subcontractors require prior written approval from CCRTA. By signing this form, all parties agree to comply with the DBE Special Provisions and 49 CFR Part 26.</p> <p>I do solemnly declare and affirm under penalty of perjury that the contents of the foregoing document are true and correct, and no material facts have been omitted, and that I am authorized on behalf of the Contractor to make this Affidavit.</p>			
Name of Contractor's Affiant	Title	Signature	Date

SCHEDULE B

CONFIRMATION OF PROPOSED DBE PARTICIPATION

(Must be completed, and signed by the DBE Subcontractor, Supplier, and/or Consultant)

The DBE status of the undersigned is confirmed by the attached Letter of Certification from the TUCP or an electronic image of the TUCP Directory that shows the DBE certification. If proposing to perform as a DBE/non-DBE Joint Venture, the Letter of Certification from the DBE venturer is attached along with a completed Schedule B and Joint Venture Agreement.

Name of DBE Firm		IFB/RFP Number	
Address of DBE Firm		Project Name	
Name of DBE Owner		Name of Contractor	
Phone Number		DBE Contract Amount	
Email			
Description/Scope of Work			
Description of Work in Detail (Quantity if applicable)	NAICS Codes	Dollar Amount of Subcontracted Work	
Total Subcontract Amount		\$ 0.00	
Multi-Phase Project(s). For those projects that are multi-phase, please indicate the phase in which the DBE will be performing work:			
Affidavit of DBE Subcontractor			
Subcontracting Levels: If any dollar amount of the DBE's scope of work will be sublet, a brief explanation and description of the work to be sublet must be listed below:			
Note: If the DBE will not be subcontracting any of the work described above this Schedule, a Zero (0) must be indicated in each blank below:			
% _____ of the dollar amount of the DBE's subcontract will be sublet to DBE Subcontractor(s)			
% _____ of the dollar amount of the DBE's subcontract will be sublet to Non-DBE Subcontractor(s)			
Name of DBE or non-DBE subcontractor(s) to be sublet:			
<p>Notice: Any misrepresentation regarding the status of a person or an entity to qualify for DBE status may result in conviction of a third-degree felony, and a penalty of one and a half times the value of the contract. Material misrepresentation on any matter will also be grounds for terminating any contract that may be awarded and for initiating action under federal or state laws concerning false statements. Any willful falsification of fraudulent statements also may result in debarment from participation in any future federally assisted contracts. By signing this form, all parties agree to comply with the DBE Special Provisions and 49 CFR Part 26.</p>			
The undersigned will enter into a written agreement for the above work with the Contractor conditioned upon the execution of a contract with CCRTA and will do so within 30 calendar days of receipt of a signed contract from CCRTA.			
Printed Name of DBE Owner	Title	Signature	Date

Under 49 CFR Part 26.13(b), each subcontract the Contractor signs with a Subcontractor must include the following assurance: *The Contractor 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 CCRTA deems appropriate.*

**SCHEDULE C
AFFIDAVIT OF DBE/NON-DBE JOINT VENTURE**

Schedule C need not be submitted if all joint ventures are DBEs. In such a case, however, the written joint venture agreement and a copy of the current TUCP Letter of Certification from the TUCP or an electronic image of the TUCP Directory that shows DBE certification for each DBE must be submitted.

All information requested on Schedule C must be answered in the spaces provided by Joint Venturers at any tier. Additional sheets may be attached.

I. JOINT VENTURE	
Name of Joint Venture	
Address of Joint Venture	
Phone Number of Joint Venture	
II. IDENTIFY EACH NON-DBE VENTURE	
Name of Firm	
Business Address	
Phone Number	
Non-DBE Contact Person	
III. IDENTIFY EACH DBE VENTURE	
Name of Firm	
Business Address	
Phone Number	
DBE Contact Person	
IV. DESCRIBE THE ROLE(S) OF THE DBE VENTURE(S) IN THE JOINT VENTURE:	
V. ATTACH A COPY OF THE JOINT VENTURE AGREEMENT. To demonstrate the DBE venturer's share in the ownership, control management responsibilities, risks, and profits of the joint venture, the proposed joint venture agreement must include specific details related to (1) the contributions of capital and equipment; (2) work items to be performed by the DBE's own forces; (3) work items to be performed under the supervision of the DBE venture; and (4) the commitment of management, supervisory and operative personnel employed by the DBE to be dedicated to the performance of the project.	
VI. ATTACH A COPY of the Current TUCP Letter of Certification for each DBE Joint Venture OR an electronic image of the TUCP Directory showing DBE certification for each DBE.	
VII. OWNERSHIP OF THE JOINT VENTURE:	
A. What is the percentage of DBE ownership in the joint venture?	
1) DBE ownership percentage:	
2) Non-DBE ownership percentage:	
B. Specify DBE/non-DBE percentages for each of the following (Provide Narrative Descriptions & Other Detail as applicable)	
1) Sharing of Profit and Loss	
2) Capital Contributions: a) Dollar amount of Initial contribution	
b) Dollar amount of anticipated on-going contributions	
3) Contributions of equipment (specify types, quality, and quantities of equipment to be provided by each venture)	

4) Other applicable ownership interest, including ownership options or other agreements, which restrict or limit ownership and/or control	
C. Provide copies of ALL written agreements between venturers concerning this project.	
D. Identify each current CCRTA contract and either of the joint venture partners participating in the Joint Venture:	
VIII. CONTROL OF AND PARTICIPATION IN THE JOINT VENTURE: Identify by name and firm those individuals who are or will be responsible for and have the authority to engage in the following management functions and policy decisions. Indicate any limitations to their authority such as dollar limits and co-signatory requirements.	
A. Joint venture check signing	
B. Authority to enter contracts on behalf of the Joint Venture	
C. Signing, Co-signing, and/or collateralizing loans	
D. Acquisition of Lines of Credit	



DBE Program Plan Attachments

Attachment 6: Monitoring Forms

- a) Commercially Useful Function (CUF) Review Form
- b) DBE Payment Report Form
- c) DBE Termination/Substitution Request Form

COMMERCIALLY USEFUL FUNCTION (CUF) EVALUATION/REVIEW FORM

A CUF review is required on each DBE firm working on any federally-funded project, regardless of whether there is a DBE goal. A minimum of one CUF review must be performed for each DBE on each project with or without a DBE goal. This review must be conducted while the DBE is actually working on the project. Federal regulations 49 CFR 26.55 states that *“A DBE performs a commercially useful function when it is responsible for execution of the work on the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved... A DBE does not perform a CUF if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation...”*

This form is for the purpose of monitoring and reviewing DBEs compliance with the CUF requirements for obtaining DBE credit on projects.

PROJECT AND PAYMENT DATA:

CONTRACT NO.: _____ PROJECT NAME: _____

PRIME CONTRACTOR: _____

DBE GOAL %: _____ DBE SUBCONTRACT \$: _____ DBE COMMITMENT \$: _____

% OF DBE WORK COMPLETED: _____ DBE START DATE: _____ DBE END DATE*: _____

DBE FIRM: _____ DBE COMPANY OWNER: _____

DBE REPRESENTATIVE NAME/TITLE: _____

BRIEF DESCRIPTION OF THE DBE’S SCOPE OF WORK FROM THE APPROVED SUBCONTRACT:

(*EXPECTED DATE)

MANAGEMENT:

YES NO N/A

1. Has the DBE owner been present on the jobsite? ___ ___ ___
2. Does the DBE firm employ a supervisor or foreman who is onsite directing all work activities without assistance from any other non-DBE contractor? ___ ___ ___
3. Who schedules work activities, material delivers and other requirements for the DBE’s work? Provide name(s) and title(s) below:

Name	Title

4. Is the person who signs the DBE’s certified payroll an employee of the DBE and not the Prime or upper-tier subcontractor? ___ ___ ___

WORKFORCE:

YES NO N/A

5. Does the DBE firm have employees on the job? ___ ___ ___
6. Do they appear on the DBE firm’s certified payroll? ___ ___ ___
7. Do they appear on any other contractor’s payroll? ___ ___ ___
8. Based on employee interview, is the DBE the only contractor providing pay and other compensation? ___ ___ ___

PERFORMANCE:

YES NO N/A

9. Has any other contractor performed any of the DBE’s work? ___ ___ ___
If yes, explain below.

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10. Is the DBE performing at least 30% of the work? ___ ___ ___

EQUIPMENT: **YES NO N/A**

11. Does the Prime's name appear on any equipment used by the DBE firm? ___ ___ ___

12. Is the equipment being operated by DBE employees and under the direct supervision of the DBE? ___ ___ ___

MATERIALS: (furnish and install work only) **YES NO N/A**

13. Is the DBE contracted to furnish and install a contract item? ___ ___ ___

14. Were material shipping documents addressed to the DBE? ___ ___ ___

15. Was the DBE onsite to receive delivery of its materials? ___ ___ ___

16. According to the material invoice, were materials billed to the DBE? ___ ___ ___

TRUCKING/HAULING: **YES NO N/A**

17. Does a review of the haul/load tickets indicate that hauling is being done by the DBE? ___ ___ ___

18. Do the trucks on the work site belong to the DBE? ___ ___ ___

19. If leased, does the driver have the lease agreement in their truck and does it identify the DBE? ___ ___ ___

COMMENTS/EXPLANATION:

--

COMMERCIALLY USEFUL FUNCTION (CUF) DETERMINATION:

Based on the above information, is the DBE performing a CUF? YES NO

REVIEWER'S PRINTED NAME: _____ TITLE: _____

REVIEWER SIGNATURE: _____ DATE OF REVIEW: _____

CUF Review – DBE Employee Interview

Date of Interview: _____

Contract #/Project Name: _____

Project Site Address or Location: _____

Employee

1. Name: _____
2. Job Title: _____
3. How long have you worked for the firm? _____
4. Who pays your salary? _____
5. Who is your immediate Boss? _____
6. To the best of your knowledge who is in charge of the firm?

Employee

1. Name: _____
2. Job Title: _____
3. How long have you worked for the firm? _____
4. Who pays your salary? _____
5. Who is your immediate Boss? _____
6. To the best of your knowledge who is in charge of the firm?



Disadvantaged Business Enterprise (DBE) Payment Report Form
(DBE Monthly Progress Report)

Report No.:		Reporting Period:	From:	To:
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INSTRUCTIONS: All prime contractors and consultants are required to complete and submit this monthly report to the DBE Liaison Officer with a copy of their invoice. Use additional sheets if reporting more than two subcontractors.

SUBMIT with this form copies of the Subcontractor's invoice & corresponding proof of payment.

NOTE: Failure to comply with CCRTA's Disadvantaged Business Enterprise (DBEs) provisions may result in contract termination or the suspension or debarment of the contractor from doing business with CCRTA in the future following the procedures outlined in CCRTA's Procurement Regulations. To complete this report, see detailed instructions on the proceeding page.

Contract Number					
Contractor's Business Name					
Business Address				Business Phone No.	
Date of Contract Award					
Estimated Date of Completion					
Original Contract Amount					
Committed DBE Participation for this Contract		\$		%	
Current Amended Contract Amount (including Modifications)					Date of Modification
Total Amount Received to Date				Total Amount Owed	
Amount of This Invoice				Invoice Number	
Actual (DBE) Participation (%) to Date:					
Calculation of DBE% to date: Dollar Amount Paid to DBE divided by Dollar Amount Received by Contractor from CCRTA)					
SUBCONTRACTOR NAME:					
Is the Subcontractor DBE Certified?	Yes	Certificate#	No	<input type="checkbox"/>	Yes
					Certificate #
					No
					<input type="checkbox"/>
Subcontract Value in \$\$					
Dollar Amount & Date of Last Payment					
Check Number & Date					
Total Amount Paid to Date in \$\$					
Percentage (%) Paid to Date					
Amount of this Invoice Allocated to Pay the Subcontractor					
Subcontractor's Invoice No./Amount					

CERTIFICATION BY PRIME CONTRACTOR:

I hereby certify that _____ (Contractor) has made timely payments from proceeds of prior payments, and will make payments within ____ days of receipt of funds from CCRTA for progress and/or final payment to our subcontractors and suppliers following the contractual arrangements with them. Note: <i>Prompt payment to subcontractors must comply with the subcontracting agreement signed by the Prime Contractor and Subcontractor.</i>	
COMPANY OFFICIAL'S SIGNATURE	DATE
NAME & TITLE OF INDIVIDUAL COMPLETING REPORT:	

**INSTRUCTIONS FOR CONTRACTORS
“HOW TO FILL OUT DBE PAYMENT REPORT FORM”**

The DBE Payment Report must be completed and signed by the Contractor. Please email the completed form monthly to the DBELO at lyaunk@ccrta.org with a copy of the following:

1) Subcontractor's invoice and 2) Proof of payments made to the Subcontractor

Report Number – Fill in the report number you are sending in sequence. For example: if this is the second invoice you are submitting, you are sending in Report Number 2.

Reporting Period – This is to be filled in to state your reporting period. Example: From: October 1, 2023, To: October 31, 2023.

Contract Number – Fill in the contract number assigned to your project by CCRTA; make sure that your invoice corresponds to Contract No.

Contractor's Business Name, Address, and Phone Number – Fill in your company's name, address, and phone number

Date of Contract Award – Fill in the date the contract was executed by both you and CCRTA.

Estimated Date of Completion – Fill in the completion date as written in the contract.

Original Contract Amount – Fill in the dollar amount of the original contract agreed upon by you and CCRTA.

Committed Disadvantaged Business Participation – Fill in the percentage of DBE participation you committed to obtain on the contract.

Current Amended Contract Amount – Fill in the dollar amount of the original contract plus/minus the dollar amount agreed upon at a later date as a result of contract modifications or Change Order. Include the date of modification.

Date of Modification (including Change Order) – Indicate the date of modification and/or Change Orders executed during the contract term.

Total Amount Received to Date – Fill in the dollar amount you have received from CCRTA to date

Total Amount Owed – Fill in the dollar amount of the contract minus the amount paid to you by CCRTA.

Amount of this Invoice – Indicate the amount of invoice associated with this report.

Invoice Number – Indicate the corresponding invoice number.

Actual DBE Participation % to Date – Percentage of DBE Participation is calculated by the dollar amount paid to date to the DBE divided by the dollar amount you received from CCRTA *100

Subcontractor Name – Name all DBE and non-DBE subcontractors used in this contract. Use additional sheets as necessary.

DBE Certified – Select yes if the subcontractor is a certified DBE and indicate Certificate Number; if not DBE certified, select no.

Subcontractor Value (Dollars) – State the committed dollar value to the DBE and non-DBE subcontractor for the duration of the contract

Dollar Amount and Date of Last Payment – State the amount and date of the last payment made to each DBE and non-DBE subcontractor.

Check Number & Date (most recent payment made) – Indicate the check number and date of payment made most recent to each DBE and non-DBE subcontractor.

Total Amount Paid to Date in Dollars – State the total amount paid to each DBE and non-DBE subcontractor.

Percentage (%) Paid to Date – Percentage of payment made to the subcontractors (paid-to-date amount divided by the total subcontracting amount).

Amount of This Invoice Allocated to the Subcontractor – Fill in how much of your invoice will be paid to each DBE and non-DBE subcontractor.

Subcontractor's Invoice No./Amount – Indicate the subcontractor invoice number/amount that will be paid from your invoice



**DISADVANTAGED BUSINESS ENTERPRISE (DBE)
TERMINATION/SUBSTITUTION REQUEST FORM**

CONTRACT NO.: _____ PROJECT NAME: _____

PRIME CONTRACTOR: _____

REQUESTOR: _____ EMAIL: _____ PHONE: _____

TYPE OF REQUEST: TERMINATION SUBSTITUTION

- 1) Date determined the DBE is unwilling, unable or ineligible to perform: _____
- 2) Date of Written Notice to DBE: _____ Attach notice with this request, along with the DBE response.
- 3) Original DBE commitment amount: \$ _____
- 4) Amount of work completed to date: \$ _____
- 5) Remaining DBE amount: \$ _____

For DBE Substitution only, answer questions 6 thru 8:

- 6) Proposed DBE Name(s): _____
- 7) Proposed DBE dollar amount to be substituted: \$ _____
- 8) Projected date for substitute DBE to commence work: _____

Good Faith Effort Documentation to be submitted with this request or within 7 calendar days from approval of this request:

- a) DBE Certified firm approval letter and/or
- b) Other documentation to substantiate efforts made to replace the same amount of DBE work

Prime Contractor Signature

Date

Original DBE Subcontractor Signature

Date

CCRTA Project Signature

Date

For CCRTA use only

Request is: Approved Not Approved

DBE Office Representative: _____ Signature: _____

Date: _____



DBE Program Plan Attachments

Attachment 7: Procedures for Removal of DBE's Eligibility

Removal of DBE/ACDBE Eligibility (Decertification)

All Members of the TUCP, including the Corpus Christi Regional Transportation Authority (CCRTA) follow the Texas Unified Certification Program (TUCP) Standard Operating Procedures, which includes the process of removing a DBE/ACDBE Eligibility (Decertification).

1. INITIAL DENIAL OF DBE/ACDBE CERTIFICATION

- a. A firm will be notified in writing by the Certifying Partner that it has been denied DBE/ACDBE certification by the TUCP by providing a Notice of Decision (NOD).
- b. The firm will be provided with a written explanation of the reasons for denial, specifically referencing the evidence in the record that supports each reason for the denial.
- c. All documents and information used to render a determination of denial will be made available for inspection by the applicant, upon written request to the Certifying Partner.
- d. A firm that is denied DBE/ACDBE certification may not apply for certification with the TUCP for one year (12 months). The period begins to run the day after the date of the NOD is emailed to the applicant owner.
- e. A firm denied DBE/ACDBE certification may appeal the denial of DBE/ACDBE certification to the USDOT in accordance with §26.89 of the regulation.

2. REMOVAL OF DBE/ACDBE ELIGIBILITY (DECERTIFICATION)

- a. The TUCP members agree to follow the eligibility removal procedures outlined in 49 CFR §26.87 including:
 - i. Ineligibility complaints: Any person, including another TUCP member, may file a complaint with specificity about why the firm should be decertified as a DBE. TUCP need not act on a general allegation or an anonymous complaint. TUCP must keep complainants' identities confidential as provided in §26.109(b).
 - ii. Recipient-initiated proceedings: If a direct recipient of federal funds determines that there is reasonable cause to believe that a currently certified firm is ineligible based on notification by that DBE/ACDBE firm of a change in its circumstances or any other information that becomes available, they must provide written notice to the firm that it proposes to find them ineligible for the DBE/ACDBE program setting forth the reasons for the proposed determination. The statement of reasons for the finding of reasonable cause must specifically reference the evidence in the record on which each reason is based.
 - iii. DOT directive to initiate proceeding: If a concerned operating administration (OA) (FHWA, FTA, FAA) determines that information in your certification records, or other information available to the concerned operating administration, provides reasonable cause to believe that a firm you certified does not meet the eligibility criteria of

this part, the concerned operating administration may direct you to initiate a proceeding to remove the firm's DBE/ACDBE certification. The OA must provide the TUCP and the DBE with written notice describing the reasons for the directive, including any relevant documentation or other information. TUCP must immediately commence proceeding to decertify as provided in §26.87(e).

- iv. When a firm is notified that there is a reasonable cause to remove its eligibility, it will be provided the opportunity for an informal hearing, at which the firm may respond to the reasons for the proposal to remove its eligibility in person and provide information and arguments concerning why it should remain certified.
- v. A DBE/ACDBE firm whose eligibility has been removed (decertified) for any of the following reasons will be afforded an Appeal Process as stated in Section M:
 - 1. The business has changed to the extent that it is no longer owned or controlled by socially and economically disadvantaged individuals.
 - 2. The DBE/ACDBE firm is no longer an ongoing business entity.
 - 3. The socially and economically disadvantaged owners falsified a sworn statement. This action may also result in more punitive action such as debarment.
 - 4. The DBE/ACDBE fails to notify the TUCP Certifying Partner, within 30 days of changes in ownership, control, independence, or status as an ongoing concern.
 - 5. A determination by the TUCP Certifying Partner that the firm no longer meets certification eligibility standards.
 - 6. The DBE/ACDBE exhibits a pattern of conduct indicating its involvement in attempts to evade or subvert the intent or requirement of the regulations. This action may also result in more punitive action such as debarment.
- vi. Decertified firms shall be removed from the TUCP directory.
- vii. A firm decertified for cause may not apply again for DBE/ACDBE certification with the TUCP for one year (12 months). A firm that is decertified for not submitting the Declaration of Eligibility (DOE) (failure to cooperate clause) may reapply for DBE/ACDBE certification after a six (6) month waiting period from the date of the Notice of Decision (NOD).

3. APPEAL PROCESS

a. Initial Denials

- i. A firm denied DBE/ACDBE certification may appeal the denial of DBE/ACDBE certification to the United States Department of Transportation (USDOT) in accordance with §26.89 of the regulation.

Such an appeal must be filed within forty-five (45) days of the date of the determination letter.

- ii. Pending a determination by USDOT, the decision rendered by the Certifying Partner remains in effect for the TUCP. Upon notification by USDOT, the TUCP Certifying Partner will provide a copy of the complete administrative record for review including video, audio recordings, or transcripts of any hearing within twenty (20) days.
- iii. All appeal decisions rendered by USDOT are administratively final and are not subject to petitions for reconsideration.
- iv. A firm that is denied DBE/ACDBE certification may not again apply for certification with the TUCP for one year (12 months) from the date of the Notice of Decision (NOD).

b. Removal of Certification

- i. Any firm that was certified under 49 CFR Part 23 and Part 26 and has had their certification proposed to be removed may file a written rebuttal or appear in person at an informal hearing.
- ii. All requests for an informal hearing must be filed with the TUCP Certifying Partner responsible for the removal of DBE/ACDBE certification. The firm will have the opportunity to present information in person or in writing to the certifying TUCP Partner and all aspects of the hearing shall be coordinated by the TUCP Certifying Partner.
- iii. The TUCP Certifying Partner must maintain a complete record of the hearing, by a means acceptable under State law for the retention of a verbatim record of an Administrative Hearing.
- iv. **Separations of Functions:** The TUCP Certifying Partner must ensure that the decision in a proceeding to remove a firm's eligibility (decertification) is made by office and personnel that did not take part in actions leading to or seeking to implement the proposal to remove the firm's eligibility and are not subject, with respect to the matter, to direction from the office or personnel who did take part in these actions.
- v. Any firm may appeal directly to the United States Department of Transportation (USDOT). Such an appeal must be filed within 45 days of the date of the Notice of Decision (NOD) from the Certifying Partner.
- vi. Pending a determination by the USDOT, the decision rendered by the TUCP Certifying Partner remains in effect for the TUCP.
- vii. Upon notification by USDOT, the TUCP Certifying Partner will forward a copy of the complete administrative record for review. USDOT will make a determination based solely on the administrative record.
- viii. USDOT will provide written notice of its decision to the TUCP and the appellant.

- ix. USDOT decides only the issue(s) presented on appeal. It does not conduct a *de novo* review of the matter, assess all eligibility requirements, or hold hearings. It considers the administrative record any additional information that it considers relevant.
- x. All decisions described in §26.89(f) are administratively final unless USDOT says otherwise.

**CORPUS CHRISTI REGIONAL TRANSPORTATION AUTHORITY
LEGISLATIVE COMMITTEE MEETING MINUTES
FRIDAY, November 1, 2024**

Summary of Actions

- 1. Roll Call**
- 2. Heard Safety Briefing**
- 3. Confirmed Posting of Meeting's Public Notice in Accordance with Texas Open Meetings Act, Texas Government Code, Chapter 551**
- 4. Receipt of Conflict of Interest Affidavits – None Received**
- 5. Opportunity for Public Comment – No Public Comments**
- 6. Approved Legislative Committee Meeting Minutes of May 22, 2024**
- 7. Approved to Recommend the Board of Directors Amend the Approved Legislative Program for the 89th Legislature**
- 8. Heard Committee Chair Report**
- 9. Adjournment**

The Corpus Christi Regional Transportation Authority Board of Directors met at 11:30 a.m. in the Corpus Christi Regional Transportation Authority Staples Street Center facility located at 602 N. Staples Street, 2nd Floor Board Room Corpus Christi, Texas.

Call to Order & Roll Call

Lynn Allison; Committee Chair, called the meeting to order at 11:40 a.m. Marisa Montiel called roll and stated a quorum was present.

Board Members Present

Lynn Allison, Aaron Muñoz, and Amanda Torres.

Board Members Absent

Gabi Canales and Jeremy Coleman.

Staff Present

David Chapa, Angelina Gaitan, John Esparza, Derrick Majchszak, Sharon Montez, Marisa Montiel, Rita Patrick, Gordon Robinson, Miguel Rendón and Robert Saldaña.

Public Present

John Bell, Legal Counsel (virtual). Tris Castaneda, Longbow and Associates (virtual).

Safety Briefing

Mr. Mike Rendón, Deputy CEO, presented the safety briefing to the Board and audience. He provided exit instructions in the event of an emergency. Ms. Montiel would account for all Board Members and he would be the last out to ensure everyone exits safely.

Confirmed Posting of Meeting's Public Notice in Accordance with Texas Open Meetings Act, Texas Government Code, Chapter 551

Ms. Montiel confirmed proper posting of the meeting.

Receipt of Conflict of Interest Affidavits

None received

Opportunity for Public Comment

None received

Public Comment may be provided in writing, limited to 1,000 characters, by using the [Public Comment Form](http://www.ccrta.org/news-opportunities/agenda) online at www.ccrta.org/news-opportunities/agenda or by regular mail or hand-delivery to the CCRTA at 602 N. Staples St., Corpus Christi, TX 78401, and MUST be submitted no later than 5 minutes after the start of a meeting in order to be provided for consideration and review at the meeting. All Public Comments submitted shall be placed into the record of the meeting.

Discussion and Possible Action to Approve the Legislative Committee Meeting Minutes of May 22, 2024

DIRECTOR AARON MUNOZ MADE A MOTION RECOMMEND THE BOARD OF DIRECTORS APPROVE THE LEGISLATIVE COMMITTEE MEETING MINUTES OF MAY 22, 2024. DIRECTOR AMANDA TORRES SECONDED THE MOTION. ALLISON, MUNOZ, AND TORRES VOTING IN FAVOR. ABSENT CANALES AND COLEMAN.

Discussion and Possible Action to Recommend the Board of Directors Amend the Approved Legislative Program for the 89th Legislature

Mr. Derrick Majchszak, Chief Executive Officer, provided background noting the Legislative Committee and staff have been working with the Legislative Delegation and the Legislative Consultants to develop a legislative agenda for 2024-2025. The Board reviewed and approved the proposed legislative initiatives on June 12th and later approved an amended version on July 10th. Executive Staff has met with Senator Hinojosa to discuss CCRTA's Legislative Program. After further discussion between Board Chair, Legislative Committee Members, Executive Staff, and the Legislative Team, it is recommended to add the following Priority to the Legislative Program: "A Bill providing a new chapter to the Texas Transportation Code comprised of the various bracketed provisions from Chapter 451 only applicable to CCRTA and incorporating the above revisions to the fare approval process and the term limitations for board members". Mr. Majchszak advised that Senator Hinojosa has submitted the Bill to the Legislative Council for review. The Committee reviewed and discussed the proposed legislative initiatives. Secretary Allison announced the legislative team is working to meet with Chairman Hunter on November 12th. She added that it will be up to the Board to gain support from the House. The pros and cons of CCRTA being removed from Chapter 451 were discussed. Staff and Legislative consultant noted it would be a benefit to submit and receive feedback to see what the next steps should be. It was recommended that item #6 be moved as a secondary initiative.

DIRECTOR AMANDA TORRES MADE A MOTION RECOMMEND THE BOARD OF DIRECTORS AMEND THE APPROVED LEGISLATIVE PROGRAM FOR THE 89TH LEGISLATURE. DIRECTOR AARON MUNOZ SECONDED THE MOTION. *ALLISON, MUNOZ, AND TORRES VOTING IN FAVOR. ABSENT CANALES AND COLEMAN.*

Heard Committee Chair Report

Committee Chair Charo thanked staff for detailed information on agenda items.

Adjournment

There being no further review of items, the meeting adjourned at 12:18 p.m.

Submitted by: Marisa Montiel