



GO  *Triangle*

DISADVANTAGED BUSINESS ENTERPRISE (DBE)

PROGRAM

OCTOBER 2024

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Disadvantaged Business Enterprise (DBE) Policy Statement

GoTriangle has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. GoTriangle has received Federal financial assistance from the Federal Transit Administration (FTA), and as a condition of receiving this assistance, GoTriangle provides an assurance that it will comply with 49 CFR Part 26.

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

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

Jamila Ormond, Director of Equal Opportunity and Compliance has been designated as the DBE Liaison Officer. Ms. Ormond 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 GoTriangle in its financial assistance agreements with the U.S. Department of Transportation. Ms. Ormond may be contacted at: GoTriangle, 4600 Emperor Blvd., Durham, NC 27703; by phone at (919) 485-7518 or by email at: jormond@gotriangle.org.



Brian Smith
President/CEO

8/5/2025

Date

Subpart A- General Requirements

Objectives (49 CFR Part 26.1)

The objectives are found in the Policy Statement on page one of this program.

Applicability (49 CFR Part 26.3)

GoTriangle is the recipient of federal financial assistance from the USDOT through the Federal Transit Administration (FTA).

Definitions (49 CFR Part 26.5)

GoTriangle will adopt the definitions contained in Part 26.5 for this DBE Program.

Non-Discrimination Requirements (49 CFR Part 26.7)

GoTriangle shall not exclude persons from participation in, deny any person the benefits of, or otherwise discriminate against any persons in connection with the award and performance of any contract governed by 49 CFR Part 26 on the basis of race, color, sex or national origin.

In administering its DBE Program, GoTriangle shall 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 this program with respect to individuals of a particular race, color, sex or national origin.

Record Keeping Requirements (49 CFR Part 26.11)

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

GoTriangle will submit the Uniform Report of DBE Commitments/Awards and Payments form semi-annually. A report of commitments/awards and payments made from October 1st through March 31st will be transmitted to FTA no later than June 1st. A report commitments/awards and payments made from April 1st through September 30th will be transmitted no later than December 1st.

Bidders List: 26.11(c)

GoTriangle will create a bidders list, consisting of information about all DBE and non-- DBE firms that bid or quote on FTA-assisted contracts. The purpose of this requirement is to allow use of the bidders' list approach to calculate overall goals. The bidders list will include the firm's name, address, firm's status as a DBE or non-DBE, race and gender of firm's majority owner, age of firms, NAICS codes applicable to the scope of work, and the annual gross receipts of the firms. GoTriangle will collect information by requiring prime bidders to report the names and addresses of all firms that bid on GoTriangle projects. This information will be gathered from the Prime contractor via DBE Tracking Forms in Attachment 7 of this document GoTriangle will submit the bidders list to FTA no later than December 1 following the fiscal year. In the event GoTriangle utilizes a design-build contract to complete a project, the bidder list data will be submitted to FTA

no later than December 1, following the fiscal year in which the design-build contractor awards the subcontracts.

Maintain Compliance Records: 26.11(d)

GoTriangle will maintain records documenting a firm's compliance with the regulations. Records will be maintained for a minimum of three years. Records include written report of GoTriangle's visit to active projects to ensure work committed to DBEs at contract award are actually performing the work. GoTriangle will track commitments and actual achievements of the work performed. Prime contractors will submit the DBE Invoice Tracking form, included in Attachment 7, with each invoice to track the commitments. The DBELO will evaluate the commitment submissions for compliance.

Assurances (49 CFR Part 26.13)

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

Federal Financial Assistance Assurance: 49 CFR Part 26.13(a)

In accordance with 49 CFR, Part 26.13(a), GoTriangle 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. GoTriangle shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. GoTriangle's DBE Program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to GoTriangle 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.}.

GoTriangle agrees this language will appear verbatim in financial assistance agreements with sub-recipients.

Contact Assurance: 49 CFR Part 26.13(b)

GoTriangle will include the following clause in every federally-assisted contract and subcontract:

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

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

Subpart B – Administrative Requirements for DBE Programs

Program Updates (49 CFR Part 26.21)

As a recipient of FTA funds in excess of \$250,000 in planning, capital, and or operating assistance in a Federal fiscal year, GoTriangle will continue to carry out its DBE program until all funds from DOT financial assistance have been expended. GoTriangle will submit significant changes to the DBE Program to FTA for approval.

Policy Statement (49 CFR Part 26.23)

The DBE Policy Statement can be found in the Policy Statement on page one of this document.

DBE Liaison Officer (49 CFR Part 26.25)

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

Jamila Ormond
Director Office of Equal Opportunity and Compliance
4600 Emperor Blvd. Suit 100 Durham NC 27703
P: (919) 485-7518
F: (919) 485-7491
Email: dbe@gotriangle.org

The DBE Liaison Officer has direct, independent access to the agency's Chief Executive Officer concerning DBE program matters, and will work closely with GoTriangle staff to ensure that GoTriangle complies with all provisions of 49 CFR Part 26. An organizational chart displaying the DBE Liaison Officer's position in the organization is found in Attachment 1 of this document.

The DBE Liaison Officer is responsible for developing, implementing and monitoring the DBE Liaison Officer program, in coordination with other appropriate officials. The DBELO has a staff of two to assist in the administration of the program.

General Duties

- Provides technical assistance to GoTriangle staff on the compliant implementation of the agency's DBE program
- Assists the agency in documenting Good Faith Efforts
- Works with all departments to set overall annual goal
- Analyzes GoTriangle's progress toward attainment and identifies ways to improve progress
- Advises the CEO and Board of Trustees governing on DBE matters and achievement
- Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance

Outreach and Education

- Providing outreach to DBEs and community organizations to advise them of opportunities
- Providing DBEs with information and assistance in preparing bids, obtaining bonding and insurance
- Planning and participating in DBE training seminars
- Providing assistance to DBEs in overcoming barriers in the procurement process such as inability to obtain financing or providing technical assistance relating to procurement activities, such as assistance in preparing bids, obtaining bonding and insurance

Contract and Procurement Activities

- Reviews third party contracts and purchase requisitions for compliance with this program
- Ensuring that bid notices and requests for proposals are available to DBEs in a timely manner
- Development of a budget for the implementation of coordinated program elements
- Facilitating liaisons with the SBA and other management and technical assistance groups to maximize assistance to DBE
- Identifying contracts and procurements so that DBE goals are included in solicitations
- Participating in pre-bid meetings to provide firms an opportunity to inquire about GoTriangle's DBE requirements
- Placing bid notices in local newspapers, especially publications focused toward the DBE community
- Participating in a statewide Unified Certification Program in accordance with 49 CFR, Part 26

Goal Setting

- Working with GoTriangle staff to set overall annual DBE goals and project specific DBE goals
- Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment and identifies ways to improve progress
- Periodically assesses GoTriangle's overall DBE goal and makes adjustments as necessary

Monitoring and Compliance

- Gathering and reporting statistical data and other information required by DOT
- Monitor overall DBE participation, adjusting overall goals and means of achievement as needed
- Analyzing progress toward attainment of DBE goals and identifies ways to improve progress
- Conducting internal compliance reviews of applicable GoTriangle policies and procedures to ensure compliance

Other GoTriangle staff has responsibilities for DBE Program implementation including:

- GoTriangle's Executive Leadership Team
- Department Directors
- Program and Project Managers
- Finance & Administrative staff
- Legal staff

Responsibilities include:

- Providing information to the DBE Liaison Officer on contracting opportunities and purchasing opportunities, together with a breakdown of subcontracting opportunities
- Consulting with the DBELO on procurement policies and other requirements
- Explaining the DBE participation requirements at pre-bid and pre-proposal conferences
- Ensuring that solicitations contain the requisite clauses and goals
- Reviewing contract provisions to assure that they comply with applicable law

DBE Financial Institutions (49 CFR Part 26.27)

It is the policy of GoTriangle to investigate the full extent of services offered by financial institutions that are 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. We will also re-evaluate the availability of DBE financial institutions every 3 years.

To date we have identified the following such institution:

Mechanics & Farmers Bank
Julia Banks, VP
P.O. Box 1932
Durham, NC 27707
P: (919) 687-7800
F: (919) 687-7821

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

Prompt Payment Mechanisms (49 CFR Part 26.29)

GoTriangle will include the following clause in each federally-assisted prime contract.

Prompt Payment Contract Clause: 26.29(a)

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 GoTriangle. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following approval of GoTriangle. This clause applies to both DBE and non-DBE subcontracts.

Retainage: 26.29(b)

The prime contractor agrees to return retainage payments to each subcontractor within thirty (30) days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of GoTriangle. This clause applies to both DBE and non-DBE subcontracts.

GoTriangle has established the following sanctions to monitor and enforce prompt payment and return of retainage by prime contractors to subcontractors:

Subcontractors shall be entitled to interest payments for late payments in accordance with G.S. 22C-5. Should any periodic or final payment to a subcontractor be delayed by more than thirty (30) days after receipt of periodic or final payment by the contractor, the contractor shall pay his subcontractor interest beginning on the eight day, at the rate of one percent (1%) per month or a fraction thereof on such unpaid balance as may be due.

GoTriangle will not make any progress payments after the initial payment until the contractor certifies that it has disbursed to all subcontractors having an interest in the contract their pro rata shares of the payment it has previously received. The contractor's failure to submit payments to subcontractors within thirty (30) days after receiving progress payments is sufficient grounds for GoTriangle to suspend further payment until certifications are received.

With GoTriangle's written approval, the parties may substitute alternative payment arrangements and dispute resolution mechanisms as agreed upon by the parties.

The sanctions authorized under this section shall be separate from, and in addition to, all other remedies, civil, administrative, or criminal.

GoTriangle requires contractors to supply cumulative DBE payment information, projected utilization and identify projected shortfalls with each invoice submittal. Staff reviews the information to ensure contractors are paying DBE subcontractors in the required manner.

GoTriangle will maintain a running tally of cumulative DBE awards and commitments to determine decisions to implement future contract goals. The commitments will be tracked using forms in Attachment 7.

Directory (49 CFR Part 26.31)

GoTriangle as a participant in the North Carolina Unified Certification Program (UCP) utilizes a statewide directory prepared by the North Carolina Department of Transportation's (NCDOT) that identifies all firms eligible to participate as DBEs. The NCDOT serves as the certifying agency for all DBE firms seeking work on GoTriangle contracts. The directory lists the firm names, addresses, telephone numbers, and types of work the firm has been certified to perform as a DBE. GoTriangle will use the directory as the primary resource in developing overall and contract-specific DBE goals and conducting outreach and other activities to promote DBE participation in U.S. DOT contracts. The NCDOT updates the electronic directory by including additions, deletions, and other changes as soon as they are made. The directory can be accessed through the NCDOT website at: <http://www.ncdot.org/>

Overconcentration (49 CFR Part 26.33)

GoTriangle has not identified that over-concentration exists in the types of work that DBEs perform. We will re-evaluate for overconcentration every three (3) years.

Business Development Programs (49 CFR Part 26.35)

GoTriangle has not established a business development program. We will re-evaluate the need for such a program every three (3) years.

Monitoring and Enforcement Mechanisms (49 CFR Part 26.37)

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

GoTriangle will bring to the attention of the DOT 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 Part 26.107.

GoTriangle will consider similar action to the extent permitted by applicable law, including responsibility determinations in future contracts. Attachment 3 lists the regulation, provisions, and contract remedies available to GoTriangle in the events of non-compliance with the DBE regulation by a participant in our procurement activities.

GoTriangle may impose such remedies as are available under federal, state and local law regulations for non-compliance with the DBE regulation by a participant in our procurement activities.

Such remedies may include, but are not limited to, withholding of progress payments and contract retention, imposition of liquidated damages, and termination of the contract in whole or in part.

GoTriangle will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by written certification after review of the Invoice Review Report of contracting records and will occur for each contract/project on which DBEs are participating. Transit shall monitor and track the actual DBE participation through contractor and subcontractor reports of payments, and other appropriate monitoring.

GoTriangle shall also ensure that DBE participation is counted toward contract goals and the overall annual goal in accordance with the regulations.

GoTriangle will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award. GoTriangle may require prime contractors and DBE subcontractors and suppliers to provide appropriate documentation to verify such payments. Credit toward overall or contract goals will only be given upon satisfactory evidence that payments were actually made to DBEs.

GoTriangle will certify that it has reviewed contracting records and monitored work sites (within the state) to ensure that work committed to DBEs at contract award or as a result of modification to the contract is actually performed by the DBEs to which the work was committed. Monitoring may consist of scheduled or unscheduled project site visits.

Requests for Proposals (RFPs) and Requests for Quotations (RFQs) will be reviewed by the DEBLO and the Purchasing and Contracts Officer to evaluate proposals on DBE participation and the contractor's good faith efforts for each proposed DBE subcontractor.

Requests for Proposals (RFPs) and Requests for Quotations (RFQs) using USDOT assisted funds will include GoTriangle's DBE goal requirement that all bidders/offerors to be considered as responsive, must submit with their offers written assurance that they will meet the proposed DBE goal noted in the RFP or RFQ.

Subpart C: Goals, Good Faith Efforts, and Counting

Small Business Participation (49CFR Part 26.39)

GoTriangle in accordance with the requirements of 49 CFR Part 26, Section 26.39 has designed the program to ensure that DBEs and small businesses have a maximum opportunity to participate in USDOT-assisted projects.

GoTriangle has incorporated the following non-discriminatory elements to its DBE program in order to facilitate competition on USDOT-assisted projects by small business concerns (both DBEs and non-DBE small businesses):

- Identify and eliminate obstacles to the successful participation of DBEs and other small businesses, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.
- Strategies to increase small business participation on prime contracts not having DBE contract goals, prospective prime contract bidders will be encouraged to provide subcontracting opportunities of a size that small businesses, including DBEs can reasonably perform, rather than self-performing all the work involved. This will be stated in solicitation documents.
- GoTriangle where feasible may unbundle projects or separate large contracts into smaller contracts which may be more suitable for small business participation. GoTriangle will review each FTA-assisted contract to determine whether portions of the project could be unbundled or bid separately.
- GoTriangle will encourage its prime contractors or prime consultants to unbundle contracts to facilitate participation by small businesses. GoTriangle will assist prime contractors or prime consultants in identifying portions of work that may be unbundled and performed by small businesses.
- Promote growth and self-sufficiency for DBEs and other small emerging businesses through a range of technical assistance and business development services that are designed to build capacity for successful work on USDOT-assisted projects.
- GoTriangle will monitor each method for effectiveness and make necessary adjustments, and efforts as needed based on the program objectives.

Outreach

- GoTriangle advertises contracting opportunities through various means, including local newspapers, minority-based publications and trade publications as well on its website.
- GoTriangle staff participates in business outreach workshops, conferences and other events conducted by local and non-profit agencies. Outreach includes the North Carolina Department of Transportation Events; local Chamber events; Minority Enterprise Development (MED) week; HUB Contractors Reception, etc.
- GoTriangle will provide information to small businesses regarding the means to obtain certification in accordance with the North Carolina Unified Certification Program (UCP).
- Program participants will be required to establish eligibility via the NCDOT DBE Certification - DBE Certification. NCDOT stipulates that a firm has been determined to meet all the requirements in accordance with 49 CFR Part 26. All certification determinations are evidenced by a letter of DBE certification issued by the NCDOT.

Program Assurances

- The DBE Program, including its small business element is not prohibited by state law
- Certified DBEs that meet the size criteria established under the DBE Program are presumptively eligible to participate in the small business element of the DBE Program
- There are no geographical or local preferences or limitations imposed on any DOT- assisted contracts and the DBE Program is open to small businesses regardless of their location
- There are no limits on the number of contracts awarded to firms participating in the DBE Program and every effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses
- Aggressive steps will be taken to encourage minority and women-owned firms participating in the small business element of the DBE Program that are eligible for DBE certification to become certified.

Set-asides or Quotas (49 CFR Part 26.43)

GoTriangle does not use quotas in any way in the administration of this DBE Program.

Overall Goals (49 CFR Part 26.45)

In accordance with Section 26.45(f), GoTriangle will submit its triennial overall DBE goal to the FTA every three years as specified by the FTA. A description of the methodology to calculate the overall goal, methodology, and goal calculations can be found in Attachment 4.

Transit Vehicle Manufacturers Goals (49 CFR Part 26.49)

GoTriangle shall require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on HA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, GoTriangle 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. Within 30 days of becoming contractually required to procure a transit vehicle,

GoTriangle must report the name of the successful bidder and the federal share of the contractual commitment at the time.

Breakout of Race-Neutral and Race-Conscious Participation (49 CFR Part 26.51(a-c))

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

- Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs
- Providing assistance in overcoming limitations such as inability to obtain bonding or financing.
- Providing technical assistance and other services
- 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
- Inform DBEs of 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
- Provide DBEs with job listings and listings of the potential prime bidder/offeror
- Ensuring distribution of the DBE directory to the widest group of potential prime contractors, through print and electronic means.

Contract Goals (49 CFR Part 26.51(D-G))

GoTriangle will use contract goals to meet any portion of the overall goal it does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

GoTriangle will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. GoTriangle will evaluate whether contract goal is needed, and the size of contract goals will be tailored to the circumstances of each such contract (e.g., type and location of work, and availability of DBE contractors to perform the particular type of work). We will express our contract goals as a percentage of the Federal share of DOT-assisted contracts.

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

GoTriangle will adjust the estimated breakout of race neutral and race conscious participation separately. For reporting purposes, race neutral DBE participation includes, but is not necessarily limited to the following: DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a

DBE goal; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

GoTriangle will meet the maximum feasible portion of its overall goal by using race neutral means of facilitating DBE participation. The following means will be used to increase DBE participation:

- Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses
- 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)
- Providing technical assistance and other services
- 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)
- Inform DBEs of 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
- 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
- Ensuring distribution of the DBE directory to the widest group of potential prime contractors

Good Faith Efforts Procedures {49 CFR Part 26.53}

Demonstration of Good Faith Efforts

The obligation of the bidder is to make good faith efforts to achieve GoTriangle's DBE goal. The bidder can demonstrate that it has done so by meeting the contract goal or documenting its good faith efforts. All bidders agree, by the submission of a bid for work on a project for which a contract is to be awarded by GoTriangle, to ensure that they will not discriminate against DBEs in assembling contract bids and that where there are contract goals, that they will either present a bid that meets the goals or provide documentation of good faith efforts made to meet the goals. Failure to make good faith efforts and to adequately document such efforts to GoTriangle will be grounds for disqualifying a bid as non-responsive.

Bidders shall not discriminate on the basis of race, color, national origin or gender in the award and performance of contracts. GoTriangle shall also ensure that all information is complete and accurate and adequately documents the bidder's good faith efforts before GoTriangle commits to the performance of the contract by the bidder.

Information to be Submitted

GoTriangle treats bidder's compliance with good faith efforts requirements as a matter of bid responsiveness.

Each solicitation for which a contract goal has been established will require each bidder/offeror to submit the following information:

- The names and addresses of DBE firms that will participate in the contract
- A description of the work that each DBE firm will perform
- The dollar amount of the participation of each DBE firm participating
- Written and signed documentation of a commitment to use a DBE sub- contractor whose participation it submits to meet a contract goal
- Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment
- If the contract goal is not met, evidence of good faith efforts

Administrative Reconsideration

Within five (5) days of being informed by GoTriangle that it is not responsive because it has not documented good faith efforts, a bidder may request administrative reconsideration. The bidder should make this request in writing to the following reconsideration official:

Sharon Chavis
GoTriangle
4600 Emperor Blvd
Suite 100
Durham, North Carolina 27703
P: (919) 485-7433

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

Good Faith efforts when a DBE is Terminated/Replaced on a contract with Goals

GoTriangle requires that prime contractors not terminate a DBE subcontractor listed on an agreement/contract with a DBE contract goal without GoTriangle prior written consent. Prior written consent will only be provided where there is "good cause" for termination of the DBE firm, as established by Section 26.53(f)(3) of the DBE regulation.

Before transmitting to GoTriangle its request to terminate, the prime contractor must give in writing to the DBE of its intent to do so. A copy of this notice must be provided to GoTriangle prior to consideration of the request to terminate. The DBE will then have five (5) days to respond and advise GoTriangle of why it objects to the proposed termination.

In those instances where "good cause" exists to terminate a DBE's contract, GoTriangle will require the prime contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. GoTriangle will require the prime contractor to notify the DBE Liaison officer immediately of the DBE's inability or unwillingness to perform and provide reasonable accommodation. In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. If the contractor fails or refuses to comply in the time specified, the Purchasing and Contracts Officer will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the Purchasing and Contracts Officer may issue a termination for default proceeding.

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 bidders in negotiated procurements.

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of GoTriangle to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of ____ percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 5), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) written confirmation from the DBE that is participating in the contract as provided in the commitment made under (4); and (5) if the contract goal is not met, evidence of good faith efforts.

Counting DBE Participation (49 CFR Part 26.55)

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

Award of Contracts with a DBE Contract Goal

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

Evaluation of Good Faith Efforts

The DEBLO 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 the process used to determine whether good faith efforts have been made by a bidder are as follows:

- Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified DBEs who have the capability to 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 by taking appropriate steps to follow up initial solicitations.
- Selecting portions of the work to be performed by DBEs in order 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 prime contractor might otherwise prefer to perform these work items with its own forces.
- 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.
- Negotiating in good faith with interested DBEs. 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, so as to facilitate DBE participation.
- A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable.
- Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities.
- Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.
- Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.

- 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 provide assistance in the recruitment and placement of DBEs.

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

Subpart D – Certification Standards

Certification Process (49 CFR Part 26.61- 26.73}

GoTriangle is a non-certifying member of the Unified Certification Program (UCP) administered by the North Carolina Department of Transportation (NCDOT). Certification decisions will be made using the standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts.

Subpart E – Certification Procedures

Unified Certification Programs (49 CFR Part 26.81}

GoTriangle is a member of the Unified Certification Program (UCP) administered by the North Carolina Department of Transportation (NCDOT). The UCP will meet all of the requirements of this section. GoTriangle will use and count for DBE credit only those DBE firms certified by the NCDOT's UCP. The NCDOT may certify firms doing business in the state of North Carolina. Firms whose primary place of business is outside the State of North Carolina can be certified provided that the firm had previously obtained DBE certification from its home state UCP.

Procedures for Certification Decisions (49 CFR Part 26.83-26.91}

For information about the certification process or to apply for certification, firms should contact the NCDOT Office of Civil Rights (<http://www.ncdot.gov/>). For further information regarding the NC UCP Program, contact:

North Carolina Department of Transportation
Office of Business Opportunity and Workforce Development
1 S. Wilmington St. Raleigh, NC 27699
Phone: (984) 236-1234
Fax: (919) 329-5803

Certification Appeals

Any firm or complainant may appeal the NCDOT UCP's decision certification decision to USDOT. Such appeals may be sent to:

U.S. Department of Transportation
Departmental Office of Civil Rights
External Civil Rights Program Division (S-33)
1200 New Jersey Ave., S.E.
Washington, DC 20590
Phone: (202) 336-4754

Firms appealing decisions affecting the eligibility of a DBEs certification shall contact the State Contractor Utilization Engineer or the USDOT Office of Civil Rights Appeals Branch listed above. We will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT-assisted contracting (e.g., it is the responsibility of the NCDOT Office of Civil Rights to certify a firm if USDOT has determined the UCP's denial of its application was erroneous).

Subpart F – Compliance and Enforcement

Information, Confidentiality, Cooperation (49 CFR Part 26.109)

GoTriangle will safeguard from disclosure to third party information that meets the requirements of confidential business information, established by applicable federal, state, and local law.

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

Monitoring Payments to DBEs

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

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

Attachments

Attachment 1: Organizational Chart

Attachment 2: NCDOT DBE Directory & Certification Documents

Attachment 3: Monitoring and Enforcement Mechanisms/Legal Remedies

Attachment 4: DBE Goal Methodology

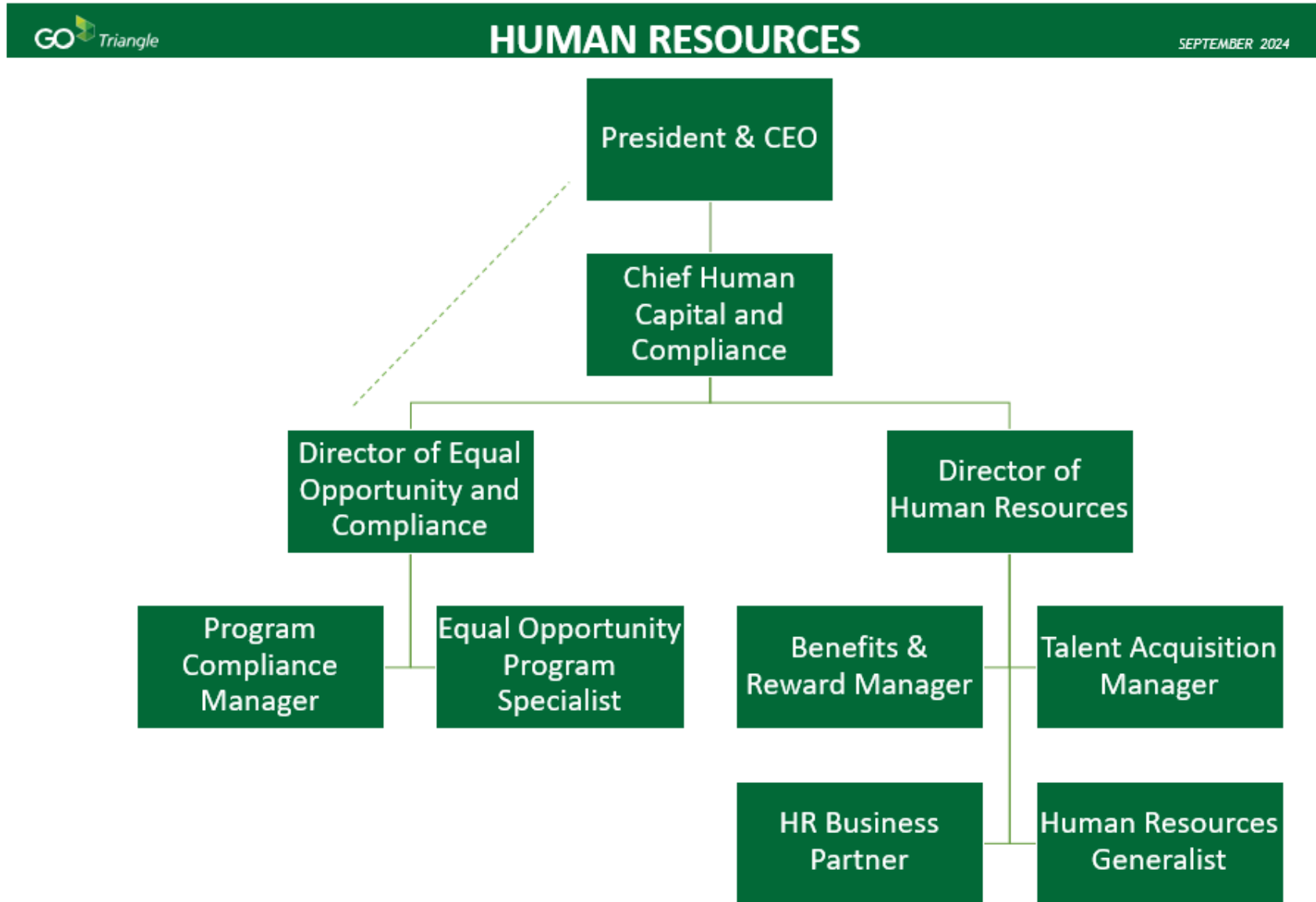
Attachment 5: Guidance Concerning Good Faith Efforts

Attachment 6: Breakout of Estimated Race-Neutral and Race-Conscious Participation

Attachment 7: GoTriangle DBE Tracking Forms

Attachment 8: Regulations 49 CFR Part 26

Attachment 1: Organizational Chart



Attachment: 2: NCDOT DBE Directory & Certification Documents

The following is a link to the NCDOT DBE Directory of firms:

<https://www.ebs.nc.gov/VendorDirectory/default.html>

The following is a link to the NCDOT Online Certification Application Portal:

<https://connect.ncdot.gov/business/SmallBusiness/Online-Cert-App-Portal/Pages/default.aspx>

NCDOT DBE Application; Personal Net Worth Statement; Affidavit of Social and Economic Disadvantage; Supporting Documentation; and instructions for completing application:

<https://connect.ncdot.gov/business/SmallBusiness/Documents/DBE%20Personal%20Net%20Worth%20Statement.pdf>

Attachment 3: Monitoring and Enforcement Mechanisms/Legal Remedies

GoTriangle has available, several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to the following:

Breach of contract action, pursuant to the terms of the contract;

- NC General Statue: §22C-2: Performance by Subcontractor states: "Performance by a subcontractor in accordance with the provisions of its contract shall entitle it to payment from the party with whom it contracts. Payment by the owner to a contractor is not a condition precedent for payment to a subcontractor and payment by a contractor to a subcontractor is not a condition precedent for payment to any other subcontractor, and an agreement to the contrary is unenforceable."
- NC General Statue § 22C-3: Time of Payment to Subcontractors states: "When a subcontractor has performed in accordance with the provisions of his contract, the contractor shall pay to his subcontractor and each subcontractor shall pay to his subcontractor, within seven days of receipt by the contractor or subcontractor of each periodic or final payment, the full amount received for such subcontractor's work and materials based on work completed or service provided under the subcontract."
- NC General Statue: § 22C-5: Late Payments to bear interest states: "Should any periodic or final payment to a subcontractor be delayed by more than seven days after receipt of periodic or final payment by the contractor or subcontractor, the contractor or subcontractor shall pay his subcontractor interest, beginning on the eighth day, at the rate of one percent {1%} per month or a fraction thereof on such unpaid balance as may be due."
- NC General Statue: § 143-128.2 (a) Minority business participation goals; and (b) good faith efforts by contractor to make good faith efforts.

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:

- Suspension or debarment proceedings pursuant to 49 CFR part 26;
- Enforcement action pursuant to 49 CFR part 31;
- Prosecution pursuant to 18 USC 1001.

ATTACHMENT 4: DBE Goal Methodology

In accordance with 49 CFR Part 26:45 requirements, GoTriangle uses a two-step process to calculate its DBE program goal. The following is a summary of the method used to calculate the goal.

As a recipient of Federal Transit Administration (FTA) funding, GoTriangle 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 require 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 GoTriangle’s determination on the level of DBE participation expected absent the effects of discrimination.

GoTriangle, in accordance with FTA Guidelines and in consultation with FTA documentation “Tips for Goal Setting in the Disadvantage Business Enterprise (DBE) Program” has established a DBE Triennial Participation Goal for FFY 2025-2027. GoTriangle’s DBE Goal is 11.86% (rounded to 12%).

Table 1 represents GoTriangle’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- FTA-Assisted Projects

Project Name	Estimated FTA Funding for FFY 2025-2027	Estimated Completion Date
Route Enhancements/Stop Improvements – System wide	\$5,904,633	FY27
Park and Ride Enhancements/Improvements	\$60,000	FY27
Future Improvement Needs Planning Study	\$87,472	FY26
Safety and Security	\$244,024	FY25
Fleet Upgrade Program - Equipment	\$330,000	FY25
Transit Facility Construction – RTC relocation & RUS Bus	\$16,878,390	FY28
Transit Operations Bus Wash Rehabilitation	\$80,000	FY26
Zero Emissions Vehicle Charging Equipment and Facility Rehabilitations	\$1,672,000	FY27
Total	\$25,256,519	

GoTriangle 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 – Categories of Projects

NAICS Code	Description	Estimated FTA Share	Estimated Percentage FTA Share
236220	Commercial and institutional building construction	\$ 18,833,381.00	74.57%
238210	Electrical contractors and other wiring installation contractors	\$ 80,000.00	0.32%
335999	All other miscellaneous electrical equipment and component manufacturing	\$ 250,000.00	0.99%
531320	Offices of real estate appraisers	\$ 216,110.00	0.86%
541310	Architectural services	\$ 291,579.00	1.15%
541330	Engineering services	\$ 5,265,977.00	20.85%
541370	Surveying and mapping (except geophysical) services	\$ 152,000.00	0.60%
541690	Other scientific and technical consulting services	\$ 87,472.00	0.35%
811192	Car washes	\$ 80,000.00	0.32%

Goal Methodology

Step One: Base Figure Determination

GoTriangle established the Base Figure of the relative availability of DBEs to all comparable firms (DBE and Non-DBE) available to bid or propose on GoTriangle FTA-assisted contracting opportunities projected to be solicited during the triennial goal period, GoTriangle followed the prescribed federal methodology to determine relative availability. This was accomplished by assessing the North Carolina Department of Transportation (NCDOT) Directory of Firms and the 2021 U.S. Census Bureau County Business Patterns Database within the GoTriangle market area for each of the categories of work defined in Table 2. The market area includes Orange, Durham and Wake Counties.

$$\text{Base Figure} = \sum \frac{(\text{Number of Ready, Willing and Able DBEs})}{(\text{Number of All Ready, Willing and Able Firms})} \times \text{Estimated NAICS \%}$$

- For the numerator: NCDOT DBE Database of Certified Firms
- For the denominator: 2021 U.S. Census Bureau’s Business Patterns Database

The relative availability of DBEs is calculated in Table 3.

Table 3 - Relative Availability of DBEs

NAICS Code	Description	NCDOT Directory of Firms-Number of Available DBEs*	U.S. Census-Number of Firms Available (including DBEs)**	Relative Availability
236220	Commercial and institutional building construction	24	193	12%
238210	Electrical contractors and other wiring installation contractors	38	251	15%
335999	All other miscellaneous electrical equipment and component manufacturing	1	7	14%
531320	Offices of real estate appraisers	6	100	6%
541310	Architectural services	23	122	19%
541330	Engineering services	44	492	9%
541370	Surveying and mapping (except geophysical) services	19	54	35%
541690	Other scientific and technical consulting services	17	171	10%
811192	Car washes	5	94	5%
Total		177	1,484	12%

* NCDOT Directory of Firms/N.C. Unified Certification Program

** US Census County Business Patterns 2021

The relative availability of DBEs from Table 4 is 12%. However, to make the Base Figure more accurate, weighting was used to take into account the amount of work that is available for each category of work (NAICS).

The weighted relative availability of DBEs is calculated in Table 4.

Table 4 - Weighted Relative Availability

NAICS Code	Description	Weight	Availability	Weighted Base Figure
236220	Commercial and institutional building construction	74.57%	12.44%	9.27%
238210	Electrical contractors and other wiring installation contractors	0.32%	15.14%	0.05%

335999	All other miscellaneous electrical equipment and component manufacturing	0.99%	14.29%	0.14%
531320	Offices of real estate appraisers	0.86%	6.00%	0.05%
541310	Architectural services	1.15%	18.85%	0.22%
541330	Engineering services	20.85%	8.94%	1.86%
541370	Surveying and mapping (except geophysical) services	0.60%	35.19%	0.21%
541690	Other scientific and technical consulting services	0.35%	9.94%	0.03%
811192	Car washes	0.32%	5.32%	0.02%
			Total	11.86%

Step 2: Adjusting the Base Figure

As specified in the federal regulations codified in 49 CFR Part 26:45, once the relative availability of ready, willing and able DBEs in our marketplace has been determined, it is necessary to examine additional evidence.

Past DBE Goal Award Attainments

Historical DBE participation attainments provide demonstrable evidence of DBE availability and capacity to perform on GoTriangle projects. The projects anticipated to be awarded during the triennial period are similar to those awarded in the recent past. GoTriangle calculated past DBE participation attainments for recent years. The table below reflects the demonstrated capacity of DBEs (measured by actual historical DBE participation attainments) on FTA-assisted contracts awarded by GoTriangle.

FFY	FTA DBE Goal%	FTA DBE Awards
2020	6%	3%
2021	6%	13.2%
2022	6%	8.5%
2023	13.6%	16.8%
Median DBE Awards		12%

The median DBE award goal is in line with the proposed DBE goal. No adjustment is needed based on the availability of DBE firms in the specific work types, project location of ready, willing and able DBEs.

Based on the available evidence of past DBE participation, availability of DBE firms in specific work types; project location and estimated race-neutral and race-conscious participation there is no documented evidence that warrants an adjustment to the base figure. We will review annually and adjust if needed.

Therefore, based on the available evidence, GoTriangle is proposing a FFY 2025-2027 FTA DBE Goal of 11.86 % (rounded to 12%).

Public Participation

In accordance with 49 CFR §26.45(g), the proposed overall DBE goal requires the publication and public consultation with minority businesses, women businesses, local business chambers, government entities and community organizations within the geographic area to provide an opportunity to review the DBE goal analysis and provide input that may result in an adjustment to the final overall DBE goal.

GoTriangle held a comment period for the proposed DBE goal from July 1, 2024 to July 31, 2024 to gather feedback. Public notice was issued on the GoTriangle website:

<http://www.triangletransit.org/http://.www.gotriangle.org>.

Notice of the comment period was also posted in the two largest newspaper circulars in the GoTriangle service area. Public notice was included in the Durham Herald and News and Observer for circulation. Information on the proposed goal and comment period was also circulated to the local business community, including DBE directories and local minority chambers of commerce. GoTriangle did not receive any comments during the public notice period.

Attachment 5: Guidance Concerning Good Faith Efforts

The following factors will be used to determine if the bidder has made adequate good faith effort:

- Supporting documentation must be included in bid submittal to be considered a responsive bid.
- Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified DBEs who have the capability to perform the work of the contract. The bidder must solicit this interest within sufficient time to allow the DBEs (no less than 10 calendar days prior to bid opening). The bidder must determine with certainty if the DBEs are interested by taking appropriate steps to follow-up initial solicitations.
- Selecting portions of the work to be performed by DBEs in order 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 prime contractor might otherwise prefer to perform these work items with its own forces.
- 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.
- Negotiating in good faith with interested DBEs. 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, so as 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.
- A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable.
- Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities.
- Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.
- Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
- 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 provide assistance in the recruitment and placement of DBEs.
- Any other evidence that the bidder submits which show that the bidder has made reasonable good faith efforts to meet the goal.

Attachment 6: Breakout of Estimated: Race-Neutral & Race Conscious Participation

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

- Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs.
- Providing assistance in overcoming limitations such as inability to obtain bonding or financing.
- Providing technical assistance and other services.
- 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).
- Inform DBEs of 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;
- Provide DBEs with job listings and listings of the potential prime bidder/offeree.
- Ensuring distribution the DBE directory to the widest group of potential prime contractors, through print and electronic means.

GoTriangle estimates that in meeting our overall goal of 11.86% (rounded to 12%), we will obtain 12% from race-neutral participation and 0% through race-conscious measures. However, these percentages may be adjusted if necessary during the three (3) year goal period.

GoTriangle estimated breakout of race-neutral or race-conscious DBE participation is based upon projected contracting opportunities for the fiscal year. GoTriangle will adjust the estimated breakout of race-neutral or race-conscious participation as needed to reflect actual DBE participation and we will track and report race-neutral or race-conscious participation separately.

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.SI(f)) and we will track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry DBE goal; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

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

Attachment 7: GoTriangle DBE Tracking Forms

**Attachment 5: Demonstration of Good Faith Efforts
DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION AND LETTER OF INTENT**

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

GoTriangle Solicitation Number: _____

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

___ The bidder/offeror (if unable to meet the DBE goal of ___%) is committed to a minimum of ___% DBE utilization on this contract and submits documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: _____

State Registration Number: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Description of work to be performed by DBE firm: _____

Is the proposed DBE firm certified through North Carolina's Unified Certification Program as Disadvantaged Business Enterprise (DBE)? Circle YES or NO
(Learn more: <https://www.ebs.nc.gov/VendorDirectory/default.html>)

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

Affirmation

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

By: _____

Signature

Title

Date

ATTACHMENT 8: Regulation: 49 CFR Part 26

The following is a link to access a copy of Regulation 49 CFR Part 26:

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