

**DISADVANTAGE BUSINESS ENTERPRISE PLAN
FEDERAL TRANSIT ADMINISTRATION
FISCAL YEARS 2023-2025
DEPARTMENT OF GRANTS
March 2022**

St. Tammany Parish Government DBE Program

POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

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

It is the policy of St. Tammany Parish Government to ensure that the DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is our policy:

1. To ensure nondiscrimination in the award and administration of DOT—assisted contracts.
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE program.

Perry Felarise has been delegated as the DBE Liaison Officer. In that capacity, he is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by St. Tammany Parish Government in its financial assistance agreements with the Department of Transportation.

St. Tammany Parish Government has disseminated this policy statement to the St. Tammany Parish Council and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for the Parish on DOT-assisted contracts. This distribution is accomplished by using the U.S. Postal Service and interoffice mail. It is also available at public meetings, pre-bid conferences, via internet and included in bid packages.



Gina Hayes, Chief Administrative 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

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

Section 26.5 Definitions

St. Tammany Parish Government will adopt the definitions contained in Section 26.5 for this program.

Section 26.7 Non-discrimination Requirements

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

Section 26.11 Record Keeping Requirements

Reporting to DOT:

St. Tammany Parish will provide data about its DBE Program to the Department as directed by DOT operating administrations.

DBE participation will be reported to Federal Transit Administration (hereafter referred to as FTA):

St. Tammany Parish will transmit to FTA annually, by or before December 1, the information required for the "Uniform Report of DBE Awards or Commitments and Payments", as described in Appendix B to Part 26. St. Tammany Parish Government will similarly report the required information about participating DBE firms. All reporting will be done through the FTA official reporting system, or another format acceptable to FTA as instructed thereby.

Bidders List: 26.11(c)

St. Tammany Parish Government will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidders list approach to calculating overall goals. The bidder list will include the name, address, DBE non-DBE status, age, and annual gross receipts of firms.

The Parish will collect this information by placing a clause in all such requests for bids or proposals, requiring bidders to include in the bid submission the Bidder's List regarding all firms bidding or quoting as subcontractors for that same solicitation. The Bidders List will include the firms' name, address and phone numbers. This information will be requested from the St. Tammany Parish Government Department of Purchasing.

Section 26.13 Federal Financial Assistance Agreement

St. Tammany Parish Government has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: - Each financial assistance agreement St. Tammany Parish Government signs with a DOT operating administration (or a primary recipient) will include the following assurance:

St. Tammany Parish Government shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The St. Tammany Parish Government shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The St. Tammany Parish Government DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the St. Tammany Parish Government of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

Contract Assurance: St. Tammany Parish Government will ensure that the following clause is included in each DOT-funded contract it signs with a contractor (and each subcontract the prime contractor signs with a subcontractor):

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

- 1) Withholding monthly progress payments;
- 2) Assessing sanctions;
- 3) Liquidated damages; and/or
- 4) Disqualifying the contractor from future bidding as non-responsible.

SUBPART B - ADMINISTRATIVE REQUIREMENTS**Section 26.21 DBE Program Updates**

St. Tammany Parish Government is required to have a DBE program meeting the requirements of this part as it will receive grants for airport planning or development and will award prime contracts, cumulative total value of which exceeds \$250,000 in FTA funds in a federal fiscal year. St. Tammany Parish Government is not eligible to receive DOT financial assistance unless DOT has approved this DBE program and St. Tammany Parish Government is in compliance with it and Part 26. St. Tammany Parish Government will continue to carry out this program until all funds from DOT financial assistance have been expended. St. Tammany Parish Government does not have to submit regular updates of the DBE program document, as long as it remains in compliance. However, significant changes in the program, including those required by regulatory updates, will be submitted for DOT approval.

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

St. Tammany Parish Government have designated the following individual as our DBE Liaison Officer:

Mr. Perry Felarise, Grants Project Manager-Transit
St. Tammany Parish Government
PO Box 628
Covington, LA 70434
Phone: (985) 809-2989
Email: pfelarise@stp.gov.org

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the St. Tammany Parish Government complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Chief Operating Officer concerning DBE program matters. An organizational chart displaying the DBELO's position in the organization is included in Attachment 1 to this program.

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

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes St. Tammany Parish progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO/governing body on DBE matters and achievement.
9. Chairs the DBE Advisory Committee.
10. Determine contractor compliance with good faith efforts.
11. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
12. Plans and participates in DBE training seminars.
13. Provides outreach to DBEs and community organizations to advise them of opportunities.

Section 26.27 DBE Financial Institutions

It is the policy of St. Tammany Parish Government to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions. The Parish has made the following efforts to identify and use such institutions:

1. Research local banking organizations.
2. Review local business publications.
3. Review publications specifically discussing socially and economically disadvantaged businesses.

Section 26.29 Prompt Payment MechanismsPrompt Payment: 26.29(a)

St. Tammany Parish Government requires that all subcontractors performing work on DOT-assisted contracts shall be promptly paid for work performed pursuant to their agreements, in accordance with all relevant federal, state, and local law.

In accordance with 49 CFR §26.29, the St. Tammany Parish Government established a contract clause implementing this requirement and requires prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from the prime contractor's receipt of each payment from the St. Tammany Parish Government.

St. Tammany Parish Government ensures prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Pursuant to §26.29, St. Tammany Parish Government has selected the following method to comply with this requirement: hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 30 days after your payment to the prime contractor.

To implement this measure, St. Tammany Parish Government includes the following clause from FTA Advisory Circular 150/5370-10 in each DOT-assisted prime construction 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 contractor receives from the Parish. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of St. Tammany Parish Government. This clause applies to both DBE and non-DBE subcontracts.

Section 26.31 Directory

St. Tammany Parish Government is a non-certifying member of the Louisiana Unified Certification Program (UCP). The UCP maintains a directory identifying all firms eligible to participate as DBEs, which contains all the elements required by §26.31.

The Directory may be found in Attachment 3 to this program document. A list of all DBE firms in the State can be found by accessing the LA DOTD Uniform Certification Program at:

www.laucp.org/UCP/UCPSearch.aspx

Section 26.33 Overconcentration

St. Tammany Parish Government has not identified that over-concentration exists in the types of work that DBEs perform.

Section 26.35 Business Development Programs

St. Tammany Parish Government has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

St. Tammany Parish Government implements and carries out appropriate mechanisms to ensure compliance with 49 CFR Part 26 program requirements by all program participants, including prompt payment, and describes and set forth these mechanisms in the Parish's DBE program.

St. Tammany Parish Government actively monitors participation by maintaining a running tally of actual DBE attainments (e.g., payments actually made to DBE firms), including a means of comparing these attainments to commitments.

Monitoring Payments to DBEs and Non-DBEs

St. Tammany Parish Government undertakes ongoing monitoring of prime payments to subcontractors over the course of any covered contract. Such monitoring activities will be accomplished through the following method(s):

1. The Parish 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. The Parish will consider similar action under its own legal authorities, including responsibility determinations in future contracts. There will be a contract clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.
3. The Parish will also provide a monitoring and enforcement mechanism to verify that work committed to DBE's at contract award is actually performed by DBE's. This will be accomplished by periodic checks from fiscal, operating and administrative staff to ensure that work is being completed by the DBE organizations including but limited to on-site inspections.
4. The Parish will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

St. Tammany Parish Government requires prime contractors to maintain records and documents of payments to subcontractors, including DBEs, for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the Parish's financial assistance agreement, whichever is longer. These records will be made available for inspection upon request by any authorized representative of St. Tammany Parish Government or DOT. This reporting requirement extends to all subcontractors, both DBE and non-DBE.

- St. Tammany Parish Government proactively reviews contract payments to subcontractors including DBEs quarterly. Payment reviews will evaluate whether the actual amount paid to DBE subcontractors is equivalent to the amounts reported to St. Tammany Parish Government by the prime contractor.

Prompt Payment Dispute Resolution

St. Tammany Parish Government will take the following step to resolve disputes as to whether work has been satisfactorily completed for purposes of §26.29.

- Meetings between prime and sub, with resident project representative and/or project manager presence as appropriate.

St. Tammany Parish Government has established, as part of its DBE program, the following mechanism to ensure prompt payment and return of retainage:

- A contract clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.

Contract clause: St. Tammany Parish Government requires prime contractors to pay sub- contractors for satisfactory performance of their contracts no later than 30 days from receipt of each payment you make to the prime contractor.

Prompt Payment Complaints

Complaints by subcontractors regarding the prompt payment requirements are handled according to the following procedure.

- If affected subcontractor is not comfortable contracting prime directly regarding payment or unable to resolve payment discrepancies with prime, subcontractor should contact DBELO to initiate complaint.
- If filing a prompt payment complaint with the DBELO does not result in timely and meaningful action by St. Tammany Parish Government to resolve prompt payment disputes, affected subcontractor may contact the responsible FTA contact.
- Pursuant to Sec. 157 of the FTA Reauthorization Act of 2018, all complaints related to prompt payment will be reported in a format acceptable to the FTA, including the nature and origin of the complaint and its resolution.

Enforcement Actions for Noncompliance of Participants

St. Tammany Parish Government will provide appropriate means to enforce the requirements of §26.29. These means include:

- In accordance with the contract, assessing liquidated damages against the prime contractor for each day beyond the required time period the prime contractor fails to pay the subcontractor
- Advise subcontractors of the availability of the payment and performance bond to assure payment for labor and materials in the execution of the work provided for in the contract
- Pay subcontractors directly and deduct this amount from the retainage owed to the prime
- Issue a stop-work order until payments are released to subcontractors, specifying in the contract that such orders constitute unauthorized delays for the purposes of calculating liquidated damages if milestones are not met

St. Tammany Parish Government will actively implement the enforcement actions detailed above.

Monitoring Contracts and Work Sites

St. Tammany Parish Government reviews contracting records and engages in active monitoring of work sites to ensure that work committed to DBEs at contract award or subsequently actually performed by the DBEs to which the work was committed. Work site monitoring is performed by project monitoring contractors or project managers. Contracting records are reviewed by the DBELO. St. Tammany Parish Government will maintain written certification that contracting records have been reviewed and work sites have been monitored for this purpose.

Section 26.39 Small Business Development Mechanisms

St. Tammany Parish Government fosters participation of small business concerns in projects resulting from procurement activities by implementing multiple strategies, including strategies suggested by Section 26.39(b) of Title 49 of the Code of Federal Regulations.

1. On prime contracts not having contract goals, we require the prime contractor to provide subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform, rather than self-performing all the work involved.
2. In multi-year design-build contracts or other large contracts (e.g., for "megaprojects") we require bidders or proposers on the prime contract to specify elements of the contract or specific subcontracts that are of a size that small businesses, including DBEs, can reasonably perform.
3. To meet the portion of our overall goal we project to meet through race-neutral measures, we ensure that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform.
4. We identify alternative acquisition strategies and structuring procurements to facilitate the ability of consortia or joint ventures consisting of small businesses, including DBEs, to compete for and perform prime contracts.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING**Section 26.43 Set-asides or Quotas**

St. Tammany Parish Government does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

St. Tammany Parish Government will establish an overall DBE goal covering a three-year federal fiscal year period if it anticipates awarding DOT-funded prime contracts the cumulative total value of which exceeds \$250,000 in DOT funds during any one or more of the reporting fiscal years within the three-year goal period. In accordance with §26.45(f), St. Tammany Parish Government will submit its Overall Three-year DBE Goal to FTA by August 1st of the year in which the goal is due, as required by the schedule established by and posted to the website of FTA.

The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If St. Tammany Parish Government does not anticipate awarding prime contracts the cumulative total value of which exceeds \$250,000 in DOT funds during any of the years within the three-year reporting period, an overall goal will not be developed. However, this DBE Program will remain in effect and St. Tammany Parish Government will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

Step 1. The first step is to determine a base figure for the relative availability of DBEs in the market area. St. Tammany Parish Government will use the Louisiana Unified Certification Program (LA UCP) as a method to determine the base figure. St. Tammany Parish Government understands that the exclusive use of a list of prequalified contractors or plan holders, or a bidders list that does not comply with the requirements of 49 CFR Part 26.45(c)(2), is not an acceptable alternative means of determining the availability of DBEs.

Step 2. The second step is to adjust, if necessary, the "base figure" percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination. Adjustments may be made based on past participation, information from a disparity study (to the extent it is not already accounted for in the base goal), and/or information about barriers to entry to past competitiveness of DBEs on contracts. St. Tammany Parish Government will examine all of the

evidence available in its jurisdiction to determine what adjustment, if any, is needed. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made.

Any methodology selected will be based on demonstrable evidence of local market conditions and be designed to ultimately attain a goal that is rationally related to the relative availability of DBEs in the St. Tammany Parish Government market.

In establishing the overall goal, St. Tammany Parish Government will provide for consultation and publication. This includes consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the efforts by St. Tammany Parish Government to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and it will occur before St. Tammany Parish Government is required to submit the goal methodology to the operating administration for review pursuant to §26.45(f). The goal submission will document the consultation process in which St. Tammany Parish Government engaged. Notwithstanding paragraph (f)(4) of §26.45, the proposed goal will not be implemented until this requirement is met.

In addition to the consultation described above, St. Tammany Parish Government will publish a notice announcing the proposed overall goal before submission to the FTA on August 1st. The notice will be posted on St. Tammany Parish Government's official internet web site. If the proposed goal changes following review by FTA, the revised goal will be posted on the official internet web site.

The public will also be informed that the proposed overall goal and its rationale are available for inspection during normal business hours at the Grants Department of St. Tammany Parish Government. This notice will provide that the St. Tammany Parish Government and FTA will accept comments on the goals for 30 days from the date of the notice. Notice of the comment period will include the addresses to which comments may be sent (including offices and websites) where the proposal may be reviewed. **The public comment period will not extend the August 1st deadline.**

The Overall Three-Year DBE Goal submission to FTA will include a summary of information and comments received, if any, during this public participation process and St. Tammany Parish Government responses.

St. Tammany Parish Government will begin using the overall goal on October 1 of the relevant period, unless other instructions from FTA have been received.

Project Goals

If permitted or required by the FTA Administrator, an overall goal may be expressed as a percentage of funds for a particular grant or project or group of grants and/or projects, including entire projects. Like other overall goals, a project goal may be adjusted to reflect changed circumstances, with the concurrence of the appropriate operating administration. A project goal is an overall goal, and must meet all the substantive and procedural requirements of this section pertaining to overall goals. A project goal covers the entire length of the project to which it applies. The project goal will include a projection of the DBE participation anticipated to be obtained during each fiscal year covered by the project goal. The funds for the project to which the project goal pertains are separated from the base from which the regular overall goal, applicable to contracts not part of the project covered by a project goal, is calculated.

If a goal is established on a project basis, the goal will be used by the time of the first solicitation for a DOT-assisted contract for the project.

Prior Operating Administration Concurrence

St. Tammany Parish Government understands that prior FTA concurrence with the overall goal is not required. However, if the FTA review suggests that the overall goal has not been correctly calculated or that the method employed by St. Tammany Parish Government for calculating goals is inadequate, FTA may, after consulting with St. Tammany Parish Government, adjust the overall goal or require that the goal be adjusted by St. Tammany Parish Government. The adjusted overall goal is binding. In evaluating the adequacy or soundness of the methodology used to derive the overall goal, the U.S. DOT operating administration will be guided by the goal setting principles and best practices identified by the Department in guidance issued pursuant to §26.9.

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 6 to this program.

Section 26.47 Failure to meet overall goals

St. Tammany Parish Government cannot be penalized, or treated by the Department as being in noncompliance with Part 26, because DBE participation falls short of an overall goal, unless St. Tammany Parish Government *fails* to administer its DBE program in good faith.

St. Tammany Parish Government understands that to be considered to be in compliance with this part, an approved DBE Program and overall DBE goal, if applicable, must be maintained, and this DBE Program must be administered in good faith.

St. Tammany Parish Government understands that if the awards and commitments shown on the Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, the following actions must be taken in order to be regarded by the Department as implementing this DBE Program in good faith:

- (1) Analyze in detail the reasons for the difference between the overall goal and the awards and commitments in that fiscal year;
- (2) Establish specific steps and milestones to correct the problems identified in the analysis to enable the goal for the new fiscal year to be fully met;
- (3) St. Tammany Parish Government will prepare, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraph (c)(1) and (2) of this section. We will retain copy of analysis and corrective actions in records for a minimum of three years, and will make it available to [*operating administration*] upon request.

Section 26.49 Transit Vehicle Manufacturers Goals

St. Tammany Parish Government will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, St. Tammany Parish Government 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 Means Recipients Use to Meet Overall Goals

Breakout of Estimated Race-Neutral & Race-Conscious Participation

St. Tammany Parish Government will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating race-neutral DBE participation. Race-neutral DBE participation includes any time a DBE wins a prime contract through customary competitive procurement procedures or is awarded a subcontract on a prime contract that does not carry a DBE contract goal.

Race-neutral means include, but are not limited to the following:

- (1) Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under §26.39.
- (2) Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing);
- (3) Providing technical assistance and other services;
- (4) Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);
- (5) Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;(6) Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;
- (7) Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;
- (8) Ensuring distribution of the DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and
- (9) Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

The St. Tammany Parish Government will arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under §26.39.

Contract Goals

If the approved projection under paragraph (c) of §26.51 estimates that the entire overall goal for a given year can be met through race-neutral means, contract goals will not be set during that year, unless the use of contract goals becomes necessary in order meet the overall goal.

Contract goals will be established only on those DOT-assisted contracts that have subcontracting possibilities. A contract goal need not be established 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).

Contract goals will be expressed as a percentage of the Federal share of a DOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures in Situations where there are Contract GoalsDemonstration of good faith efforts (pre-award)

In cases where a contract goal has been established, the contract in question will only be awarded to a bidder/offeror that has made good faith efforts to meet the contract goal. The bidder/offeror can demonstrate that it has made good faith efforts by either meeting the contract goal or documenting that it has made adequate good faith efforts to do so. Examples of good faith efforts are found in Appendix A to Part 26.

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.

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

In all solicitations for DOT-assisted contracts for which a contract goal has been established, the following information will be required of every bidder/offeror:

- (1) Award of the contract will be conditioned on meeting the requirements of this section;
- (2) All bidders or offerors will be required to submit the following information to the recipient, at the time provided in paragraph (3) of this section:
 - (i) The names and addresses of DBE firms that will participate in the contract;
 - (ii) 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;
 - (iii) The dollar amount of the participation of each DBE firm participating;
 - (iv) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; and
 - (v) Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment.
 - (vi) If the contract goal is not met, evidence of good faith efforts (as elaborated in Appendix A of Part 26). The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract; and
- (3) The bidder/offeror will be required to present the information stipulated in paragraph (2) of this section:

Under sealed bid procedures, as a matter of **responsiveness**, or with initial proposals, under contract negotiation procedures;

Administrative reconsideration (26.53(d))

Within seven (7) business days of being informed by St. Tammany Parish Government that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: Sean Hoover, Director of Procurement, St. Tammany Parish Government, Post Office Box 628, Covington, LA, 70434, (985) 898-2520, sdhoover@stpgov.org. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with our reconsideration

official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. We will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

Good Faith Efforts procedural requirements (post-solicitation)

The awarded contractor will be required to make available upon request a copy of all DBE subcontracts. The contractor shall ensure that all subcontracts or agreements with DBEs to supply labor or materials include all required contract provisions and mandate that the subcontractor and all lower tier subcontractors perform in accordance with the provisions of Part 26.

Prime contractors will be prohibited from terminating a DBE subcontractor listed in response to a covered solicitation (or an approved substitute DBE firm) without the prior written consent of St. Tammany Parish Government. This includes, but is not limited to, instances in which a prime 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.

Such written consent will be provided only if St. Tammany Parish Government agrees, for reasons stated in the concurrence document, that the prime contractor has good cause to terminate the DBE firm. For purposes of this paragraph, 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 prime contractor;
3. The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable, non-discriminatory 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 1,200 or applicable state law;
6. St. Tammany Parish Government determined that the listed DBE subcontractor is not a responsible contractor;
7. The listed DBE subcontractor voluntarily withdraws from the project and provides St. Tammany Parish Government 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. Other documented good cause that St. Tammany Parish Government has determined compels the termination of the DBE subcontractor. Provided, that good cause does not exist if the prime contractor seeks to terminate a DBE it relied upon to obtain the contract so that the prime contractor can self-perform the work for which the DBE contractor was engaged or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award.

Before transmitting to St. Tammany Parish Government, a request to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to St. Tammany Parish Government, of its intent to request to terminate and/or substitute the DBE, and the reason(s) for the request.

The prime contractor must give the DBE five days to respond to the prime contractor's notice and advise St. Tammany Parish Government and the prime contractor of the reasons, if any, why the DBE objects to the proposed termination of its subcontract and why the prime contractor's action should not be approved. If required in a particular case as a matter of public necessity (e.g., safety), a response period shorter than five days may be provided.

In addition to post-award terminations, the provisions of this section apply to pre-award deletions of or substitutions for DBE firms put forward by offerors in negotiated procurements.

Each prime contract will include a provision stating:

The contractor shall utilize the specific DBEs listed in the contractor's bid response to perform the work and supply the materials for which each is listed unless the contractor obtains prior written consent of St. Tammany Parish Government as provided in 49 CFR Part 26, §26.53(f). Unless such consent is provided, the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

St. Tammany Parish Government will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal that was established for the procurement. The good faith efforts shall be documented by the contractor. If St. Tammany Parish Government requests documentation from the contractor under this provision, the contractor shall submit the documentation within 7 days, which may be extended for an additional 7 days if necessary at the request of the contractor. St. Tammany Parish Government shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

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

Section 26.55 Counting DBE Participation

DBE participation will be counted toward overall and contract goals as provided in §26.55. The participation of a DBE subcontractor will not be counted toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

In the case of post-award substitutions or additions, if a firm is not currently certified as a DBE in accordance with the standards of subpart D of this part at the time of the execution of the contract, the firm's participation will not be counted toward any DBE goals, except as provided for in §26.87(j).

Pursuant to Sec. 150 of the FTA Reauthorization Act of 2018, firms that exceed the business size standard in § 26.65(b) will remain eligible for DBE certification and credit on FTA-funded projects as long as they do not exceed the small business size standard, as adjusted by the United States Small Business Administration, for the NAICS code(s) in which they are certified.

SUBPART D & E - CERTIFICATION

Section 26.61 – 26.73 Certification Process

St. Tammany Parish Government is a non-certifying member of the Louisiana Unified Certification Program (UCP). Louisiana UCP 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. Certifying Louisiana UCP members make all certification decisions based on the facts as a whole.

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

Louisiana Department of Transportation and Development
Compliance Programs Section
P. O. Box 94245, Baton Rouge, LA 70804-9245
Attn: Staci Messina Phone (225) 379-1382

The Uniform Certification Application form and documentation requirements are found in Attachment 8 to this program.

Section 26.81 Unified Certification Programs

St. Tammany Parish Government is the member of a Unified Certification Program (UCP) administered by the Louisiana Department of Transportation (LADOTD). The UCP will meet all of the requirements of this section. The Parish will use and count for DBE credit only those DBE firms certified by the Louisiana Unified Certification Program (LAUCP).

The following is a description of the UCP: LADOTD may certify any firm doing business in the State of Louisiana. St. Tammany Parish is located in LADOTD Region 2. In Region 2, the Louis Armstrong New Orleans International Airport, Orleans Levee District and the New Orleans Regional Transit Authority have formed the New Orleans Metropolitan Certifying Agency (NOMCA). NOMCA will operate as a single certifying agency and will certify firms that have their principal place in business in Region 2.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.101 Compliance Procedures Applicable to St. Tammany Parish Government

St. Tammany Parish Government understands that if it fails to comply with any requirement of this part, St. Tammany Parish Government may be subject to formal enforcement action under §26.103 or §26.105 or appropriate program sanctions by the concerned operating administration, such as the suspension or termination of Federal funds, or refusal to approve projects, grants or contracts until deficiencies are remedied. Program sanctions may include, in the case of the FHWA program, actions provided for under 23 CFR 1.36; in the case of the FTA program, actions consistent with 49 U.S.C. 47106(d), 47111(d), and 47122; and in the case of the FTA program, any actions permitted under 49 U.S.C. chapter 53 or applicable FTA program requirements.

Section 26.109 Information, Confidentiality, Cooperation

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

Notwithstanding any provision of Federal or state law, information that may reasonably be construed as confidential business information will not be released to any third party without the written consent of the firm that submitted the information, including applications for DBE certification and supporting information. However, this information will be transmitted 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.

All participants in the Department's DBE program (including, but not limited to, recipients, DBE firms and applicants for DBE certification, complainants and appellants, and contractors using DBE firms to meet contract goals) are required to cooperate fully and promptly with DOT and recipient compliance reviews, certification reviews, investigations, and other requests for information. Failure to do so shall be a ground for appropriate action against the party involved (e.g., with respect to recipients, a finding of noncompliance; with respect to DBE firms, denial of certification or removal of eligibility and/or suspension and debarment; with respect to a complainant or appellant, dismissal of the complaint or appeal; with respect to a contractor which uses DBE firms to meet goals, findings of non-responsibility for future contracts and/or suspension and debarment).

St. Tammany Parish Government, contractor, or any other participant in the program will not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by this part or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. St. Tammany Parish Government understands that it is in noncompliance with Part 26 if it violates this prohibition.

ATTACHMENTS

Attachment 1	Regulations: 49 CFR Part 26 website
Attachment 2	Organization Chart
Attachment 3	St. Tammany Parish Bidder's List
Attachment 4	LADOTD FTA DBE Directory
Attachment 5	Monitoring and Enforcement Mechanisms
Attachment 6	FTA Goal Setting Methodology
Attachment 7	Good Faith Efforts Forms
Attachment 8	State Certification Form

Attachment: 1

Regulations: 49 CFR Part 26

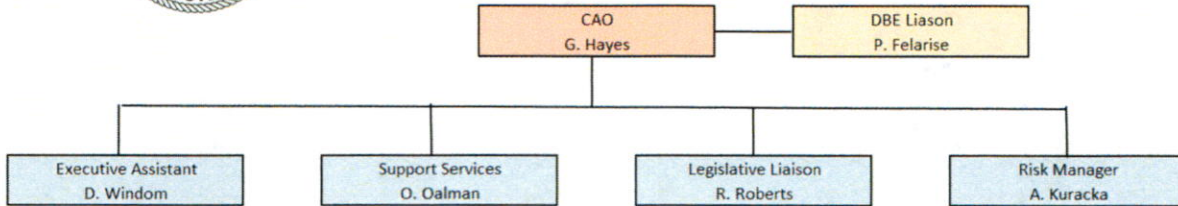
<https://www.ecfr.gov/current/title-49/subtitle-A/part-26?toc=1>

Attachment: 2

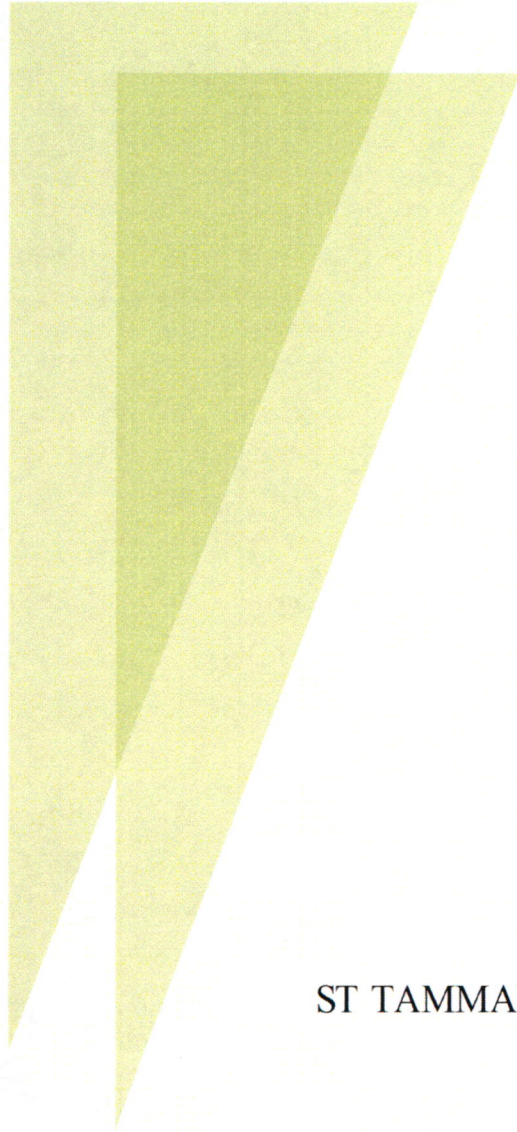
Organizational Chart



St. Tammany Parish
Chief Administrative Office



Attachment: 3
St. Tammany Parish Bidder's List



ST TAMMANY PARISH GOVERNMENT BIDDER'S LIST
FTA FISCAL YEARS 2023-2025
DEPARTMENT OF GRANTS
March, 2022

541611--Administrative Management & General Management Consulting Services					
Vendor Name	Address	City	State	Zip	Phone
Asakura Robinson Company, LLC	612 Andrew Higgins Drive, Suite 2007	New Orleans	LA	70130	504-301-5542
Barowka and Bonura	209 Canal Street	Metairie	LA	70005	504-828-0030
Burk Kleinpeter, Inc.	2895 Highway 190, Suite 209	Mandeville	LA	70471	985-727-6769
Butler Snow, LLP	201 St. Charles Ave, Suite 2700	New Orleans	LA	70170	504-299-7750
Civix	3300 W. Esplanade Ave, Suite 400	Metairie	LA	70002	504-304-2500
CSRS, LLC	8555 United Plaza Blvd.	Baton Rouge	LA	70809	225-769-0546
Dana Brown & Associates	1836 Valence Street	New Orleans	LA	70115	504-345-2639
Digital Engineering	1080 West Causeway Approach	Mandeville	LA	70471	985-334-4191
ELOS Environmental, LLC	607 W. Morris Avenue	Hammond	LA	70403	985-662-5501
Fairway Consulting	403 N. Jefferson Ave	Covington	LA	70433	504-234-1556
C. H. Fenstermaker & Associates, L.L.C	1502 W Causeway Approach Ste C	Mandeville	LA	70471	225-344-6701
fl+WB Architects, APC	1404 Greengate Drive, Suite 101	Covington	LA	70433	985-893-4100
Freese and Nichols, Inc.	900 Camp Street, Suite 354	New Orleans	LA	70130	512-617-3156
G.E.C., Inc.	3445 N. Causeway Blvd. Suite 707	Metairie	LA	70002	504-838-6009
Gresham Smith	10000 Perkins Rowe	Baton Rouge	LA	70810	225-757-5849
King Consulting Engineering	140 Oakmont Drive	New Orleans	LA	70128	504-399-1141
M.S. Benbow & Associates	1331 W. Causeway Approach	Mandeville	LA	70471	504-836-8902
Neel-Schaffer	2900 E. Causeway Approach	Mandeville	LA	70448	337-232-6111
N-Y Associates, Inc	2750 Lake Villa Drive	Metairie	LA	70002	504-885-0500
Pascal Architects, LLC	2121 Airline Hwy.	Metairie	LA	70001	504-304-3625
RCL Architecture, LLC	900 W. Causeway Approach	Mandeville	LA	70471	985-727-4440
Stanley Consultants	701 Poydras Street, Suite 365	New Orleans	LA	70139	225-388-4211
Stantec Consulting Service Inc.	1340 Poydras Street, Suite 1420	New Orleans	LA	70112	225-532-3470
TMG Consulting	4731 Canal Blvd.	New Orleans	LA	70119	504-569-9239
Urban Systems, LLC	2000 Tulane Ave, Suite 200	New Orleans	LA	70112	504-569-3958
Waggoner & Ball, LLC	2200 Prytania Street	New Orleans	LA	70130	504-524-5308

Attachment: 4

Louisiana DBE Directory
<http://www8.dotd.louisiana.gov/UCP/UCPSearch.aspx>

Attachment: 5
Monitoring and Enforcement Mechanisms

St. Tammany Parish will inform the DOT of 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 49 CFR Section 26.109. The Parish will also consider similar action under its own legal authorities including responsibility determinations in awarding future contracts. The Liaison Officer will make proper compliance determinations regarding prime contractors. Documentation of non-compliance will include the specific areas in which the contractor failed to comply. In these instructions, appropriate legal action, consistent with DBE and other contract provisions will be taken.

Other appropriate actions which may be taken to ensure that prime contractors and subcontractors comply with the DBE provisions include:

1. Desk audits to review all material and information concerning the contractor's compliance;
2. On-site reviews that include interviews, visits to project locations, and inspection of documents and/or information not available at the desk audit that pertains to the contractor's compliance;
3. Any additional investigation that may be called for by a lack of proper record keeping, failure of the prime contractor to cooperate, failure of DBEs to cooperate, visible evidence of unsatisfactory performance or other evidence as may warrant further investigation.
4. **Quarterly Reports** – All contractors must submit quarterly reports to the Liaison Officer which track the dollars paid to DBE firms for the period covered. Reports are due to the Civil Rights Office by the twentieth day after the end of the quarter (January 20th, April 20, July 20th and October 20th). In the event that the report is late, the Parish may levy a fine for each day that the report is late.
5. **Penalties** – The Parish may specify penalties whenever DBE goals are not met on a contract and sufficient Good Faith Efforts have not been documented for a waiver. Penalties may include fines, withholding payments or retainage, debarment, or a finding of default and termination of the contract. However, these remedies will be implemented only after written notice and an opportunity for a hearing.

In addition, the federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE program, including, but not limited to, the following:

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

Records

Contractors are required to maintain for three years after the expiration of each contract, such records as are necessary to determine compliance with their DBE obligation.

Grievance

Upon notification in writing by a DBE or of a grievance, the Liaison Officer may attempt to solve the problem. If the Liaison Officer is unable to engineer an acceptable solution to the problem, a grievance committee shall be convened. This committee shall be comprised of the Liaison Officer and a representative of the Parish's supervising department of that contract. The grievance committee shall investigate the complaint and issue a written report proposing a solution.

Removal and/or Substitution

Before a contractor can remove or substitute a DBE, they must request authorization from the Parish's Liaison Officer in writing. The prime contractor or subcontractor making the request must also submit the name(s) of the replacement DBE contractor(s). The Liaison Officer shall decide whether to grant the substitution and issue a written decision within ten (10) days of the receipt of the request.

Confidentiality

Pursuant to 49 CFR Section 26.109, the Parish will safeguard from disclosure to third parties, any information that may reasonably be regarded as confidential business information, consistent with Federal, State and Local laws. Notwithstanding, any financial information, which is submitted by an applicant for DBE certification, must be kept confidential by the Parish and will not be released to any third party except upon written consent by the party to whom the information pertains, except to transmit information to DOT in the event of an appeal. As additional protection for confidential information, applicants should complete the designation of confidentiality form and return it to the DBE Liaison Officer with each Schedule submitted.

**Attachment: 6
FTA DBE Goal Setting Methodology**

Goal Period: FY2023-FY2025 - October 1, 2022 through September 30, 2025

DOT-assisted contract amount: \$6,320,000

Overall DBE Goal: 3.0%

DBE Goal Breakout: 2.0% Race-Conscious
1.0% Race-Neutral

Total dollar amount to be expended on DBE's: \$189,600

Prime Contracts expected to be awarded over the next DBE Goal cycle:

NAICS Code: 48599 Other Transit and Ground Passenger Transportation:

The Parish contracts urban transportation services to a third-party contractor through a request for proposal. The contractor provides all of the transit related staff, transit operations and all vehicle maintenance. The Parish provides the contractor with buses that are purchased through the Louisiana Department of Transportation state contract. Buses will be replaced in accordance with FTA useful life regulations.

NAICS Code: 541611 Administrative Management and General Management Consulting Services:

A transit consultant will be hired to review the transit program and make suggestion on STAR Transit.

NAICS Code: 561730 Landscaping Services:

The Parish currently operates nine park and ride lots within the Parish. These lots provide parking for carpoolers and vanpoolers on a daily basis. A lawn and maintenance contractor will be hired to maintain these lots. The contractor will be responsible for grass cutting, general trash/debris removal and maintenance of both irrigation systems and pavilions.

Sub-contracting opportunities expected over the next DBE Goal cycle:

The contract with greatest potential for subcontracting opportunities will be from the urban transportation services contract. The contractor at this time is using a certified DBE firm to purchase staff uniforms as well as portions of vehicle maintenance.

Determination of Local Market Area:

St. Tammany Parish defines its local market area as East Baton Rouge Parish, Jefferson Parish, Livingston Parish, St. Tammany Parish and Tangipahoa Parish. These parishes are the area in which the substantial majority of the Parish's contractors and subcontractors are located. This is also the area in which the Parish spends the majority of its FTA funded contracting dollars.

Step 1: Base Goal Analysis: Actual relative availability of DBE's

Used DBE Directories and Census Business Patterns Data

<i>NAICS Code</i>	<i>Type of Work</i>	<i>Total DBE's</i>	<i>Total All Firms</i>	<i>Estimate Cost Dollars</i>	<i>Percentage of Total</i>	<i>Weighted Percentage</i>
A	B	C	D	E	F	(C/D*F)
485999	Other Transit & Ground Passenger Transportation	1	21	\$5,670,000	89.72%	4.27%
541611	Administrative Management & General Management Consulting Services	40	271	\$500,000	7.91%	1.17%
561730	Landscaping Services	21	312	\$150,000	2.37%	0.16%
	Totals:	62	604	\$6,320,000	98%	5.44%

Sources: Certified DBE Firms: Louisiana Unified Certification Program (www8.dotd.louisiana.gov/ucp/)
US Census Bureau: County Business Patterns

The costs of the projects were weighted in order to provide a more realistic goal than one which would have resulted in if we merely divided the Total DBEs by the Total All Firms for the project (10.26%).

Step 2: Adjustments to Base Goal:

The three previous fiscal years' participation rates are as follows:

FY 2020:	1.36%
FY 2021:	0.62%
FY 2022:	0.13%

The historical median for the above figures is 0.62% (rounded up to 1%) St. Tammany Parish contracting opportunities remain the same as the previous triennial cycle. The highest percentage of FTA funding is used to hire an urban transportation contractor. This contract also provides the majority of subcontracting opportunities.

Since the conditions within the Parish remain unchanged from previous submittals, the base figure was adjusted using the following formula:

$$(\text{___ \% base goal} + \text{___ \% median})/2 = \text{___ \% new adjusted DBE goal}$$

$$5.0\% \text{ base goal} + 1.0\% \text{ median}/2 = 3.00$$

Step 3: Determination of Race Conscious/Race Neutral Break-out:

The three previous fiscal years' Race-Neutral participation rates are as follows:

FY 2020:	1.36%
FY 2021:	0.62%
FY 2022:	0.13%

The historical median for the above figures is 0.62%. Rounded up to 1%.

Race-Conscious/Race-Neutral Adjustment:

$$\text{Adjusted DBE Goal: } 3.0\% - \text{Race Neutral participation: } 1.0\% =$$

$$\text{Race Conscious participation: } 2.0\%$$

Breakout of Estimated Race Neutral (RN) and Race Conscious (RC) Participation.

(26.51(b)(1-9))

St. Tammany Parish Government plans to meet its DBE goals by using both race-conscious and race-neutral measures; however, if the Parish Administration determines there is a need to increase DBE participation, the following methods will be used to accomplish this:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE, and other small business participation.
2. Providing assistance in overcoming limitations such as inability to bonding or financing.
3. Providing technical assistance and other services.
4. Carrying out information and communication programs on contracting procedures and specific contract opportunities.

5. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBE's and other small businesses.
6. Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency.
7. Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low.
8. Ensuring distribution of the Parish's DBE Directory, through print and electronic means, to the widest feasible universe of potential prime contractors.
9. Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic mail.

The Parish estimates that in meeting the overall goal of 3%; 1% will be obtained from race neutral participation and 2% through race-conscious measures.

In order to ensure that our DBE program will be narrowly tailored to overcome the effects of discrimination, if we use contract goals we will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)) and we will track and report race-neutral and race-conscious participation separately.

For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following:

1. DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures.
2. DBE participation through a subcontract on a prime contract that does not carry a DBE goal.
3. DBE participation on a prime contract exceeding a contract goal.
4. DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

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

Public Participation

Consultation

In accordance with Public Participation Regulatory Requirements of Title 49 CFR Part 26, minority, women, local business chambers, and community organizations within the St. Tammany Parish market area were consulted and provided an opportunity to review the goal analysis and provide input.

Staff submitted the DBE Goals to the following organizations:

- Benevolent Rural Alliance for Cultural & Environmental Strategies
- Dream Builders Network
- Gulf Coast Center for Law and Public Policy
- NAACP St Tammany Chapter
- New Orleans Black Regional Chamber of Commerce
- Southern Regional Minority Supplier Development Council
- St. Tammany Homebuilders Association
- St. Tammany West Chamber of Commerce
- St. Tammany East Chamber of Commerce

Additionally, the St. Tammany Parish DBELO will hold meetings with as many interested organizations and stakeholders who could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and your efforts to establish a level playing field for the participation of DBEs.

Publication of Goal

St. Tammany Parish displayed a notice of the proposed overall goal and rationale on the parish's official website. The notice informed the public that the proposed goal and its rationale are available for inspection during normal business hours at the St Tammany Parish Grants Department located at 21454 Koop Drive, Suite 327, Mandeville, LA 70471. This notice also informed the public that these documents were available for thirty (30) days following the date of publication and that the Parish would accept comments on the goals for forty-five (45) days from the date of the notice. The Parish will notify FTA of any changes to the overall goal immediately, as a result of any public feedback.

Public Notice

St. Tammany Parish hereby announces its three-year (FY2023-FY2025) Disadvantaged Business Enterprise (DBE) Goal of 3% on Federal Transit Administration (FTA) funded projects. The Parish estimates that, in meeting the overall goal, 2% will be obtained through Race-Conscious measures and 1% through Race Neutral participation. The proposed goals and rationale are available for inspection between 8:00 am and 4:00 pm Monday through Friday at the St. Tammany Parish Department of Grants located at 21454 Koop Drive (Suite 327, Building B), Mandeville, LA 70471 for 45 days from the date of this publication.

Comments on the DBE goal will be accepted for 45 days from the date of this publication and can be sent to the following:

DBE Liaison Officer
Mr. Perry Felarise
St. Tammany Parish Government
P. O. Box 628
Covington, LA 70434-0628

Contract Goals

The Parish will use contract goals to meet any portion of the overall goal that the Parish does not project being able to meet using RN 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 the Parish's overall goal that is not projected to be met through the use of RN means.

The Parish will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. It need not establish a contract goal on every such contract, and the size of the contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work and availability of DBE's to perform the particular type of work). The Parish will express its contract goals as a percentage of the Federal share of a DOT-assisted contract.

Attachment: 7

Forms 1 & 2 for Demonstration of Good Faith Efforts for Utilization of Disadvantaged Business Enterprises (DBEs)

FORM 1: BIDDER/OFFEROR'S DBE PARTICIPATION ASSURANCE FORM

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

Name and Address of Participating DBE Firm	Description of Work that Each DBE firm will Perform	Dollar Amount of the Participation of Each DBE Firm	DBE's Participation Percentage
		\$	%
		\$	%
		\$	%
		\$	%
Total DBE Participation		\$	%
Total Bid Price (Prime &	All Subcontractors)	\$	%

_____ The bidder/offeror is committed to a minimum of _____ % DBE utilization on this contract, as documented by the attached forms signed by the DBE firms.

_____ The bidder/offeror (if unable to meet the DBE goal of _____ %) is committed to a minimum of _____ % DBE utilization on this contract, as documented by the attached forms and other described good faith efforts.

Name of bidder/offeror's firm: _____

By _____
(Signature)

Name _____ Title _____

State Registration No. _____

FORM 2: LETTER OF INTENT

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE firm:

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

Affirmation

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

By _____
(Signature)

Name _____ Title _____

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

[Submit this page for each DBE subcontractor.]

Attachment: 8

LADOTD's Uniform Certification Application Forms and Instructions:

http://www8.dotd.louisiana.gov/UCP/Uniform_Certification_Application.pdf