




EXPOSITION METRO LINE CONSTRUCTION AUTHORITY

6.b

DATE: OCTOBER 12, 2005

TO: BOARD OF DIRECTORS

FROM: RICHARD D. THORPE 
INTERIM CHIEF EXECUTIVE OFFICER

ACTION: ADOPT AND APPROVE THE DBE PROGRAM, CONTRACT COMPLIANCE MANUAL, AND DBE GOALS FOR NEGOTIATED DESIGN-BUILD; APPOINT GENERAL COUNSEL AS DBE LIAISON OFFICER

RECOMMENDATION

- A. Adopt and approve the Disadvantaged Business Enterprise (DBE) Program and Contract Compliance Manual, as shown in Attachments A and B.
- B. Adopt and approve 20% DBE Contract Goals for the Negotiated Design-Build Contract
- C. Appoint General Counsel as the Authority DBE Liaison Officer

SUMMARY

Adopting this DBE program, Contract Compliance Manual, DBE Contract Goals and appointment of a DBE Liaison Officer will ensure that the Project is executed in compliance with the approved Exposition Metro Line Construction Authority (Authority) Administrative Code and Federal Statutory and Regulatory requirements, including the DBE Regulations of the U.S. Department of Transportation (49 C.F.R. Part 26.).

DISCUSSION

DBE Program & Contract Compliance Manual -- The Capital Funding Plan for the Mid-City Exposition Corridor Light Rail Transit Project (Project) contemplates using over \$200 million in Federal Congestion Mitigation and Air Quality funds, Federal Transportation Enhancements Activities funds and Other Federal Discretionary funds. In order to be eligible to receive federal funds, the recipient agency must meet the requirements of the Federal DBE Regulations by establishing a DBE Program. In compliance with this requirement, the Los Angeles County Metropolitan Transportation Authority (Metro) has developed a DBE Program and an Overall Annual Goal (which is also a regulatory requirement), both of which have been approved by the Federal Transit Administration (FTA).

To assist the Authority in preparing a DBE program to effectively fulfill its statutory obligation, the services of Thompson Coburn LLP were engaged. Thompson Coburn has extensive experience in developing DBE programs and addressing issues of DBE compliance for transit agencies, DBE's and prime contractors throughout the country. Attorneys from Thompson Coburn reviewed Metro's approved DBE Program, Contract Compliance Manual (Manual) and met extensively with Metro staff. During those meetings, the participants reviewed and evaluated all aspects of a DBE Program and Manual that would meet the specific needs of the Authority while ensuring full compliance with both the letter and the spirit of the Federal regulations.

The establishment by the Authority of an entirely new DBE Program, in compliance with the various Federal regulatory requirements would entail extensive staff time and could take well over a year to receive FTA approval. This would severely impact the established Project procurement and construction schedule. Therefore, staff recommends that the Authority adopt and approve the DBE Program established by Metro with modifications to fit the specific needs of the Authority. This will allow the Authority to rely upon the administrative structure and procedures already in place in Metro's DBE Program, such as a DBE directory, monitoring and enforcement mechanisms, information collection, and reporting.

The modifications to Metro's DBE Program include references that the Metro shall be deemed to refer to the Authority, the General Counsel shall serve as the DBE Liaison Officer, and the Chief Executive Officer shall be given authority to delegate all other responsibilities identified in the DBE Program as appropriate to ensure the Authority's compliance with 49 C.F.R. Part 26. This DBE Program with a Statement of Modification is included as Attachment A.

The proposed Contract Compliance Manual is based on the Metro's Contract Compliance Manual with the following modifications designed to efficiently accomplish DBE compliance on unique Authority procurements:

The proposed Manual clarifies:

- The purpose of the DBE Bid and Proposal Forms,
- Contractor responsibilities in the event of contract changes,
- Communication of findings of non-compliance by the Authority through cure notices,
- The determination of Good Faith Efforts by the Authority.

The proposed Manual streamlines:

- DBE Bid and Proposal Forms,
- DBE utilization reports,
- Resolution of disputes between the contractor and subcontractors.

Finally, the proposed Manual modifies the enforcement mechanisms from the use of penalties to reliance on withholdings from contractor invoices for non-compliance with Manual and contractual DBE requirements.

This proposed Manual (Attachment B) in conjunction with the proposed DBE Program satisfies Federal regulatory requirements.

Contract Goals -- A Federal grantee normally meets its overall DBE goal through the use of contract goals on the various procurement and purchasing actions it takes during the year. An individual contract goal may be higher or lower than the agency's overall goal (in terms of DBE participation), based on the availability of DBE firms for the particular work involved, and there is no requirement that every contract include a goal. Metro has approved 8% as the Federal Transit Administration Disadvantaged Business Enterprise Annual Overall Goal for Federal Fiscal Year 2006.

It is proposed that the Authority establish specific DBE goals for the Negotiated Design-Build contract. The proposed contract goals are: (1) 20% of the Design Allowance (including fee); (2) 20% of the Professional Services Allowance (including fee) and; (3) 20% of the Construction Allowance (including fee). These goals are consistent with the DBE goals used for other recent major public transportation projects in the Los Angeles region, which were based upon the availability of willing and able DBE firms to perform the work involved.

Appointment of the DBE Liaison Officer – The Federal Requirements noted above also stipulate that the Authority identifies a DBE Liaison Officer to implement the DBE program and who reports directly to the CEO on DBE issues. Staff believes that, at least initially, the Authority's General Counsel can most effectively perform this requirement.

FINANCIAL IMPACT

Adopting this DBE program, contract compliance manual and contract goals for the Negotiated Design-Build contract and appointing a Liaison Officer will not affect the Project Cost as shown in the Metro approved Full Funding Plan.

NEXT STEPS

Following adoption of the DBE Program and the Negotiated Design-Build contract goal, the Authority will utilize the Program in its implementation of the Project and will require its design-build contractor to meet, or make Good Faith Efforts to meet the contract 20% goals described above. The DBE Liaison Officer will submit this Program, Manual and report compliance data to the FTA.

ATTACHMENTS

- A. Proposed Exposition Metro Line Construction Authority
DBE Program (Metro DBE Program with a Statement of Modification)
- B. Proposed Exposition Metro Line Construction Authority
Contract Compliance Manual

EXPOSITION METRO LINE CONSTRUCTION AUTHORITY

MID-CITY/EXPOSITION LIGHT RAIL TRANSIT PROJECT

DBE AND EEO PROGRAMS

The Exposition Metro Line Construction Authority (Authority) is a sub-recipient of U.S. Department of Transportation (DOT) Federal funding and is subject to the requirements of the DOT Disadvantaged Business Enterprise (DBE) Program regulations as specified in 49 Code of Federal Regulations (CFR) Part 26. The Authority adopted the DOT approved DBE Program dated July 2002 by the Los Angeles County Metropolitan Transportation Authority (Metro). This program sets the standards, policies, practices and procedures the Authority uses to assess whether a contractor is in compliance with regulatory and contract requirements on DOT assisted projects. All contractors, as a condition of participation in Authority issued DOT assisted contracts, shall agree to the terms of this DBE Program, and shall incorporate the DBE Program and the DBE administrative policies, practices and procedures requirements into their contracts and subcontracts at all tiers.

The Authority will not do business with any employer who discriminates on the basis of: race, sex, color, religion, ancestry, national origin, marital status, age (over 40), disability (including AIDS and cancer related medical conditions) or covered veteran status. To this end, the Authority has adopted Metro's Non-Discrimination and Equal Employment Opportunity (EEO) Program as specified in Metro's Contract Compliance Manual (Section 2), revised May 2002.

The DBE and EEO Program requirements applicable to this contract are specified in the attached Contract Compliance Manual.

CONTRACT COMPLIANCE MANUAL

DBE AND EEO PROGRAM REQUIREMENTS

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SECTION I

DBE PROGRAM REQUIREMENTS

1.0 OBJECTIVES, STATEMENTS AND POLICIES

1.1 OBJECTIVES AND POLICY STATEMENT

The Exposition Metro Line Construction Authority (Authority) has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT) found at 49 Code of Federal Regulations (CFR) Part 26. The Authority is a sub-recipient of DOT Federal financial assistance and, as a condition of receiving this assistance, must comply with 49 CFR Part 26.

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

- Ensure non-discrimination in the award and administration of Authority issued DOT assisted contracts.
- Create a level playing field on which DBEs can compete fairly for Authority issued DOT assisted contracts.
- Ensure that the Authority's DBE Program is narrowly tailored in accordance with applicable law.
- Ensure that only firms that fully meet 49 CFR Part 26 certification eligibility standards are permitted to participate as DBEs on Authority issued contracts.
- Remove barriers that hinder the participation of DBEs in Authority issued DOT assisted contracts.
- Assist in the development of DBE certified firms so that they can compete successfully in the market place outside of the DBE program.

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The Department of Transportation is responsible for implementing all aspects of the DBE Program for the Authority. Implementation of the DBE Program is accorded the same priority as compliance with all other legal obligations incurred by the Authority in its DOT related financial assistance agreements.

This policy statement is in distribution to the Authority's Board of Directors, to all components of Authority's organization, and to the DBE and the non-DBE business communities that perform work for the Authority on its contracts.

1.2 NON-DISCRIMINATION POLICY STATEMENT

It is the policy of the Authority never to exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex or national origin.

In administering its DBE Program, the Authority 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 or a particular race, color, sex or national origin.

1.3 STATEMENT OF ASSURANCES

The Contractor and all subcontractors (at every tier) shall not discriminate on the basis of race, color, sex or national origin in the performance of this contract. The Contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of this contract. Failure by the Contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the Authority, in its capacity as DOT recipient, deems appropriate. Each contract signed by the Contractor and any subcontractor (at every tier) shall include the assurances set forth this paragraph.

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1.4 QUOTAS

The Authority does not use quotas in any way in the administration of the DBE Program.

1.5 INCORPORATION OF THE DBE PROGRAM INTO THE CONTRACT

49 CFR Part 26 and the DOT approved DBE Program adopted by the Authority are hereby incorporated by reference into this contract as though set forth in full.

Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a material breach of this contract. The Contractor and all project subcontractors are subject to the requirements of the DBE Program and to all requirements of the DOT DBE program found at 49 CFR part 26.

The Authority will investigate any allegation of the Contractor, subcontractor or any other participating business failing to carry out the requirements of this DBE Program. Should this investigation find merit in the allegations, the Authority may pursue legal and/or contractual remedies and/or impose sanctions as provided for in 49 CFR Part 26. In appropriate cases, the Authority may also refer the matter to proper Federal authorities 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.).

The Contract Compliance Manual is a component of this contract. It describes the Authority's DBE Program requirements applicable to this contract. The provisions and enforcement mechanisms set forth in the Contract Compliance Manual are in addition to all other provisions and enforcement mechanisms available to the DEO set forth elsewhere in this contract. The Contractor's compliance with the DBE Program requirements will be monitored by the Authority throughout the life of the contract.

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1.6 TRANSIT VEHICLE MANUFACTURER CERTIFICATION

Transit Vehicle Manufacturers (TVMs) participating on Authority contracts that include transit vehicle procurements are required, as a condition of being authorized to bid or propose on transit vehicle procurements, to certify that it has complied with the requirements of 49 CFR Part 26, Section 49.

2.0 DBE STANDARDS

The Contractor shall ensure that DBEs it has committed to in its bid or proposal have a level playing field to successfully perform their contract responsibilities and further commits to meet the DBE Goal for the contract. These efforts should include but are not limited to the following:

- A. Negotiate in good faith to attempt to finalize subcontract and supply agreements with DBEs listed in its bid.
- B. Continue to provide assistance to DBE subcontractors or DBE suppliers in obtaining bonding, lines of credit, or other capital financing through referral to the DOT Bond Assistance Program (800) 532-1169.
- C. Issue the DBE(s) a written notice of any potential problem and provide a reasonable time frame for the DBE to remedy the problem. The Contractor shall, concurrently with the issuance of the notice to the DBE, send a copy of the notice by First Class mail, postage prepaid, to the Authority. In instances where the DBE fails to remedy the problems identified in the notice, the Contractor shall take the steps outlined in Section 4.0 RESOLUTION OF DISPUTES BETWEEN CONTRACTOR AND (DBE) SUBCONTRACTORS before formally requesting approval from the Authority to substitute a DBE.

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2.1 DBE COMMITMENT

The level of DBE participation to which the Contractor commits in its bid or proposal is the Contractor's DBE commitment. The Contractor's DBE commitment is expressed as a percentage of the total contract price. Only DBEs identified in bid or proposal documents or those approved by the Authority in writing prior to performance of the work shall be used by the Contractor to perform work to meet the DBE commitment.

The Contractor shall promptly notify the Authority in writing of any problems or concerns it has identified in achieving the level of DBE commitment stated in the Contract. The Contractor's DBE commitment and its attainment shall be monitored and enforced by the Authority. DBE attainments are payments actually made to DBE firms for work identified in the bid and proposal documents and specified in the contract or approved by the Authority in writing prior to DBE performance.

2.2 DBE BID AND PROPOSAL FORMS

DBE commitments are documented by the Contractor prior to contract award through the use of the DBE bid and proposal forms, presented in Appendix I of this Contract Compliance Manual. The DBE bid and proposal forms are used to describe the intended participation of the Bidder/Proposer and all proposed subcontractors (at every tier) to perform on the project.

The Authority recognizes that the intended participation of the successful Bidder/Proposer and its subcontractors will change through the life of the contract as a result of change orders, amendments, contractor substitution or other circumstance. The Contractor shall submit DBE bid and proposal forms with its proposal responding to change orders, amendments, contractor substitution or other circumstance.

Failure to provide these completed forms and the accompanying documents may be cause for the Authority to deny the bid or proposal as non-responsive. Individual businesses

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failing to provide a completed form will be presumed not certified and their participation will not be counted.

In "design-build" contracting situations, the Authority awards its contract as a master contract to the Contractor, who in turn will award subsequent construction subcontracts for the work of the project. The Authority has established DBE goals for Design/Professional Services and Construction for this project. The Contractor shall establish construction subcontract goals, as appropriate, for each construction subcontract it lets. The Authority reserves the right to maintain oversight of the Contractor's activities to assure compliance with 49 CFR Part 26.

2.3 CHANGE ORDERS, AMENDMENTS AND MODIFICATIONS

By causing the total contract amount to increase or decrease and/or by altering the distribution of work among contractors, change orders and other contract modifications can impact the participation of DBE firms and the ability of the Contractor to achieve its DBE commitment. To ensure full compliance with the requirements of 49 C.F.R. Part 26 and this manual, the Contractor shall:

- A. Assess change orders and other contract modifications to determine any impact to the Contractor's ability to meet its DBE Commitment;
- B. Factor the impacts of changes into the Contractor's DBE Commitment; and
- C. Take appropriate actions to ensure that the Contractor will continue to meet the DBE Commitment or will satisfy the good faith efforts to meet the DBE Commitment.

When change orders or other contract modifications alter the dollar amount of the contract or the distribution of work, any impacted contractors are required to update the DBE Commitment Forms (Form 6) and to submit the updated form to the Authority.

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2.4 COUNTING DBE PARTICIPATION

When a DBE participates in a contract, only the value of the work actually performed by the DBE may be credited towards the Contractor's DBE commitment. Additionally, the expenditures to a DBE contractor may only be credited towards the Contractor's DBE commitment if the DBE is performing a commercially useful function on that contract.

- A. The entire amount of that portion of a contract that is performed by the DBE's own forces may be credited towards the Contractor's DBE commitment. Included is the cost of supplies and materials obtained by the DBE for the work of the contract, including supplies purchased or equipment leased by the DBE (except supplies and equipment the DBE subcontractor purchases or leases from the prime contractor or its affiliate).
- B. If applicable, the entire amount of fees or commissions charged by a DBE firm for providing a bona fide service, such as professional, technical, consultant, or managerial services, or for providing bonds or insurance specifically required for the performance of this contract, may be credited towards the Contractor's DBE commitment, provided the fee is found by the Authority to be reasonable and not excessive as compared with fees customarily allowed for similar services.
- C. When a DBE subcontracts part of the work of its contract to another firm, the value of the subcontracted work may be counted toward the DBE commitment only if the DBE's subcontractor is itself a DBE. Work that a DBE subcontracts to a non-DBE firm does not count toward the DBE commitment.
- D. When a DBE performs as a participant in a joint venture, only the portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the contract that the DBE performs with its own forces may be credited towards the Contractor's DBE commitment.
- E. Credit for materials and supplies purchased from DBEs will be as follows:

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1. If the materials and supplies are obtained from a DBE manufacturer, 100 percent of the cost of the materials or supplies will count toward the DBE commitment.
2. If the materials or supplies is purchased from a DBE regular dealer, 60 percent of the cost of the materials or supplies will count toward the DBE commitment. Packagers, brokers, manufacturers' representatives, or other persons who arrange or expedite transactions are not DBE regular dealers within the meaning of this paragraph.
3. Credit for materials or supplies purchased from a DBE which is neither a manufacturer nor a regular dealer will be limited to the entire amount of fees and commissions charged by the DBE for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies, provided the fees are reasonable and not excessive as compared with fees charged for similar services.

F. Credit for DBE trucking companies is as follows:

1. The DBE must be responsible for the management and supervision of the entire trucking operation. There cannot be a contrived arrangement for the purpose of meeting the DBE commitment. The DBE must itself own and operate at least one fully licensed, insured and operational truck used on the contract.
2. The DBE receives credit for the total value of the transportation services it provides on the contract using trucks it owns, insures, and operates using drivers it employs.
3. The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the contract.

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4. The DBE may also lease trucks from a non-DBE firm, including an owner-operator. The DBE who leases trucks from a non-DBE is entitled to credit only for the fee or commission it receives as a result of the lease arrangement. The DBE does not receive credit for the total value of the transportation services provided by the lessee, since these services are not provided by the DBE.

For the purposes of paragraphs (3) and (4) above, a lease must indicate that the DBE has exclusive use and control over the truck. This does not preclude the leased truck from working or others during the term of lease with the consent of the DBE, so long as the lease gives the DBE absolute priority for use of the leased truck. Leased trucks must display the name and identification number of the DBE.

2.5 COMMERCIALY USEFUL FUNCTION

A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether a DBE is performing a commercially useful function, the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the DBE credit claimed for its performance of the work, and other relevant factors must be evaluated.

A DBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, similar transactions, particularly those in which DBEs do not participate, must be examined.

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If a DBE does not perform or exercise responsibility for at least 30 percent of the total cost of its contract with its own work force, or the DBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, the Authority must presume that the DBE is not performing a commercially useful function.

When a DBE is presumed by the Authority not to be performing a commercially useful function, the DBE may present evidence to rebut this presumption. The Authority may determine that the firm is performing a commercially useful function given the type of work involved and normal industry practices.

The Authority's decisions on commercially useful function matters are subject to review by the concerned operating administration, but are not administratively appealable to DOT.

2.6 CREDIT TOWARDS DBE COMMITMENT

The dollar value of work performed by a DBE subcontractor shall be credited towards the Contractor's final compliance with its DBE obligations on this contract only when the amount being credited has actually been paid to the DBE.

If a DBE subcontractor is decertified during the life of the contract, the Contractor will continue to receive credit toward its DBE commitment for the firm's work.

3.0 DBE PROGRAM COMPLIANCE MONITORING

This section describes the review and monitoring system to ensure that all contractors, subcontractors, consultants, vendors, suppliers, dealers, brokers and other sources, and all Authority departments comply with the DBE requirements and all other contract provisions related to DBE participation.

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3.1 CURE NOTICE

Non-compliance by the Contractor with the DBE requirements of this contract, the Authority's DBE Program or 49 CFR part 26 constitutes a material breach of contract. In the event of non-compliance, a cure notice will be issued to the Contractor identifying the non-compliance matter(s) and specifying the required course of action for remedy.

The Contractor shall respond in writing to the Authority regarding the matter(s) identified in the cure notice. Failure to comply with the cure notice and/or to remedy the identified non-compliance matter(s) is a material breach of contract and is subject to the sanctions identified in Section 7.0.

3.2 PRE-CONSTRUCTION (KICK-OFF) MEETING

Representatives of the Contractor and shall attend the project kick-off meeting. During this meeting, Authority DBE Program representatives will discuss DBE requirements applicable to this contract. Additionally, the Contractor and all project subcontractors (at every tier level) will have an opportunity to discuss any potential issues related to the DBE requirements. The Contractor shall be responsible for informing the subcontractors of all DBE requirements as specified by the Authority herein.

3.3 CONTRACTOR MONTHLY DBE PROGRESS REPORT

The Contractor shall submit timely and complete monthly progress reports that detail the status of commitments to DBE firms, attainments to DBE firms, and prompt payment / retainage counts to all firms (DBE and non-DBE firms) performing on this contract. The monthly progress report shall be submitted to the Authority by the 15th day following the reporting month.

The Monthly DBE Progress Report shall include the following information:

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A. General Contract Value Information - The following general contract value information must be provided:

1. Original Contract Amount
2. Running Total of Change Order Amount
3. Current Contract Amount
4. Amount Paid to Contractor During Month
5. Amount Paid to Contractor Inception to Date
6. DBE Contract Goal
7. Total Dollar Amount of DBE Commitment
8. DBE Commitment as Percentage of Current Contract Amount

B. Contractor/Subcontractor information The following information shall be prepared for the Contractor and each subcontractor (at every tier level) performing on the contract:

1. Firm General Information:
 - (a) name, (b) address, (c) phone, (d) DBE status, (e) contact person, (f) prime contractor name, (g) date contract agreement signed, (h) scope of work, (i) anticipated first date of performance, (j) anticipated last date of performance.
2. Firm Contract Value Information:
 - (a) Original contract amount, (b) running total of change order amount, (c) current contract amount, (d) amount paid to contractor during month, (e) amount paid to contractor to date.
3. Prompt Payment (Running history of information related to invoices submitted by and payments made to contractors, including):
 - (a) Contractor invoice number, (b) invoice amount, (c) invoice date, (d) contractor's prime's invoice number that incorporates this invoice for billing purposes, (e) date of said invoice, (f) project Contractor invoice number and date submitted to Authority,

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(g) date and amount Authority paid on Contractor's invoice, (h) date and amount contractor's prime paid contractor on invoice, (i) breakout of retention withheld (further broken out by regular retention and disputed retention) and payments on withheld retention, (j) check number, date and amount paid to contractor.

4. Expenditure Plan vs Actual Payments (Cash flow projection for contractor versus payments to contractor):

Monthly forecast of planned utilization (projected monthly payments to contractor) versus actual utilization. Note: The planned expenditures should equal the dollars committed to the contractor and shall be developed according to the approved project schedule. The original plan must be approved and each revision must be approved by the Authority's Resident Engineer prior to submittal to the Authority in this report. The original planned utilization amounts (baseline) may be re-baselined at the request of the Authority.

5. Change Order Information: Running history of all change orders affecting contractor participation on the project, including the following information as it relates to the affected contractor:

(a) Change order number (Prime designation and/or Authority designation), (b) change order effective date, (c) change order amounts and amendments, (d) change order description, (e) amended scope, (f) list of firms under subcontract to this firm affected by change order.

C. DBE Trucking Activity Information:

The Contractor shall provide to the Authority the preceding month's trucking activity. The Contractor shall submit documentation showing the amount paid to all listed DBE trucking companies performing on the contract. This monthly documentation shall indicate the portion of revenue paid to DBE trucking companies which is claimed toward DBE participation. The Contractor shall also obtain and submit documentation to the Authority showing the amount paid by DBE trucking

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companies to all firms, including owner-operators, for the leasing of trucks. The DBE who leases trucks from a non-DBE is entitled to credit only for the fee or commission it receives as a result of the lease arrangement. The records must confirm that the amount of credit claimed toward DBE participation conforms with the requirements of Section 2.0. The Contractor shall also obtain and submit documentation showing the truck number, owner's name, California Highway Patrol CA number and if applicable, the DBE certification letter of the owner of the truck for all trucks used during that month for which DBE participation will be claimed. The Authority has developed a series of forms that may be adopted by the Contractor to meet this requirement (Appendix III) or the Contractor may develop its own report format and present to the Authority for approval and use to meet the DBE Monthly Progress Report requirements.

3.5 SUBMITTAL OF ALL DBE SUBCONTRACT AGREEMENTS

The Contractor shall submit to the Authority copies of executed subcontracts and/or purchase orders (PO) for all DBE firms participating on the contract within fourteen working days of written request from Authority. The Contractor shall immediately notify the Authority in writing of any problems it may have in obtaining the subcontract agreements from listed DBE firms within the specified time.

3.6 REQUIRED LANGUAGE FOR ALL SUBCONTRACT AGREEMENTS

The Contractor shall incorporate by reference 49 CFR Part 26, the Authority's DBE Program document and this Contract Compliance Manual into each purchase order and each subcontract issued under this contract. Each subcontractor, consultant, dealer, broker, vendor or other source shall agree to the terms and conditions thereof.

The Contractor shall ensure that the following language is included in each subcontract agreement signed by any contractor at any tier performing on this contract:

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A. Contract Assurance:

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 Authority deems appropriate. (This language is to be used verbatim, pursuant to federal regulations.)

B. Prompt Payment:

The Contractor shall incorporate the Prompt Payment Clause, set forth above, in all subcontract, broker, dealer, vendor, supplier or other source agreements or Purchase Orders issued to both DBE and Non-DBE firms. Contractor shall include a prompt payment and retention clause in all DBE and non-DBE subcontracts. The clause ensures prompt payment of all monies due and owing to DBE and non-DBE firms within 10-business days of receipt of payment from the Authority as per the contract agreement and the Prompt Payment Act. Payment of retention shall be made to all DBE and non-DBE subcontractors within ten (10) days following satisfactory completion of the subcontracted work. Any delay or postponement of payment from the above referenced time may occur only for good cause following written approval of the Authority. This clause applies to both DBE and non-DBE firms.

C. Dispute Resolution:

The Contractor must include in its DBE Subcontract Agreement(s) the Dispute Resolution provisions in Section 4.0 of the Contract Compliance Manual for disputes arising out of or related to this contract between contractor and its subcontractors which cannot be settled by discussions between the parties involved. The contractor and its subcontractor, in the event of a dispute to their contract, agree to proceed

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through informal meetings, mediation, or arbitration (if applicable), or any combination thereof specifying the terms under which disputes are to be submitted, the service or assistance to be employed, and the timing or submission of disputes.

3.7 PROMPT PAYMENT, RETAINAGE AND RETENTION

The Contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 10-business days from receipt of each payment the prime contractor receives from the Authority. Thereafter, each prime at any level agrees to pay each of its subcontractors for satisfactory performance of its contract no later than 10-days from the receipt of each payment from the contractor at the next higher tier.

Retainage or retention is a portion of the payment owed by the prime contractor to a subcontractor that is held pending completion of the subcontractor's work. The prompt payment clause specifically applies to retainage and retention. The Contractor agrees to make payment of and return retainage and retention to each Subcontractor within 10-business days after the Subcontractor's work is satisfactorily completed. Satisfactorily completed means all tasks called for in the subcontract have been accomplished and documented as required by the Authority.

Holding back a certain percentage of the payment owed a subcontractor until the Authority makes final payment to the Prime Contractor is not authorized. Any delay or postponement of payment beyond the 10-day time period stated above may occur only for good cause following written approval by the Authority. Information concerning payments to subcontractors, including retainage or retention amounts, shall be provided by the Contractor to the Authority in accordance with the Monthly DBE Progress Report requirements of Section 3.4.

This clause applies to both DBE and non-DBE Subcontractors performing on this contract.

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3.8 FINAL REPORTING

The Contractor shall submit Monthly DBE Progress Reports as specified in Section 3.4 until final payment, release of retention and acceptance of the contract work has been made by the Authority.

4.0 RESOLUTION OF DISPUTES BETWEEN CONTRACTOR AND (DBE) SUBCONTRACTORS

Disputes arising out of or related to this contract between any contractor and its DBE subcontractor which cannot be settled by discussions between the parties involved shall be settled as described herein. Disputes arising out of or related to the prompt payment provisions set out in Section 3.7 of this Contract Compliance Manual between any contractor and its subcontractor (DBE and non-DBE) which cannot be settled by discussions between the parties involved shall also be settled as described herein.

These provisions shall not apply to disputes between the Contractor and the Authority. These provisions do not alter in any way or waive compliance with any other provisions of the Contract document.

STEP 1: INFORMAL MEETINGS

The Authority shall schedule and conduct informal meetings with the parties to a dispute at the request of any party to the contract. Interested parties should contact the Authority to initiate the process. The Authority's findings are non-binding and are only advisory opinions. However, where the Authority deems it appropriate, the Authority may direct that the parties to the dispute proceed either to Step 2 Mediation with an Independent Third Party (in which case the Authority reserves the right to direct the parties to proceed to Step 3 Arbitration at a later time) or directly to Step 3 Arbitration.

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STEP 2: MEDIATION WITH INDEPENDENT THIRD PARTY

If the parties are unable to resolve the dispute through Step 1, the contractor and its subcontractor shall agree to endeavor to settle a dispute through informal mediation under independent third party organizations (NOT INCLUDING THE AUTHORITY). The contractor shall provide written notice to the Authority of the schedule prior to the initiation of the mediation process. For purposes of this paragraph, the Contractor is considered a third party when it is not a party to the dispute. Upon conclusion of the mediation process, the contractor shall be required to provide the Authority with a copy of the mediator's written report. The mediator's findings are non-binding and are advisory opinions only. If complete resolution of the dispute is not achieved within 10 working days of the issuance of the mediator's written report, the parties must proceed to Step 3 below.

STEP 3: ARBITRATION (IF DIRECTED BY AUTHORITY)

Arbitrations directed by the Authority shall be binding upon all parties to the arbitration and shall be conducted in a manner consistent with section 1020 et seq. of the Public Contract Code and Section 1296 of Code of Civil Procedure. Arbitration findings are binding upon the parties. However, the findings do not in any way relieve the contractor of its obligation to meet the DBE goals.

Available mediation and arbitration services include:

The American Arbitration Association (213) 383-6516

Dispute Resolution Center (818) 793-7174

5.0 TERMINATING, SUBSTITUTION OR ADDING A DBE SUBCONTRACTOR

No contractor at any tier may terminate a DBE subcontractor for convenience and then perform that work with its own workforce or that of its affiliate. The Contractor shall

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provide written notice to the Authority of any failure in whole or in part to utilize committed DBEs for whatever reason.

5.1 SUBSTITUTION OF A DBE SUBCONTRACTOR

Substitution (including scope modifications) of any DBE subcontractor performing on the project must be approved in writing in advance by the Authority.

5.2 GROUNDS FOR DBE SUBSTITUTION

The Authority shall only authorize the substitution of a DBE subcontractor for one or more of the reasons listed below:

- A. The listed DBE, after having had a reasonable opportunity to do so, fails or refuses to execute a written contract, when such written contract, based upon the general terms, conditions, plans and specifications for the project, or on the terms of such subcontractor's or supplier's written bid is presented by the Contractor.
- B. The listed DBE becomes bankrupt or insolvent.
- C. The listed DBE fails or refuses to perform his subcontract or furnish the listed materials.
- D. The listed DBE subcontractor fails or refuses to meet the bond requirements of the Contractor.
- E. The prime contractor demonstrates to the Authority, or its duly authorized officer, subject to the further provisions set forth in the Public Contract Code, Section 4107.5, that the name of the subcontractor was listed as the result of an inadvertent clerical error.
- F. The listed subcontractor is not licensed pursuant to the Contractors License Law.
- G. The Authority determines that the work performed by the listed subcontractor is substantially unsatisfactory and is not in accordance with the plans and specifications, or that the subcontractor is substantially delaying or disrupting the progress of the work

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5.3 NOTICE OF REQUEST FOR SUBSTITUTION

The Contractor shall provide written notice to the Authority when requesting substitution of a DBE firm. This notice must state the grounds, in accordance with Section 5.2 above, for the substitution request, and must also provide information on the firm that will perform the substituted work. The DBE Commitment Forms identified in Section 2.2 above are required to be updated and submitted to the Authority along with the request for substitution.

The Contractor must make good faith efforts to find another DBE subcontractor to substitute for the original 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 substituted, to the extent needed to meet the contract goal.

The requirement that DBEs must be certified by the bid opening date does not apply to DBE substitutions. DBEs must be certified at the time of the substitution. If substitution with another DBE firm is not viable, the Contractor shall document its actions (Good Faith Efforts) attempting to substitute the DBE firm with another DBE firm and submit this documentation to the Authority for review and approval.

The Authority will subsequently notify in writing the DBE subcontractor identified for substitution. This notice will provide the grounds stated by the Contractor for DBE substitution. The listed DBE subcontractor shall have five working days to submit written objections to the substitution or scope modification to the Authority.

Should the DBE subcontractor identified for substitution respond to the Authority with a non-consent to the request for substitution, the Authority will issue a determination on the matter either (1) approving the Contractor request for substitution, (2) denying the request for substitution or (3) directing the parties to resolve the dispute through the Dispute Resolution Process prescribed in Section 4.0. Failure to respond to a written

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notice may constitute the listed DBE subcontractor's consent to the substitution and the Authority will direct the Contractor to proceed with substitution.

5.4 ADDING A DBE SUBCONTRACTOR

If a subcontractor becomes a certified DBE during the life of the contract the Contractor shall notify the Authority in writing of the name of the subcontractor and the date of DBE certification, and provide updated DBE Commitment Forms that reflect the work of the newly certified DBE. The requirement that DBEs must be certified by the bid opening date may not apply to DBE additions. The Authority will review the matter to determine whether or not the dollar value of work remaining to be performed by the subcontractor will be credited towards the Contractor's DBE commitment and DBE Goal of Record. The Authority shall authorize the addition of a DBE subcontractor for DBE credit upon review of updated DBE Forms.

6.0 GOOD FAITH EFFORTS REQUIREMENTS

Good Faith Efforts are generally defined as all the necessary and reasonable steps taken by a firm, which by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation on a contract to achieve:

- A. The contract DBE goal (Pre-Award),
- B. The DBE commitment (Post Award)
- C. Other requirements of the DBE Program (Post Award)

Good Faith Efforts are further defined in the DBE Program found at 49 CFR part 26.

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6.1 PRE-AWARD GOOD FAITH EFFORTS ACTIVITIES

When the Authority establishes a contract goal on a DOT-assisted contract, a Bidder/Proposer must, in order to be responsible and/or responsive, make good faith efforts to meet the goal. The Bidder/Proposer can meet this requirement in either of two ways. First, the Bidder/Proposer can meet the goal, documenting commitments for participation by DBE firms sufficient for this purpose. Second, even if it doesn't meet the goal, the Bidder/Proposer can document adequate good faith efforts. This means that the Bidder/Proposer must show that it took all necessary and reasonable steps to achieve a DBE goal or other requirement of 49 CFR Part 26, which, by their scope, intensity and appropriateness to the objective could reasonably be expected to obtain sufficient DBE participation, even if the Bidder/Proposer was not fully successful.

When it establishes a contract goal, the Authority will make a fair and reasonable judgment whether a Bidder/Proposer that did not meet the goal made adequate good faith efforts. The Authority will consider the quality, quantity and intensity of the different kinds of efforts the Bidder/Proposer has made. The efforts employed by a Bidder/Proposer should be those that one could reasonably expect a Bidder/Proposer to take if the Bidder/Proposer were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE contract goal. Mere Pro Forma Efforts are not good faith efforts to meet the DBE contract requirements. Likewise, the Authority will not ignore bona fide good faith efforts.

The following is a list of types of actions that the Authority considers as part of the Bidder's good faith efforts to obtain DBE participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

- Attend the Pre-Bid or Proposal Conference.
- Place Ads in General, Trade & Focused Publications
- Define Portion of Work to be Subcontracted

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- Notify Community Organizations and Groups
- Write Invitations to DBEs to Distribute RFPs & RFQs
- Follow-Up Initial Solicitation and Maintain Contact Logs
- List DBE Firms, Retain DBE Proposals, Justify Selection of Subcontractor or Other Source
- Assist DBEs with Bonding and Insurance

The following paragraphs further define the activities of the good faith efforts actions listed above and provides a listing of the type of documentation necessary to evidence the good faith efforts activities:

A. ATTEND THE PRE-BID OR PRE-PROPOSAL CONFERENCE

EFFORT: Attendance at the pre-bid or pre-proposal conference scheduled by the Authority is optional, however, it does provide evidence of the contractor's good faith efforts.

EVIDENCE: Provide the name & date of person(s) attending the conference. The Authority verifies attendance with the sign-in sheets. Attendees must sign-in to receive credit for attending any pre-bid or pre-proposal conference. See Appendix II, Exhibit A, Item 1, to review a Good Faith Efforts Evaluation Criteria scoring sheet used to evaluate Bidder's/Proposer's attendance at the conference.

B. PLACE ADVERTISING IN GENERAL, TRADE AND FOCUSED PUBLICATIONS

EFFORT: Bidders/Proposers shall place advertising in a timely fashion in at least one general circulation, one trade association, and one minority focused publication. The advertisement shall include, at a minimum, the information contained in Appendix II, Exhibit B, Sample Advertisement, herein. Advertisements will be timely if they appear at least twenty (20) days prior to the date of Bid opening or the

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due date of the proposal. If the Authority's solicitation does not allow twenty (20) days, a shorter publication time is acceptable.

EVIDENCE: Prepare a list of advertisements placed, including a copy of each advertisement placed and/or tear sheets. Use Exhibit C, Newspaper Advertisement Log found in Appendix II. See Appendix II, Exhibit A, Item #2, to review a Good Faith Efforts Evaluation Criteria scoring sheet used to evaluate Bidder's/Proposer's advertising.

C. DEFINE PORTIONS OF THE WORK TO BE SUBCONTRACTED

EFFORT: Define that portion of the contract work the contractor intends to be performed by its own work force, the portion the contractor intends to be performed by non-DBE businesses, and the portion of the work, supplies, or material to be provided by DBE businesses. Select portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. Contractors should, where appropriate, break 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 work force.

EVIDENCE: Identify efforts made to reasonably structure the contract scope of work for purposes of subcontracting with DBEs. Include documentation showing the portion of the Work that the Bidder/Proposer intends to perform with its own workforce, the portion of the Work that the Bidder/Proposer intends to subcontract and, the portion the intended to be placed with or subcontracted to DBE businesses. Use Appendix II, Exhibit D, Selected Work Categories Form. See Exhibit A, Item #3, to review a Good Faith Efforts Evaluation Criteria scoring sheet used to evaluate the Select Portion of Work to be Subcontracted.

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D. NOTIFY COMMUNITY ORGANIZATIONS AND GROUPS

EFFORT: Effectively using the services of available minority or women community organizations; minority or 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. Notify by mail the minority organizations, women's organizations, and others listed in the Directory of Certified Firms. The notifications must include, at a minimum, a description of the Scope or Statement of Work, the company's contact, and the date of bid opening or the due date to the proposal.

EVIDENCE: Provide copies of the letters, faxes, meeting notes or records, telephone logs, etc. in connection with the notices to and contacts with community organizations and groups. Include the name of the organizations and groups, dates, names of contacts, and telephone numbers. Provide copies of correspondence received from these organizations and groups, particularly those acknowledging contact from the Bidder/Proposer. Provide evidence of such notification to at least five (5) community groups or organizations.

See Appendix II, Exhibit A, Item #4, to review a Good Faith Efforts Evaluation Criteria scoring sheet the Authority uses to evaluate the Bidder/Proposer's efforts to notify Small Organizations and/or Community Groups.

E. EXTENDING WRITTEN NOTICES, DISTRIBUTING IFBS AND RFPs TO DBES

EFFORT: Extend written notices to DBEs including Invitation for Bid (IFB) or Request for Proposal (RFP) documents for all work the Bidder/Proposer intends to subcontract. Provide each potential DBE participant with plans, requirements and specifications pertaining to the work.

EVIDENCE: Names, contact persons, addresses, phone numbers, and dates of all DBE firms solicited at least ten (10) days prior to the bid or proposal due date and by

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what means (letter, fax, phone, etc.). Include a copy of the solicitation letter. Provide evidence on which you are relying that these firms are in fact DBE Certified businesses. Citations to the Authority directory will be sufficient for listed DBEs there. If you use sources other than the Authority Directory, provide copies of those sources.

Describe the contract documents, plans and specifications made available to these DBEs for the purposes of soliciting their bids and the dates and the manner in which these documents were made available. Retain these records to document your contacts with both DBEs who choose not to participate and the DBEs who will ultimately be participating in the contract after award if yours is the successful bid or proposal.

Complete Appendix II, Exhibit E, Written Solicitation Submittal Form. A model written notice is provided in Appendix II, Exhibit H, Sample Letter of Solicitation. See Appendix II, Exhibit A, Item #5, to review a Good Faith Efforts Evaluation Criteria scoring sheet used to evaluate Bidders/Proposers.

F. FOLLOW-UP INITIAL SOLICITATION AND MAINTAIN CONTACT LOGS

EFFORT: Oral and/or written follow-up of initial solicitation of DBE firms.

EVIDENCE: The Bidder/Proposer shall maintain a log of the contacts made with DBE firms showing names of firms, contact persons, phone numbers, dates and methods used for following-up initial solicitation to determine whether or not DBEs were interested. Follow-up must be done with a minimum of seventy-five percent (75%) of the initial solicitations to DBEs. Use the form provided in Appendix II, Exhibit G, List of all Firms/Solicitation Responses Received, to log these contacts. See Appendix II, Exhibit A, Item #6, to review a Good Faith Efforts Evaluation Criteria scoring sheet used to evaluate Bidder's/Proposer's solicitation follow-up.

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G. NEGOTIATING IN GOOD FAITH WITH INTERESTED DBES

EFFORT: The Bidder/Proposer negotiates in good faith with DBEs and does not unjustifiably reject proposals prepared by any DBE.

A Bidder/Proposer 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. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the Bidder/Proposer of the responsibility to make good efforts. Prime contractors are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.

Do not reject DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry membership in specific groups, organizations or associations and political or social affiliations such as union vs. non-union employee status, are not legitimate causes for the rejection or non-solicitation of bids or proposals in the contractor's efforts to meet the project goal.

EVIDENCE: Summarize your DBE negotiations by identifying the terms and conditions offered to DBE businesses and compare those subcontract terms and conditions with the terms and conditions used in your ordinary course of business and in dealing with the subcontractors and other sources that are not DBEs.

Document the name, address and phone number of every source that submitted a proposal. Document the negotiations with each participant. Include in the negotiation document the reasons why additional agreements could not be reached.

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with a DBE to perform the work. Retain copies of all proposals for each item of the Statement of Work solicited.

Prepare a statement explaining your choice of Subcontractor or other source. Unless a DBE firm lacks qualifications to perform the work, only significant price differences, ten percent (10%) or more between the selected Subcontractor or Supplier and the rejected DBE will be judged as an acceptable cause for rejecting proposals.

See Appendix II, Exhibit A, Item #7, to review a Good Faith Efforts Evaluation scoring sheet used to evaluate Bidders/Proposers.

H. ASSIST IN BONDING, CREDIT, INSURANCE, EQUIPMENT, MATERIALS OR SUPPLIES

EFFORT: Offer assistance or making efforts to assist interested DBE firms in obtaining bonding, insurance, and necessary equipment, supplies, materials or related materials or related assistance or services.

EVIDENCE: Bidders/Proposers will document the assistance provided in aid of DBE firms. These efforts may be included (See Appendix II, Exhibit H) in the Letter of Solicitation. See Appendix II, Exhibit A, Item #8, to review a Good Faith Efforts Evaluation Criteria scoring sheet used to evaluate Bidders/Proposers.

6.2 DETERMINATION OF ADEQUACY OF CONTRACT DBE GOAL (PRE-AWARD) GOOD FAITH EFFORTS

If, after the Authority is satisfied all information is complete and accurate and the Bidder/Proposer's efforts have been documented, the Authority will choose to commit to the performance of the contract by the successful Bidder/Proposer who the Authority determines made Good Faith Efforts by:

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- A. Documenting that it obtained enough DBE participation to meet the goal, or
- B. Documenting that it made adequate Good Faith Efforts to meet the contract goal, even though it did not succeed in obtaining enough DBE participation to do so.

If an apparent successful Bidder/Proposer did not obtain enough DBE participation to meet the contract goal, its actions must satisfy the good faith efforts standard. The Bidder/Proposer's documentation of its actions will be called on to demonstrate that the contractor met the standard of Good Faith Efforts. Evidence of the contractor's actions must be submitted within forty-eight (48) hours of the request by the Authority.

6.3 RECONSIDERATION

- A. Opportunity for Reconsideration: The Authority provides the apparent successful Bidder/Proposer whose efforts were initially determined not to have met the Good Faith Efforts standard, an opportunity for administrative reconsideration prior to contract award.
- B. Reconsideration Hearing: Administrative Reconsideration Hearing gives the Bidder/Proposer an 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. Reconsideration will be handled by the Reconsideration Officer, an Authority Official, that did not take part in the original determination that found the Bidder/Proposer failed to meet the goal or failed to make adequate good faith efforts to do so.

The Bidder/Proposer will have the opportunity to meet in person with the Authority official who handles the reconsideration to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. The Authority will send the Bidder/Proposer 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.

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C. Reconsideration Decisions Are Not Appealable to the DOT

The result of this reconsideration process is NOT administratively appealable to the DOT.

6.4 POST-AWARD GOOD FAITH EFFORTS ACTIVITIES

In the event that the Contractor and/or a subcontractor (at any tier) fails to meet the goal with respect to post-award activities, the principles of Sections 6.1 & 6.2 shall be applied to the determination of whether the Contractor and/or subcontractors (at every tier) have satisfied the good faith efforts requirements with regard to the addition and/or substitution of subcontractors.

7.0 SANCTIONS FOR VIOLATIONS

Should the Authority find the Contractor to be in violation of any part of the contract's DBE requirements (either directly or through a subcontractor) during the performance of the Work, Contractor shall correct its deficiency and may be subject to appropriate administrative remedies and/or penalties.

Failure of the Contractor to remedy any identified violations of the DBE Program requirements shall constitute a breach of contract and may result in the Authority terminating the contract for default and/or imposition of appropriate sanctions as specified in this section.

Being subject to appropriate administrative remedies or sanctions under this section does not preclude the Authority from invoking other contract and/or legal remedies available under federal, state or local law.

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7.1 APPROPRIATE ADMINISTRATIVE REMEDIES

Any Contractor or subcontractor (at any tier) found by the Authority to be in violation of the contract DBE requirements will be informed of the identified violation by the Authority in writing, by certified mail, in the form of a cure notice per Section 3.1 above. The Authority will impose remedies for non-compliance with DBE Program requirements. Appropriate Administrative Remedies shall include, but not be limited to, the following sanctions:

- A. Withholding in the amount of 5% of the monthly payment(s) due to Contractor until strict compliance with the issued identified in the cure notice is achieved. The withholding will continue through multiple payments, if necessary, until compliance is effectuated. Any monies withheld by the Authority as a result of continued non-compliance with DBE program requirements through project close-out will be considered a permanent withholding.
- B. In the event that a contractor is found to be in violation of the prompt payment provisions of this contract, the Authority will withhold the total amount of any monthly payment due to the contractor violating the prompt payment requirements until compliance with the prompt payment requirements are effectuate.
- C. Chronic violators of the DBE requirements of this contract will be assessed monetary penalties to be forfeited to the Authority. The amount of the penalty will be based on the facts of the matter, viewed as a whole, and will range from 20% to 50% of the monies withheld pursuant to A and B above, at the discretion of the Authority.
- D. Termination of the Contract for default (Requires Board Approval)
- E. Debarment (29 CFR 5.6)

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7.3 RECONSIDERATION OF SANCTION DETERMINATION

The Contractor shall be given ten (10) working days from the date of the cure notice to (1) File a written appeal or (2) Request a hearing with the Authority to reconsider the Authority's determination of sanctions. Failure to respond within the ten (10) day period shall constitute a waiver of the Contractor's right to reconsideration appeal. If the Contractor files an appeal, the Authority, shall issue a written recommendation within ten (10) working days of receipt of the written appeal.

If, after review of the Contractor's appeal, the Authority decides to uphold the decision to impose administrative sanctions on the Contractor, the written recommendation shall state the specific sanction(s) to be imposed.

7.4 DOT SANCTIONS

Suspension or debarment proceedings may be initiated by the DOT against any firm that:

- A. Attempts to participate in this contract as a DBE if the firm does not meet the eligibility criteria stated in the certification standards of the DBE Program specified in 49 CFR Part 26 and if it attempts to participate on the basis of false, fraudulent or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty.
- B. In order to meet DBE contract goals or other DBE program requirements, uses or attempts to use on the basis of false, fraudulent or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, another firm that does not meet the DBE eligibility criteria stated in the certification standards of the DBE Program specified in 49 CFR Part 26.

The DOT may take enforcement action under 49 CFR Part 31, Program Fraud and Civil Remedies, against any participant in the DBE program whose conduct is subject to such action under 49 CFR part 31. Additionally, the DOT may refer the to the Department of

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Justice, for prosecution under 18 U.S.C. 1001 or other applicable provisions of law, any person who makes a false or fraudulent statement in connection with participation of a DBE in this contract or otherwise violates applicable Federal statutes.

In a suspension or debarment proceeding brought under the DBE Program specified in 49 CFR part 26, the DOT may consider the fact that a purported DBE has been certified by a recipient. Such certification does not preclude the DOT from determining that the purported DBE or another firm that has used or attempted to use the purported DBE to meet DBE goals should be suspended or debarred.

8.0 AUDIT AND INSPECTION

The Authority reserves the right to audit the records and inspect the facilities of its Contractors and any Subcontractors of any tier for the purpose of verifying the DBE participation and/or adherence to the DBE Program requirements. Contractors and Subcontractors shall permit access to their records at the request of Authority. Notice is hereby given that state, local, and federal authorities may initiate or cooperate with Authority in auditing and inspecting such records.

END SECTION I

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SECTION II

NON-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS

1.0 POLICY

The Exposition Metro Line Construction Authority (☐Authority☐) will not do business with any employer who discriminates on the basis of: race; sex; color; religion; ancestry; national origin; marital status; age (over 40); disability (including AIDS, and cancer-related medical condition) or covered veteran status.

2.0 IMPLEMENTATION

The Authority has adopted the Construction Industry Compliance Program procedures for compliance reviews of construction contractors and subcontractors including those involved in federally assisted construction to determine whether they are complying with requirements prohibiting discrimination and requiring affirmative action to ensure equal employment opportunity without regard to race, color, religion, national origin, sex, disability, or covered veteran status.

- 2.1 Any Contractor who is performing work financed in whole or in part by an agency of the federal government, whether on a project sponsored by the Authority or another agency, may follow the federal regulations which implement Executive Order 11246.
- 2.2 The Authority is responsible for implementing the Equal Employment Opportunity program. The Authority shall collect all reports and related information, and conduct all monitoring and enforcement activities as outlined in the regulations. Any Contractor who is performing work as described in paragraph B of this Section is also required to submit reports and related information to the regional office of the U.S. Department of Labor Employment Standards Administration, Office of Federal Contract Compliance Program (OFCCP).

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2.3 A Contractor is covered under Executive Order if the contract exceeds \$ 10,000 and Section 503 if the amount is more than \$2,500; and under 38 U.S.C. 4212 if the amount exceeds \$10,000 or more. Federal Assisted construction contracts and subcontracts in excess of \$10,000 are covered under Executive Order 11246 only and not under 503 or 38 U.S.C. 4212. Contractors meeting the threshold criteria in this paragraph are required to include the following clause in their contract:

- A. During the performance of this Contract, the Contractor and its Subcontractors shall not unlawfully discriminate against any employee or applicant for employment because of: race; sex; color; religion; ancestry; national origin; marital status; age (over 40); or, disability (including AIDS, and cancer-related medical condition). Contractors and Subcontractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free of such discrimination. Contractors and Subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Government Code, Section 12900 et seq.) The applicable regulations of the Fair Employment and Housing implementing Government Code, Section 12900, set forth in Chapter 5 of Division 4 of Title 2 of the California Administrative Code are incorporated into this Contract by reference and made a part hereof as if set forth in full. The Contractor and its Subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.
- B. The Contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform Work under the Contract.

3.0 NONCOMPLIANCE

The Authority shall determine violations of the nondiscrimination and compliance requirements and recommend possible remedies. In the event of noncompliance by an Authority Contractor or Subcontractor, the Office of Small Business Diversity and Labor Compliance will inform the Prime and Contract Administrator of such finding. The Authority may pursue such remedies as it deems appropriate, including cancellation,

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termination or suspension of the Contract, declaring the Contractor ineligible to bid on future contracts for a specified period of time, or such other sanctions which shall take into account the severity of the violation or violations.

4.0 EQUAL EMPLOYMENT OPPORTUNITY

- 4.1 The Contractor shall not discriminate against any employee or applicant for employment because of: race; sex; color; religion; ancestry; national origin; marital status; age (over 40); or, disability (including AIDS, and cancer-related medical condition). The Contractor shall take affirmative action to ensure that applicants are employed and that employees are treated during their employment without regard to: race; sex; color; religion; ancestry; national origin; marital status; age (over 40); or, disability (including AIDS, and cancer-related medical condition). Such actions shall include but not be limited to the following: employment, upgrading, demotion, and transfer; recruitment and recruitment advertising; layoff and termination; rates of pay and other forms of compensation; and selection for training, including apprenticeship. The Contractor shall post notices to be provided, setting forth the conditions of this Section, in conspicuous places available to employees and applicants for employment. The Contractor shall insert a similar condition in all subcontracts, except subcontracts for standard commercial supplies or raw materials.
- 4.2 The Contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to: race; sex; color; religion; ancestry; national origin; marital status; age (over 40); or, disability (including AIDS, and cancer-related medical condition).
- 4.3 The Contractor shall send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding a notice to be provided, advising the said labor union or workers' representatives of the Contractor's

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commitments under this Section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

- 4.4 The Contractor shall comply with all provisions of Executive Order 11246, as amended, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- 4.5 The Contractor shall furnish information and reports required by Executive Order 11246, as amended, and by rules, regulations, and orders of the Secretary of Labor or pursuant thereto and shall permit access to its books, records and accounts by the Authority and the Secretary of Labor, for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- 4.6 In the event of the Contractor's noncompliance with the nondiscrimination conditions of the Contract or with any of the said rules, regulations, or orders, the Contract may be canceled, terminated, or suspended, in whole or in part, and the Contractor may be declared ineligible for further Government contracts, in accordance with procedures authorized in Executive Order 11246, as amended; and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246, as amended, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- 4.7 The Contractor shall include the conditions of this Section in every subcontract of any tier or purchase order, unless exempted by rules, regulations, or orders of the Secretary of Labor, issued pursuant to Section 204 of Executive Order 11246, as amended, so that such conditions shall be binding upon each Subcontractor or vendor. The Contractor shall take such action with respect to any subcontract or purchase order as the Authority may direct, as a means of enforcing such conditions, including sanctions for noncompliance, provided, however, that, if a Contractor becomes involved in or is threatened with litigation with a Subcontractor or vendor as a result of such direction by the Authority the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

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5.0 AFFIRMATIVE ACTION REQUIREMENTS AND EQUAL EMPLOYMENT OPPORTUNITY

5.1 Requirements for Affirmative Action to Ensure Equal Employment Opportunity pursuant to Executive Order 11246, as amended, apply to this Contract.

5.2 The Contractor shall comply with the Standard Federal Equal Employment Opportunity Construction Contract Specifications set forth herein.

5.3 The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate work force in each trade on all construction work in the Los Angeles County Area are as follows:

A. Goals and Timetables for Female Participation.

TIMETABLE	TRADE GOAL
From April 7, 1978 extended indefinitely	All 6.9%

B. Goals and Timetables for Minority Participation.

TIMETABLE	TRADE GOAL
Until further notice by the Office of Federal Contract Compliance Programs (OFCCP)	All 28.3%

These goals are applicable to all the Contractor's construction work (whether or not it is federal or federally assisted) performed in the covered area. If the Contractor performs construction work in a geographical area located outside the covered area, it shall apply the goals established for such geographical area where the work is generally performed. With regard to this second area, the Contractor is also subject to the goals for both its federally involved and non-federally involved construction.

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- 5.4 The Contractor's compliance with Executive Order 11246, the regulations in 41 CFR Part 60-4, and the Authority's Equal Employment Opportunity Policy shall be based on its implementation of this Section, specific affirmative action obligations set forth in 41 CFR 60-4.3 (a) and its efforts to meet the goals established for the Los Angeles County geographical area where the Work is to be performed. The hours of minority and female employment and training must be substantially uniform throughout the length of the Contract, and in each trade, and the Contractor must demonstrate a good faith effort to employ minority persons and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the Contractor's goal shall be a violation of the Contract, Executive Order 11246, and the regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.
- 5.5 The Contractor shall provide written notification to the Director of the Office of Federal Contract Compliance Programs within ten (10) working days after award of any construction subcontract in excess of ten thousand dollars (\$10,000) at any tier for construction work under the Contract. The notification shall list the name, address, and telephone number of each subcontractor and employer identification number; estimated dollar amount of subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the subcontract is to be performed.
- 5.6 As used in the Contract, the "covered area" (or otherwise termed the "Work") is the area of jurisdiction of the Los Angeles Building and Construction Trades Council.
- 5.7 MONTHLY EMPLOYMENT UTILIZATION REPORTS (CC257)

The CC-257 is used to report minority and female employee utilization. Contractors are required to record the total hours worked by all construction employees and the number of hours worked by minority and female employees by construction trade, on construction projects in a specific geographical area. The employment goals for minority

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and female participation, expressed as percentage terms of the Contractors aggregate work force in each trade on all construction work in the Los Angeles County Area is as follows: Minority 28.3% and Female 6.9%.

The Contractor shall provide to the Authority, by the fifth (5th) day of each month, the preceding month's construction activity, the Monthly Employment Utilization Report (CC-257). This report shall contain information on all personnel on each Authority contract. Subcontractors shall also provide the same reports, through the Contractor, by the fifth (5th) day of each month. If the Contractor or a Subcontractor is unable to submit its report on time, it shall notify the Authority to request additional time. Failure of the Contractor to submit any report(s) in a timely manner may result in a penalty being imposed of twenty dollars (\$20) per report per day.

6.0 STANDARD FEDERAL EQUAL EMPLOYMENT OPPORTUNITY CONSTRUCTION CONTRACT SPECIFICATIONS

Pursuant to 41 CFR 60-4.3 (a) and the Authority's policy as follows:

6.1 As used in this Manual:

- A. "Covered area," (or otherwise termed the, "Work") means the area of jurisdiction of the Los Angeles Building and Construction Trades Council.
- B. "Director" means Director, Office of Federal Contract Compliance Programs, United States Department of Labor, and any person to whom the Director delegates authority.
- C. "Employer Identification Number" means the Federal Social Security Number used on the Employer's Quarterly Federal Tax Return, United States Treasury Department Form 941.
- D. "Minority" includes:
 - 1. Black (all persons having origins in any of the Black African racial groups not of Hispanic origins);

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2. Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race);
3. Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, South-East Asia, the Indian Subcontinent, or the Pacific Islands); and
4. American Indian or Alaskan Native (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).

6.2 Whenever the Contractor, or any Subcontractor at any tier, subcontracts a portion of the Work involving any construction trade, it shall include in each subcontract in excess of ten thousand dollars (\$10,000) the provisions of these specifications and the notice which contains the applicable goals, for minority and female participation and which is set forth in this Contract.

6.3 If the Contractor is participating (pursuant to 41 CFR 60-4.5) in a Hometown Plan approved by the U.S. Department of Labor in the Covered Area either individually or through an association, its affirmative action obligations on all work in the Plan Area (including goals and timetables) shall be in accordance with that Plan for those trades which have unions participating in the Plan. Contractors must be able to demonstrate their participation in and compliance with the provisions of any such Hometown Plan. Each Contractor or Subcontractor participating in an approved Plan is individually required to comply with its obligations under the EEO clause, and to make a good faith effort to achieve each goal under the Plan in each trade in which it has employees. The overall, "Good Faith," performance by other Contractors or Subcontractors toward a goal in an approved Plan does not excuse the failure by any covered Contractor or Subcontractor to make "Good Faith" efforts to achieve the Plan goals and timetables.

6.4 The Contractor shall implement the specific affirmative action standards provided in the Section entitled AFFIRMATIVE ACTION REQUIREMENTS - EQUAL EMPLOYMENT OPPORTUNITY, paragraphs A through F, herein. The goals set forth

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in this Contract are expressed as percentages of the total hours of employment and training of minority and female utilization the Contractor should reasonably be able to achieve in each construction trade in which it has employees in the covered area. The Contractor is expected to make substantially uniform progress towards its goals in each craft during the period specified.

- 6.5 Neither the provisions of any collective bargaining agreement, nor the failure by a union, with whom the Contractor has a collective bargaining agreement, to refer either minority persons or women shall excuse the obligations of the Contractor under these specifications, Executive Order 11246, or the regulations promulgated pursuant thereto.
- 6.6 In order for the non-working training hours of apprentices and trainees to be counted in meeting the goals, each individual must be an employee of the Contractor during the training period, and the Contractor must have made a commitment to employ the apprentices and trainees at the completion of their training, subject to the availability of employment opportunities. Trainees must be trained pursuant to training programs approved by the U. S. Department of Labor.
- 6.7 The Contractor shall take specific affirmative actions to ensure equal employment opportunity. The evaluation of the Contractor's compliance with these specifications shall be based upon its effort to achieve maximum results from its actions. The Contractor shall document these actions fully and implement affirmative action steps at least as extensive as the following:
- A. Ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which the Contractor's employees are assigned to work. The Contractor, where possible, will assign two or more women to each construction project. The Contractor shall specifically ensure that all foremen, superintendents, and other on site supervisory personnel are aware of and carry out the Contractor's obligation to maintain such a working environment, with specific attention to minority or female individuals working at such sites or in such facilities.

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- B. Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority, and female recruitment sources and to community organizations when the Contractor or its unions have employment opportunities available, and maintain a record of the organizations' responses.
- C. Maintain a current file of the names, addresses and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a Union, a recruitment source or community organization and of what action was taken with respect to each such individual. If such individual was sent to the union hiring hall for referral and was not referred back to the Contractor by the Union or, if referred, not employed by the Contractor, this shall be documented in the file with the reason therefore; along with whatever additional actions the Contractor may have taken.
- D. Provide immediate written notification to the Authority and OFCCP's Director when the Union or Unions with which the Contractor has a collective bargaining agreement has not referred to the Contractor a minority person or woman sent by the Contractor, or when the Contractor has other information that the union referral process has impeded the Contractor's efforts to meet its obligations.
- E. Develop on-the-job training opportunities and/or participate in training programs for the area that expressly includes minority persons and women, including upgrading programs and apprenticeship and trainee programs relevant to the Contractor's employment needs, especially those programs funded or approved by the Department of Labor. The Contractor shall provide notice of these programs to the sources compiled under this Section, paragraph G, subparagraph 3.
- F. Disseminate the Contractor's EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting the Contractor in meeting its EEO obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newspaper, annual report,

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etc.; by specific review of the policy with all management personnel and with all minority and female employees at least once a year; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.

- G. Review, at least annually, the Contractor's EEO policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions including specific review of these items with on-site supervisory personnel such as Superintendents, General Foreman, etc., prior to the initiation of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.

- H. Disseminate the Contractor's EEO Policy externally by including it in any advertising in the news media, and providing written notification to and discussing the Contractor's EEO policy with other Contractors and Subcontractors with whom the Contractor does or anticipates doing business.

- I. Direct its recruitment efforts both oral and written, to minority, female and community organizations, to schools with minority and female recruitment and training organizations serving the Contractor's recruitment area and employment needs. Not later than one month prior to the date for the acceptance of applications for apprenticeship or other training by any recruitment sources, the Contractor shall send written notification to organizations such as the above, describing the openings, screening procedures, and tests to be used in the selection process.

- J. Encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after school, summer and vacation employment to minority and female youth both on the site and in other areas of a Contractor's work force.

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- K. Validate all tests and other selection requirements where there is an obligation to do so under 41 CFR Part 60-3.
 - L. Conduct, at least annually, an inventory and evaluation at least of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for such opportunities, through appropriate training, etc.
 - M. Ensure that seniority practices, job classifications, work assignments and other personnel practices, do not have a discriminatory effect by continually monitoring all personnel and employment-related activities to ensure that the EEO policy and the Contractor's obligations under these specifications are being carried out.
 - N. Ensure that all facilities and company activities are non-segregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.
 - O. Document and maintain a record of all solicitations of offers for subcontracts from minority and female construction Contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.
 - P. Conduct a review, at least annually, of all supervisors' adherence to and performance under the Contractor's EEO policies and affirmative action obligations.
- 6.8 Contractors are encouraged to participate in voluntary associations which assist in fulfilling one or more of their affirmative action obligations as identified in the Section entitled AFFIRMATIVE ACTION REQUIREMENTS - EQUAL EMPLOYMENT OPPORTUNITY, paragraphs A through F, herein. The efforts of a Contractor association, joint Contractor-union, Contractor-community, or similar group of which the Contractor is a member and participant, may be asserted as fulfilling any one or more of

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its obligations as identified in the Section entitled AFFIRMATIVE ACTION REQUIREMENTS - EQUAL EMPLOYMENT OPPORTUNITY, paragraphs A through F, herein, provided that the Contractor actively participates in the group, makes every effort to assure that the group has a positive impact on the employment of minority persons and women in the industry, ensures that the concrete benefits of the program are reflected in the Contractor's minority and female work force participation, makes a good faith effort to meet its individual goals and timetables, and can provide access to documentation which demonstrates the effectiveness of actions taken on behalf of the Contractor. The obligation to comply, however, is the Contractor's and a failure of such a group to fulfill an obligation shall not be a defense for the Contractor's noncompliance.

- 6.9 A single goal for minority persons and a separate single goal for women have been established. The Contractor, however, is required to provide equal employment opportunity and to take affirmative action for all minority groups, both male and female, and all women, both minority and non-minority. Consequently, the Contractor may be in violation of the Executive Order if a particular group is employed in a substantially disparate manner (for example, even though the Contractor has achieved its goals for women generally, the Contractor may be in violation of the Executive Order if a specific minority group of women is under-utilized).
- 6.10 The Contractor shall not use the goals and timetables or affirmative action standards to discriminate against any person because of: race; sex; color; religion; ancestry; national origin; marital status; age (over 40); or, disability (including AIDS, and cancer-related medical condition).
- 6.11 The Contractor shall not enter into any subcontract with any person or firm debarred from Government contracts pursuant to Executive Order 11246, as amended by Executive order 11375.
- 6.12 The Contractor shall carry out such sanctions and for violation of these specifications and of the Equal Opportunity Article, including suspension, termination and cancellation of

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existing subcontracts as may be imposed or ordered pursuant to Executive Order 11246, as amended, and its implementing regulations, by the Office of Federal Contract Compliance Programs. Any Contractor who fails to carry out such sanctions and penalties shall be in violation of these specifications and Executive Order 11246, as amended.

- 6.13 The Contractor, in fulfilling its obligations under these specifications, shall implement specific affirmative action steps, at least as extensive as those standards prescribed in the Section entitled AFFIRMATIVE ACTION REQUIREMENTS - EQUAL EMPLOYMENT OPPORTUNITY herein, so as to ensure equal employment opportunity. If the Contractor fails to comply with the requirements of the Executive Order, the implementing regulations, or these specifications, the Director shall proceed in accordance with 41 CFR 60-4.8.
- 6.14 The Contractor shall designate a responsible official to monitor all employment related activity to ensure that the company EEO policy is being carried out, to submit reports relating to the provisions hereof as may be required by the Government and to keep records. Records shall at least include for each employee the name, address, telephone numbers, construction trade, union affiliation if any, employee identification number when assigned, social security number, race, sex, status (e.g., mechanic, apprentice, trainee, helper, or laborer), dates of changes in status, hours worked per week in the indicated trade rate of pay, and locations at which the work was performed. (Records shall be maintained in an easily understandable and retrievable form; however, to the degree that existing records satisfy this requirement, Contractors shall not be required to maintain separate records.)
- 6.15 Nothing herein provided shall be construed as a limitation upon the application of other laws which establish different standards of compliance or upon the application of requirements for the hiring of local or other area residents (e.g., those under the Public Works Employment Act of 1977 and the Community Development Block Grant Program).

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7.0 REQUIRED LANGUAGE FOR ALL SUBCONTRACT AGREEMENTS

The Contractor shall incorporate the EEO Program document and this Contract Compliance Manual into each purchase order and into each subcontract issued under this DOT-assisted contract. Each subcontractor, consultant, dealer, broker, vendor or other source shall agree to the terms and conditions thereof.

The Contractor shall ensure that the following language is included in each subcontract agreement signed by any contractor at any tier performing on this contract:

A. Affirmative Action Plan (AAP):

Each nonconstruction (supply and services) Contractor must develop, maintain and submit a written AAP if it has 50 or more employees and has a federally funded contract of \$50,000 or more. This requirement is in compliance with Executive Order 11246, as amended.

Each Contractor and Subcontractor must require each non-construction subcontractor to develop and maintain a written AAP if it has 50 or more employees and has a federally-funded subcontract of \$50,000 or more. This requirement is in compliance with Executive Order 11246, as amended.

B. Equal Employment Opportunity (EEO) Policy.

Each construction contractor is covered under Executive Order 11246, as amended if the contract amount exceeds \$10,000 and must submit a copy of its Equal Employment Opportunity (EEO) Policy. The EEO policy must also be included in the Contractor's subcontracts. The policy shall state that the contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to

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ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

The construction contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, or national origin, and submit a copy of Affirmative Action Non-Discrimination Plan on an annual basis.

8.0 NONCOMPLIANCE

Failure to carry out the requirements of this Section shall constitute a breach of Contract and, after notification to the US Department of Transportation, may result in termination of the Contract by the MTA or imposition of other appropriate sanctions. This notice is given pursuant to 49 CFR 23.43(c).

END OF SECTION II

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APPENDIX I

DBE COMMITMENT FORMS

The following DBE Commitment forms have been prepared to document DBE and non-DBE commitments and are based on the federal regulations, 49 CFR Part 26 and 13 CFR Part 121. These regulations are available at the DOT office of Small and Disadvantaged Business Utilization website. They have also been prepared based on the Authority's DBE Program document.

These following forms are provided on the following pages:

- Form 1. List Of Proposed Subcontractors and Other Sources
- Form 2. Declaration Of Certification Status
- Form 3. Business Data Sheet Data Sheet
- Form 4. Prime Contractor Commitment/DBE Confirmation Form
- Form 5. Goal Declaration For Bidders, Offerors Or Proposers
- Form 6. Contractor Counting And Calculating Report
- Form 7. Summary Of Counting And Calculating Reports
- Form 7a. Counting And Calculating Worksheets

Failure to provide these completed forms and the accompanying documents may be cause for the Authority to deny the bid or proposal as non-responsive. Individual businesses failing to provide a completed form will be presumed not certified and their participation will not be counted.

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FORM 1

LIST OF PROPOSED SUBCONTRACTORS AND OTHER SOURCES

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INSTRUCTIONS FOR FORM 1

LIST OF PROPOSED SUBCONTRACTORS AND OTHER SOURCES

This form is to be completed by all contractors (at all tier levels) participating on this contract. It is intended to identify the dollar value of work to be performed by a contractor and the dollar value of work to be performed its subcontractor(s) and other sources, if applicable.

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FORM 1 PROPOSED LIST OF SUBCONTRACTORS AND SUPPLIERS

RFP or IFB Number: _____

Project Name: _____

Contractor Completing Form
Bid or Proposal Price \$ _____

Names Contractor Completing Form and its Subcontractors And Other Sources	Does This Firm Have Any Subs?	Share of Contract Price \$	% Of Bid or Proposal Price	Is This Firm a DBE
Contractor Completing Form			%	
			%	
			%	
			%	
			%	
			%	
			%	
			%	
			%	
			%	
			%	
			%	
			%	
			%	
			%	
			%	
TOTAL		\$	100 %	

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Note: ??

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FORM 2

DECLARATION OF DBE CERTIFICATION STATUS

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INSTRUCTIONS FOR FORM 2:

DECLARATION OF DBE CERTIFICATION STATUS

This form is to be completed by all DBE contractors (at all tier levels) and Joint Ventures that include DBE(s) partners participating on this contract. This form must be accompanied by a copy of the most recent DBE Certification Letter for each participating DBE. If your business is a Joint Venture, attach a copy of the Joint Venture Agreement to this form.

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FORM 2 -DECLARATION OF DBE CERTIFICATION STATUS

Each DBE and prime contractor Bidder, Offeror or Proposer at any tier of this project must complete this form, attach the requested documentation, sign the form below and submit this form and attachments with the bid or proposal. Prime contractors must independently verify the current validity of each DBE's certification status on or before the date the bid is opened or the proposal is due.

1. IS YOUR BUSINESS A JOINT VENTURE?

- a. Is the Bidder, Offeror or Proposer a Joint Venture?
b. If your business is a Joint Venture, is any participant in the Joint Venture currently a valid DBE:
1. Certified with the California Unified Certification Program (UCP)?
2. Certified by an Authority recognized organization, in California?
3. Certified by an organization outside California?

Attach a copy of each DBE participant's most recent certification letter if your Joint Venture, includes at least one currently certified participant. Attach to this form a copy of your business's Joint Venture Agreement.

2. IS YOUR BUSINESS PARTICIPATING IN A JOINT VENTURE?

- Is your business a participant in a Joint Venture?
Name of Joint Venture: _____

3. IS YOUR BUSINESS A DISADVANTAGED BUSINESS ENTERPRISE (DBE)?

- Is your business, currently a valid DBE
1. Certified by the California Unified Certification Program (UCP)?
2. Certified by an MTA recognized organization, in California?
3. Certified by an organization outside of California?

DBEs: Attach a copy of your most recent DBE certification letter to this form

4. WHAT IS YOUR Federal Employer ID Number: _____ - _____

The undersigned Director, Officer, General Partner or similarly situated Principal of the firm declares, to the best of their knowledge, information and belief, that they are authorized to sign this declaration, that they are informed and believe and thereon allege, that the information and the certification status of the Bidder, Offeror or Proposer, stated above, is current, accurate and complete as of this date.

Contractor Name: _____

By: _____
Signature of Person Authorized by the Contractor to Sign this Form

Printed Name of Person Authorized by the Firm to Sign this Form

Title: _____

Date: _____

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INSTRUCTIONS FOR FORM 3:

BUSINESS DATA SHEET

This form is to be completed by all contractors (at all tier levels) participating on this contract.

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FORM 3 - BUSINESS DATA SHEET

All firms complete #1 thru 8. This Form May Be Freely Copied. Attach Continuation Sheets - Page 1 of 2

1. Company Name: _____ 1a. \$ _____
Bid/Proposal Price

2. Street Address: _____
Street Address
City State Zip 1b. IS YOUR BUSINESS
A DBE FIRM?
Circle: YES NO

3. Mailing Address: _____
PO Box or Street Address
City State Zip

4. Contact Person's Name: _____ 5. Telephone _____

6. Age of Firm : _____ Years _____ Months

7. If your business a specialty contractor, please provide:
Type of License: _____ License # _____ Expires on: _____

8. Annual Gross Receipts of your business: Less than \$500,000 \$1,000,000 to 2,000,000
 \$500,000 to \$1,000,000 \$2,000,000 to 5,000,000
 Over \$5,000,000

If your business is a Prime Contractor and/or a Disadvantaged Business Enterprise (DBE), answer questions #9-16. If not, stop here & complete the signature block on the next page.

9. Value of DBE Work Counting Toward Contract Commitment: \$ _____
Value of Work Not Counting Toward Commitment: \$ _____
Total Contract Price \$ _____

10. How is this business related to the Bidder Offeror or Proposer?
 Our business is one of _____ members of the, _____
Number Name of Joint Venture
 A Joint Venture, the Prime Contractor submitting this bid offer or proposal to MTA.
 Our business is the Prime Contractor submitting this bid, offer or proposal to MTA.
 Our business is NOT the Prime Contractor to MTA.
It is a subcontractor to _____ on this project.
Name of Prime Contractor & Second Tier Prime, if applicable
 Other, Please describe: _____

11. Is your business organized as a/an:
 Corporation: _____ State of Incorporation: _____
 S-Type Corporation: _____ State of Incorporation: _____
 Partnership
 Sole Proprietorship
 Limited Liability Company (LLC):
LLC In What State: _____

12. Will your business provide trucking company services on this project? If so, please complete items a. to c., below. If not, answer Not Applicable.
a. How many trucks does your company own? _____
b. How many trucks does your company lease? _____
c. How many trucks are registered to your company? _____

NAICS CODE(S) FOR THE BUSINESS _____ FOR THIS PROJECT: _____

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FORM 3
Page 2 of 2

13. Does your business produce, in a factory or other establishment, any materials, supplies, articles or equipment described by this contract? If so, describe your business, the items it seeks to provide and the facilities where they will be produced, its past projects, experience and past performance. If this is not your business, state Not Applicable.

Attached are _____ continuation pages. _____

NAICS CODE(S) FOR THE BUSINESS _____ FOR THIS PROJECT: _____

14. Does your business own, operate or maintain a store, warehouse or other establishment from which materials, supplies, articles or equipment, generally described by this contract, will be bought, held in stock, regularly sold or leased to the public in the usual course of business? If so, identify the items you seek to furnish. Identify & describe the facilities from which they will be purchased. Describe your business, its experience and past performance and provide its NAICS code(s). If this is not your business, answer Not Applicable.

Attached are _____ continuation pages.

NAICS CODE(S) FOR THE BUSINESS _____ FOR THIS PROJECT: _____

15. Does your business serve as a packager, broker, manufacturer's representative, an arranger or expeditor of transactions? Describe your business, its facilities, experience, and past performance and provide its NAICS code(s). Describe the portion of work you seek. If this isn't your business, answer, Not Applicable. Attached are _____ continuation pages. _____

NAICS CODE(S) FOR THE BUSINESS _____ FOR THIS PROJECT: _____

16. If your business isn't described above, do so here. Describe your business, its facilities, experience, & past performance and provide its NAICS code(s). Describe the work and preferred work location(s) you are seeking. Attached are _____ continuation pages.

The undersigned Director, Officer, General Partner, or similarly situated principal of the firm declares they are informed and believe, and thereon allege, that to the best of their knowledge, information and belief, the information set forth on both pages of this document and any attachments, is current, complete and accurate.

Company Name: _____

By: _____
Signature of Director, Officer, General Partner or similarly situated Principal of the Firm

Printed Name of Person Authorized to Sign: _____

Title of Person Authorized to Sign: _____

Date: _____

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INSTRUCTIONS FOR FORM 4:

PRIME CONTRACTOR COMMITMENT/DBE CONFIRMATION FORM

Bidders, Offerors and Proposers will document their commitment to use the DBE firms whose participation they propose to use to meet a contract goal. Each DBE business will, likewise, confirm in writing that they are participating, as stated, in the prime contractor's commitment. These commitments are conditioned on the bidder offeror or proposer being awarded the contract.

The principals of the Bidder, Offeror or Proposer and the principals of the DBE business will, together, complete:

FORM 4, PRIME CONTRACTOR COMMITMENT/DBE CONFIRMATION FORM, and FORM 6, CONTRACTOR'S COUNTING AND CALCULATING REPORT.

FORM 4: The Bidder, Offeror or Proposer will describe clearly and completely the commitment to portion of the work the DBE firm is to provide in both technical and financial terms. The description shall identify the relevant portions of the Statement of Work or the Work Breakdown Structure where the DBE firm will participate. The Bidder, Offeror or Proposer will first sign their written commitment. A Director, Officer, General Partner, or similarly situated Principal of the DBE firm authorized to commit the firm will read the signed prime contractor's commitment. If the written commitment signed by the Prime Contractor fully agrees with the DBE firm's understanding of the work and the financial commitments, the DBE signs the FORM 4, confirming it is participating in the contract resulting from this procurement, as stated.

FORM 6: This form is the attachment to Form 4. The Bidder, Offeror or Proposer and the DBE submit the financial report of the Prime's commitment and the DBE's confirmation, identifying the category of expenditures to be made by the Prime Contractor to the DBE. FORM 6 identifies the amount of DBE participation that will count and the amount that will not count toward the contract goal.

PRIME CONTRACTORS WILL NOT DIRECTLY MAIL ANY OF THIS DOCUMENTATION TO MTA. IT WILL BE SUBMITTED AS PART OF THE BID OR PROPOSAL.

DBE'S DO NOT MAIL THIS COMPLETED FORM TO THE AUTHORITY. EACH DBE RETURNS THIS SIGNED COMMITMENT FORM TO THE PRIME CONTRACTOR WHO IS COMMITTING TO USE THEM IN THE PROJECT. THE PRIME CONTRACTOR BIDDER, OFFEROR OR PROPOSER WILL SUBMIT ALL COMPLETED AND SIGNED COMMITMENT FORMS WITH THE BID OR PROPOSAL THEY SEND TO THE THE AUTHORITY.

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FORM 4 - PRIME CONTRACTOR COMMITMENT / DBE CONFIRMATION FORM

Every firm bidding on an Authority project must provide a written commitment to use each firm they will rely on to help meet the level of contract goal and a confirmation by each DBE firm that they are participating in the contract, as provided in the Prime Contractor's commitment. Complete this form and submit the form and attachments with the bid or proposal. If you have any questions please call your Prime Contractor or the Diversity and Economic Opportunity Representative assigned to the project.

RFP/IFB Number: _____ Release Date: _____

Project Title: _____

Name of Contractor: _____

Name of DBE firm: _____

Financial Description: Complete FORM 6, CONTRACTOR'S COUNTING & CALCULATION REPORT describing your commitment in dollars to DBE participation by this firm in each of the categories. The total value of DBE participation committed to this firm is \$ _____

Technical Description: Describe clearly and completely the portion of the work assigned to this DBE. Provide NAICS code(s). Identify the relevant section number(s) of the Statement of Work and the element number(s) of the Work Breakdown Structure, if available. Attach continuation sheets, if needed.

SOW, WBS & NAICS CODE(S): _____

Signatures of the authorized representatives of the Contractor and of the DBE firm below represent the commitment by each of them to enter into a formal agreement for the work and any terms or conditions described above and in the accompanying attachments, conditioned on the Bidder; or Proposers being awarded this contract by the Authority.

Name of Contractor Date

Name of DBE Date

By: _____
Signature of Authorized Contractor's Representative

By: _____
Signature of Authorized DBE's Representative

Typed or Printed Name of Person Signing for the Firm

Typed or Printed Name of Person Signing for the Firm

Title of Person Signing for the Firm

Title of Person Signing for the Firm

Telephone Number FAX Number

Telephone Number FAX Number

CONTRACT COMPLIANCE MANUAL

FORM 5:

GOAL DECLARATION FOR BIDDERS, OFFERORS OR PROPOSERS

Bidders, Offerors or Proposers will declare on FORM 5, GOAL DECLARATION FOR BIDDERS, OFFERORS OR PROPOSERS, whether they achieved the DBE participation goal for this project or program. Submit this form and its attachment with the proposal.

The Declaration must be simply completed; do not alter the document. If the firm did not achieve the goal, the Bidder, Offeror or Proposer declares that, to the best of their knowledge, information and belief, it made good faith efforts toward achieving the goal. Attach a copy of the completed FORM 7, SUMMARY OF COUNTING AND CALCULATION REPORTS, to FORM 5 in support of your firm's declaration.

If evidence of Good Faith efforts is needed, a Bidder, Offeror or Proposer will provide the documentation and other evidence of their efforts within 48 hours of receiving a written request from the Authority. You are directed only to complete and submit this form and its attachment as part of the bid or proposal package. If more detailed information is needed the Authority will contact your firm. Failure to provide these completed forms may be cause for the Authority to deny the bid or proposal as non-responsive.

DO NOT SUBMIT EVIDENCE OF GOOD FAITH EFFORTS AT THE TIME THE BID OR PROPOSAL IS SUBMITTED. The Authority will request evidence of good faith efforts in writing, if and when they are needed. Bidder, Offeror, or Proposer evidence of Good Faith efforts will be sent, if called for, to the Small Business Diversity Representative identified in the Letter of Invitation.

CONTRACT COMPLIANCE MANUAL

FORM 5 - DBE GOAL DECLARATION

DBE GOAL ACHIEVED

The Bidder, Offeror or Proposer declares to the best of its knowledge, information and belief that by its efforts, it ACHIEVED a level of participation greater than or equal to the _____% goal established by the Authority for DBE participation. The level achieved by its efforts was _____ percent (_____%).

See FORM 7, SUMMARY OF COUNTING AND CALCULATING REPORTS, attached.

Executed on: _____, 20 ____, at, _____, _____
Date City State

Company Name: _____

By: _____
Authorized Signature Printed Name

Title: _____

DBE GOAL NOT ACHIEVED

The Bidder, Offeror or Proposer declares to the best of its knowledge, information and belief that while it made efforts to achieve the DBE participation goal, it DID NOT ACHIEVE a level of DBE participation greater than or equal to the _____% goal established by the Authority.

While the Bidder, Offeror or Proposer did exert efforts to achieve the goal, it was not successful. The Bidder or Proposer certifies that, if requested, it will submit evidence in support of its good faith efforts, within forty-eight (48) hours of the Authority's request.

See FORM 7, SUMMARY OF COUNTING AND CALCULATING REPORTS, attached.

DO NOT SUBMIT EVIDENCE OF GOOD FAITH EFFORTS WITH THE BID OR PROPOSAL.

Executed on: _____, 20 ____, at, _____, _____
Date City State

Company Name: _____

By: _____
Authorized Signature Printed Name

Title: _____

CONTRACT COMPLIANCE MANUAL

CHOOSE ONE (Y/N)

**FORM 6
COUNT PARTICIPATION BY EACH BIDDER**

CONSTRUCTION
DESIGN

PROPOSER'S NAME _____
PROJECT NAME _____
PROJECT NUMBER _____

FORM 6 Count PARTICIPATION BY EACH PROPOSER

	Column # 1	Column # 2	Column # 3	Column # 4	Column # 5	Column # 6
	All Firms	DBE Firms	DBE Firms	Non-DBE Firms	Non-DBE Firms	Total Counted Toward DBE Goal
Please Read the DBE instructions and Contract compliance manual	Bid Price	\$ committed to DBEs (count towards goal)	\$ committed to DBEs (Do not count towards goal)	\$ committed to Non-DBEs	Adjusted Column (See instruction)	
A. Your own company (if a DBE)						
1 Work Force						
2. Material/Supplies						
3 Leased Items						
SUBTOTAL \$						
B. Your own company (if not a DBE)						
1 Work Force						
Count material in D and						
count leased items in C below						
SUBTOTAL \$						
C. Your Fee & commission (F & C) Service Providers						
1. Professional, Technical, Consulting Leasing, or Managerial Services						
2 Bonding						
3. Insurance						
SUBTOTAL \$						
D. Your Purchases of Materials & Supplies (if applicable)						
1. From a Manufacturer						
2. From a DBE Regular Dealer						
A. If a DBE: (60% x Bid Price in col 1, Row D2)						
B. Your own company (if not a DBE)						
3. From a Non-DBE Regular Dealer						
4. From a Non-DBE Manufacturer (non-regular Dealer)						
A. Procurement Assist						
B. Delivery (if required to the Job Site)						
C. Delivery, if not required to the job site						
D. other purchases						
SUBTOTAL \$						
E. Trucking						
1. Trucking Services (includes Broker F & C)**						
F. Price Entries not included in above						
1. Price Entries not included in above						
YOUR COMPANY'S PRICE \$						
G. Your Immediate DBE Subcontractors (less F & C Services)						
1. Their Work Force, Materials, Supplies and Leased Items (their A)						
2. Their other Prices entries (their C thru G)						
SUBTOTAL: Your DBE Subcontractors \$						
H. Your Immediate Non-DBE Subcontractors (less F & C Services)						
1. Their Work Force, Materials, Supplies and Leased Items (their B)						
2. Their other Prices entries (their C thru H)						
SUBTOTAL: Your Non-DBE Subcontractors \$						
TOTAL SUBCONTRACTED AMOUNT (G&H)						
THE TOTAL BID PRICE \$						

* If materials/supplies are obtained from a DBE Manufacturer 100% of the cost for materials/supplies will be counted toward the DBE goal. If materials are purchased from a DBE regular dealer (supplier), only 60% of the cost of material will be counted toward the DBE goal.

** If services are obtained from a DBE Trucker, 100% of the cost of transportation services performed with own trucks, drivers & DBE lessees will be counted toward the DBE goal. DBE's must own & operate atleast one (1) truck (licensed, insured & operational). If a DBE Trucking firm performs work with a Non-DBE lessees, only the cost for fees/commissions (not the total) value of transportation services will be counted toward the DBE goal.

CONTRACT COMPLIANCE MANUAL

FORM 7A - COUNTING AND CALCULATING WORKSHEET (CONTINUATION WORKSHEET)

NAME OF CERTIFIED FIRM	DBE FIRM COUNT	DBE FIRM, DO NOT COUNT	NOT A DBE DO NOT COUNT	TOTAL

CONTRACT COMPLIANCE MANUAL

APPENDIX II

GOOD FAITH EFFORTS DOCUMENTATION FORMS

The following forms specify the good faith criteria established for the DBE Program.

- Exhibit A - Good Faith Efforts Evaluation Criteria
- Exhibit B - Sample Advertisement
- Exhibit C - Newspaper Advertisement Log
- Exhibit D - Selected Work Categories Form
- Exhibit E - Written Solicitation Submittal Form
- Exhibit F - Solicitation Follow-Up Log
- Exhibit G - List Of All Firms/Solicitation Responses Received
- Exhibit H - Sample Letter Of Solicitation
- Exhibit I - List Of Certified Firms/Disclaimer

CONTRACT COMPLIANCE MANUAL

EXHIBIT A - GOOD FAITH EFFORTS EVALUATION CRITERIA

ITEM #	INDICATORS	NOTES	
1	<p><u>ATTEND PRE-BID OR PRE-PROPOSAL CONFERENCE</u> Attendance at the Pre-Bid/Pre-Proposal conference scheduled by the Authority.</p> <p>Name and date of person(s) attending, to be verified by conference sign-in sheet.</p>		

CONTRACT COMPLIANCE MANUAL

ITEM #	INDICATORS	NOTES											
2	<p><u>PLACE ADS IN GENERAL, TRADE & FOCUSED PUBLICATIONS</u></p> <p>Bidder/Proposer shall provide proof of advertisement in one general newspaper, one trade publication, and one minority/women focus media, using tear sheet copies showing date and name of publication. Advertisements should appear at least 20 days prior to the date the bid is opened or the proposal due. If the Authority's solicitation does not allow 20 days, a shorter publication time is acceptable.</p> <p>Evidence: Name of Newspapers, trade publications, journals, etc. which Bidder/Proposer advertised.</p> <table border="0"> <thead> <tr> <th align="left"><u>Name of Publication</u></th> <th align="left"><u>No. Of Days Advertised</u></th> </tr> </thead> <tbody> <tr> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> </tr> </tbody> </table> <p>The advertisement shall include, at a minimum:</p> <ul style="list-style-type: none"> Project Name, and Location; Indication of Authority as Owner; Location where plans and specifications may be obtained or viewed; Sub-bid due date; Trade or scopes of work for which subcontractors/suppliers are being solicited; Statement that DBE Bid/Proposal solicitation is in response to MTA's DBE Program; and Statement that Contractor intends to conduct itself in good faith with DBE firms for participation on the Project. 	<u>Name of Publication</u>	<u>No. Of Days Advertised</u>	_____	_____	_____	_____	_____	_____	_____	_____		
<u>Name of Publication</u>	<u>No. Of Days Advertised</u>												
_____	_____												
_____	_____												
_____	_____												
_____	_____												

CONTRACT COMPLIANCE MANUAL

ITEM #	INDICATORS	NOTES	
3	<p><u>DEFINE PORTION OF WORK TO BE SUBCONTRACTED</u> The Bidder/Proposer shall provide in solicitation documents written determination of the services the contractor intends to be performed by its own workforce and those services that have been identified for subcontracting/supply (use <u>Selected Work Categories</u> form).</p> <p align="center">Document showing the work that the Bidder/Proposer intends to perform with its own workforce including the dollar estimate of each item;</p> <p>Work that the Bidder/Proposer has identified for subcontracting, and the dollar value of each item. Document identifying efforts made to reasonably structure the contract scope of work for purposes of subcontracting with DBEs.</p>		
4	<p><u>NOTIFY COMMUNITY ORGANIZATIONS AND GROUPS</u> Notification should be made to outreach to minority, women, and other small business organizations. Must outreach to a minimum of five (5) organizations.</p> <p align="center">Notification to organizations shall include at a minimum, a description of the scope of services, the company's contact, and the bid/proposal submittal date; Copies of letters, faxes, telephone logs, etc. used to contact organizations; Include names of organizations/groups, dates, names of contacts, and telephone numbers; Copies of correspondence received from any of these organizations/groups acknowledging contact by Bidder/Proposer.</p>		

CONTRACT COMPLIANCE MANUAL

ITEM #	INDICATORS	NOTES	
5	<p><u>WRITE INVITATIONS TO DBEs TO DISTRIBUTE IFB, RFP OR RFQs</u> Extend written Requests for Bid/Proposal to DBE firms for all services that the Bidder/Proposer intends to subcontract/supply and provide specification requirements to DBEs.</p> <p>Names, <u>contact persons</u>, <u>addresses</u>, phone numbers, and dates of all DBE firms contacted; Solicited at least 10 days prior to proposal submittal date and by what means (letter, fax, phone, etc.); A copy of the solicitation letter; Firms are certified by the CUCP; and Adequate number of DBEs contacted in each work category identified by the MTA (5 or less - contact all; 6 to 10 - contact at least 5; 11 to 50 - contact at least 50%; 51 or more - contact at least 25). Document describing the contract documents, plans and specifications made available to DBE for the purpose of soliciting bids or proposals and the dates and manner in which these documents were made available.</p>		
6	<p><u>FOLLOW-UP INITIAL SOLICITATION & MAINTAIN CONTACT LOGS</u> Oral and/or written follow-up of initial solicitation of DBE firms.</p> <p>The log with names, contact persons, phone numbers, dates and methods used for following up initial solicitation to determine whether or not DBEs were interested; and Follow-up to a minimum of 75% of the initial solicitations to DBEs (Exhibit F Solicitation Follow-up Log Form used).</p>		

CONTRACT COMPLIANCE MANUAL

ITEM #	INDICATORS	NOTES	
7	<p><u>LIST DBE FIRMS, RETAIN DBE PROPOSALS, JUSTIFY SELECTION OF SUBCONTRACTOR OR OTHER SOURCE</u> Bidder/Proposer negotiated in good faith with DBEs and did not unjustifiably reject bids/proposals prepared by any DBE.</p> <p>Document identifying the terms and conditions offered to DBE businesses and comparing those subcontract terms and conditions with the terms and conditions used by the contractor in its ordinary course of business and in its dealing with the subcontractors that are not DBEs</p> <p>Names, addresses, phone numbers of all subcontractors/suppliers who submitted bids/proposals;</p> <p>Copies of all DBE and non-DBE bids/proposals for each item of work solicited;</p> <p>Documentation of the negotiations with each DBE including the reasons why additional agreements could not be reached with a DBE to perform the work, and State reason for choice of subcontractor. Barring lack of qualifications to perform work, only significant price differences (5% or more) between selected subcontractor/supplier and rejected DBE will be considered as a cause for rejecting bids/proposals.</p>		
8	<p><u>ASSIST DBEs WITH BONDING AND INSURANCE</u> Offer assistance to DBE firms in obtaining bonding and insurance. (5 points automatically given if bonding and insurance is not required)</p> <p>Description of assistance provided by the Bidder/Proposer to DBEs in obtaining bonding and insurance (may be included in Exhibit F Letter of Solicitation).</p>		

CONTRACT COMPLIANCE MANUAL

EXHIBIT B - SAMPLE ADVERTISEMENT

DBE SUBCONTRACTORS/SUPPLIER BIDS
REQUESTED

CONTRACT NO. A1
WINDOW INSTALLATION, LOS ANGELES, CA.

BID SUBMITTAL DATE: DECEMBER 29, 2004 @ 2:00 PM

OWNER: AUTHORITY
PERFORMANCE/PAYMENT/SUPPLY BOND MAY BE REQUIRED

THIS ADVERTISEMENT IS IN RESPONSE TO THE MTA'S DBE PROGRAM. LAMAR CORP. INTENDS TO CONDUCT ITSELF IN "GOOD FAITH" WITH DBE FIRMS REGARDING PARTICIPATION ON THIS PROJECT. DRAWINGS AND SPECS MAY BE REVIEWED IN OUR OFFICE MONDAY THROUGH FRIDAY, 8:00 AM TO 5:00 PM. QUOTES ARE REQUESTED BY COB, DECEMBER 28 SO THAT ALL BIDS CAN BE FAIRLY EVALUATED. PLEASE SUBMIT BIDS FOR THE FOLLOWING WORK (BUT NOT LIMITED TO): SIGNS, TRACK CONSTRUCTION, TIMBER TIES, BALLAST, APPURTENANCES, RAIL WELDING, A.C. PAVING, REINFORCING STEEL, SUPPLY PORTLAND CEMENT, CONCRETE PUMPING, METAL FABRICATIONS AND ELECTRICAL.

LAMAR CORP.
8134 MAYFLOWER DRIVE LOS ANGELES, CA 90343
213/555-9800 FAX 213/555-9801

EXPOSITION METRO LINE CONSTRUCTION AUTHORITY

EXHIBIT C - NEWSPAPER ADVERTISEMENT LOG

(Attach copies of ads)

Newspaper	Phone No.	Type of Publication Minority/General/Trade	Circulation	Dates of Advertisement

CONTRACT COMPLIANCE MANUAL

EXHIBIT E - WRITTEN SOLICITATION SUBMITTAL FORM

Attach copy of Solicitation Letter

Please check one:

- I've attached a list of solicitations*
- Refer to log below

Date Sent	Name of DBE Firm	Contact Person	Phone Number	Work Category

* List must contain same information as found on log above.

CONTRACT COMPLIANCE MANUAL

EXHIBIT F - SOLICITATION FOLLOW-UP LOG

Date and Time	Follow-up Method	Name of DBE Firm	Contact Person	Phone No.	Bidding Yes/No	Date Bid Received	If DBE not bidding indicate reason

EXPOSITION METRO LINE CONSTRUCTION AUTHORITY

EXHIBIT H - SAMPLE LETTER OF SOLICITATION

Date

DBE Firm
Address
City, State, Zip

ATTN: Chief Estimator

Project: A1, Trackwork Installation
Owner: Authority
Bid Due Date: December 29, 2004 at 2:00 p.m.

We are bidding the above project as a prime contractor and would appreciate quotes from DBEs who are currently certified under the California Unified Certification Program (CUCP) for the following services and/or materials:

Clearing and Grubbing	Signal & Lighting
Excavation	Fencing
Backfill	Construction Area Signs
Landscaping	

Plans and specifications are available for inspection at our office or at a local plan room (give name and location of alternate plan rooms, if available). Should you need any assistance in obtaining bonding or insurance, please feel free to call us. DBE firms are also referred to the Small Business Administration (SBA) and/or the Federal Department of Transportation (DOT) Bond Assistance Programs.

We are an Equal Opportunity Employer and, as a matter of policy, encourage the participation of Disadvantaged Business Enterprises.

All DBE firms must be certified by the bid due date and must provide our office with a copy of your DBE certification to include with the bid. Should you have any questions regarding the CUCP certification process, contact the Los Angeles County Metropolitan Transportation Authority's Diversity & Economic Opportunity Department (DEOD) Hotline at (213) 922-2600.

We will be contacting you by phone regarding this project, but feel free to contact us at (phone number) or by fax (phone number).

Yours truly,

Mr. Jim Mason
Chief Estimator



EXPOSITION METRO LINE CONSTRUCTION AUTHORITY

STATEMENT OF ADOPTION AND MODIFICATION

The Exposition Metro Line Construction Authority (Authority) has adopted the following Los Angeles County Metropolitan Transportation Authority (MTA) Disadvantaged Business Enterprise (DBE) Program which has been determined by the Federal Transportation Administration (FTA) to comply with the requirements of 49 CFR Part 26. As a condition of its anticipated receipt of Federal funds for the Mid-City Exposition Corridor Light Rail Transit Project and to ensure that the adopted DBE Program serves the Authority's needs, the Authority has made the following modifications which shall govern the use of this DBE Program:

1. References in the DBE Program to the MTA shall be deemed to refer to the Authority.
2. The Authority General Counsel shall serve as the DBE Liaison Officer.
3. The Authority's Chief Executive Officer shall delegate all other responsibilities identified in the DBE Program as appropriate to ensure the Authority's compliance with 49 CFR Part 26.
4. Replace Attachment 3 DBE Directory with the following Internet address <http://www.dot.ca.gov/uepquery/index2.jsp>. The Authority will also provide copies of this directory upon request in accordance with 49 CFR Section 26.31.

The following DBE Program does not include Attachment 1 of the MTA DBE Program. Attachment 1 is an MTA Organizational Chart that is not applicable to the Authority and should not be included in the Authority's adoption of the DBE Program. In the event of a conflict between the DBE Program and the Authority's Contract Compliance Manual, the Contract Compliance Manual shall be given precedence.

Richard D. Thorpe
Interim Chief Executive Officer
Exposition Metro Line Construction Authority

Date



Los Angeles County
Metropolitan Transportation Authority
(MTA)

**DISADVANTAGED
BUSINESS ENTERPRISE
(DBE) PROGRAM**

*July 2002
Revised*



Diversity and Economic Opportunity Department



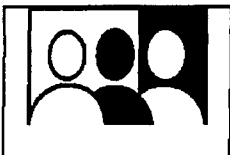
**Los Angeles County
Metropolitan Transportation Authority
(MTA)**

**DISADVANTAGED
BUSINESS ENTERPRISE
(DBE) PROGRAM**

SUBMITTED TO:

**Federal Transit Administration, Region IX
201 Mission Street, Suite 221
San Francisco, CA 94105**

**Attention: Mr. Leslie T. Rogers
Regional Civil Rights Officer**



Diversity and Economic Opportunity Department



Statement of Objectives/Policy

Section 26.1, 26.23

Objectives/Policy Statement

Metropolitan
Transportation
Authority

One Gateway Plaza
Los Angeles, CA
90012-2952

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

It is the policy of the MTA to ensure that DBEs defined in 49 CFR Part 26 have an equal opportunity to receive and participate in DOT-assisted contracts. The objectives of the DBE Program include:

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.

The Deputy Executive Officer (DEO) of the Diversity and Economic Opportunity Department (DEOD) has been delegated as the DBE Liaison Officer. In that capacity, the DEO 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 the MTA in its financial assistance agreements with the Department of Transportation.

MTA will disseminate this policy statement to the MTA Board of Directors and circulate to all components of the Authority. In addition, MTA will distribute this statement to DBE and non-DBE communities and business organizations. Distribution will be accomplished through posting on the MTA website and publication in vendor and small business newsletters, and through electronic notification to DBE firms.



Roger Snoble
Chief Executive Officer

7-30-02

Date

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SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

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

Section 26.3 Applicability

The MTA 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

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

Section 26.7 Non-discrimination Requirements

The MTA will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, the MTA 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: 26.11(b)

MTA will report DBE participation to DOT as follows:

MTA will report DBE participation on a quarterly basis, using DOT Form 4630. These reports will reflect payments actually made to DBEs on DOT-assisted contracts.

Bidders List: 26.11(c)

The MTA 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 bidders list will include the name, address, DBE non-DBE status, age, and annual gross receipts of firms.

MTA collects this information on a form provided with all solicitations to bidders and offerors. The form directs all respondents and their subcontractors to report bidders list information on the form and submit it with its bid or proposal documents.

Section 26.13 Federal Financial Assistance Agreement

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

Assurance: 26.13(a)

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

This language will appear in financial assistance agreements with sub-recipients. This language is to be used verbatim, as it is stated in 26.13(a).

Contract Assurance: 26.13b

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

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

This language is to be used verbatim, as it is stated in 26.13(b).

SUBPART B- RESPONSIBILITY OF DBE PROGRAM IMPLEMENTATION

Section 26.25 DBE Liaison Officer (DBELO)

MTA has designated the following individual as MTA's DBE Liaison Officer:

Linda Wright
Deputy Executive Officer (DEO),
Diversity and Economic Opportunity Department (DEOD)
Metropolitan Transportation Authority
One Gateway Plaza
Los Angeles, CA 90012-2952

Telephone: (213) 922-2638
E-Mail: wright@mta.net

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

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has a technical staff of seven (7) to assist in the administration of the program. The duties and responsibilities include the following:

1. Develops implements and monitors, with participation by legal counsel, the DBE Program document, keeping it up-to-date with the current business environment and the latest revisions to the applicable federal regulations, ensuring the DBE program is responsive to and in compliance with the regulations, including, but not limited to, 49 CFR Part 26.
2. Gathers and reports statistical data and other information as required by DOT.
3. Reviews third party contracts and purchase requisitions for compliance with this program.
4. Works with all departments to set overall annual goals.
5. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
6. 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.
7. Analyzes MTA's progress toward attainment and identifies ways to improve progress.
8. Participates in pre-bid meetings.
9. Advises the CEO and MTA Board of Directors on DBE matters and achievement.
10. Chairs the Transportation Business Advisory Committee (TBAC), a DBE Advisory Committee.
11. Participates in pre-bid meetings.
12. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
13. Plans and participates in DBE training seminars.
14. Certifies DBEs according to the criteria set by DOT and acts as liaison to the Uniform Certification Process in California
15. Provides outreach to DBEs and community organizations to advise them of opportunities.
16. Maintains the MTA's updated directory on certified DBEs.

The Chief Executive Officer (CEO)

The CEO designates the DBELO, grants to that DBELO direct, independent access to him or her concerning DBE matters and ensures the DBELO has sufficient resources to implement the DBE program in compliance with the provisions of 49 CFR part 26.

The General Counsel

1. Addresses small business matters relating to procurement and the implementation of the DBE program; and
2. Renders legal opinions regarding the interpretation of DBE solicitation and contract provisions; and
3. Advises the DBELO or his/her designees and the CEO regarding imposition of administrative sanctions against contractors that fail to comply with DBE requirements; and
4. Represents MTA in all legal actions involving DBE issues; and
5. Provides the DBELO with legal opinions relevant to DBE certification.

Shared Responsibility

The following MTA departments have a shared responsibility to achieve the MTA's Annual Goal and ensure compliance with the DBE Program.

The Executive Officer, Procurement (EO)

1. Provides the DBELO with draft scopes of work and engineering estimates to enable the DBELO to actively engage in goal setting, outreach and the development of appropriate DBE language in solicitation documents; and
2. Provides the DBELO with copies of final IFB's, RFP's, RFIQs, Purchase Orders (PO), mailing lists and advanced notices of procurements; and
3. Incorporates DBE goals and compliance language into the solicitations; and
4. Notifies the DBELO of any changes to IFBs, RFPs, RFIQs and PO's; and
5. Sends IFBs, RFPs, RFIQs and POs to the DBEs indicated by the DBELO; and
6. Places and documents the placement of legal notices in response to 49 CFR part 26 publication requirements for annual overall goals and places solicitation notices all in general, trade and minority focused newspapers; and
7. Notifies the DBELO of pre-bid, pre-proposal and pre-construction conferences; and
8. Maintains DBE vendor listing organized by predetermined categories and assists in the identification of potential DBE vendors and contractors; and
9. Calls for DBELO or staff member participation on Bid & Proposal Evaluation, and Negotiation Committees or Teams,
10. Forwards copies of Bids and Proposals to the DBELO for evaluation of responsiveness or responsibility to DBE requirements; and
11. Participates in outreach programs, including vendor fairs.
12. All other contract administration that impact DBE participation.

The Chief Financial Officer (CFO)

1. Contacts the DBELO for the names of DBE financial institutions, uses their services in connection with DOT-assisted projects and periodically reports the level of use of DBE financial institutions to the MTA Board of Directors; and
2. Assists the DBELO in compiling federal funding data to calculate the annual DBE goal; and
3. Promotes a level playing field for DBE financial advisors, investment bankers and bond counsel in the sale of Revenue Anticipation Notes, Equipment Trust Certificates, and other investment instruments; and
4. Assists the DBELO in developing financing, bonding and insurance programs to help increase the number of DBEs participating in DOT-assisted contracts.

Other Support Personnel

MTA personnel from other Departments share the responsibility for ensuring the effective implementation of the DBE Program. They are expected to give their full cooperation and active support to the DBELO in this effort. Following are the support personnel and examples of their respective responsibilities.

Project Managers

1. Develop a working knowledge of the DBE program's policies, practices and procedures including race neutral and race conscious methods of achieving DBE participation, by reading the DBE program, and/or the project's solicitation documents and/or the contract manual and by attending DBE orientation sessions presented by the DBELO and staff members; and
2. Notify the DBELO in a timely manner of their project's Pre-Proposal or Pre-Bid conferences and "Kick-Off" Meetings; and
3. Structure individual contracting actions to create a level playing field and participation by DBE firms wherever possible. This includes dividing a contract statement of work, where possible, into portions that will enable DBE firms to compete as prime contractors. Proper use of this structuring for DBE participation shall not result in the avoidance of proper approval authority. This also includes, if not prohibited by state law, waiving or reducing bonding requirements or allowing for incremental bonding; and
4. Participate with the DBELO in monitoring that DBE firms are used and DBE records and reports are prepared and submitted in accordance with the terms of the contract; and
5. Identify and refer potential DBE utilization problems promptly to the DBELO.

Vendor Relations

1. Posts and updates the web listing of newly certified or decertified firms to www.mta.net. This web site provides up-to-date information electronically about MTA contracting opportunities, upcoming events at MTA and current program information; and
2. Provides technical assistance over the telephone to firms requesting to be placed on the mailing list and responds to their questions about doing business with MTA; and
3. Publishes the "Metro Business Outlook," a monthly newsletter reporting on MTA contracting opportunities, projects, and events, including a six-month forecast of upcoming business opportunities; and
4. Participates in DBE outreach programs that advertise and disseminate information about MTA seminars, programs, solicitations and contracts.

Risk Management

1. Provides periodic reports on industry insurance and bonding standards and requirements to the DBELO. Provides information about insurance and bonding trends relevant to DBE firms for the coming year, if available, to the DBELO; and
2. Participates with the DBELO and with legal counsel in the structuring of bonding and insurance requirements and standards in individual contracting actions to create a level playing field and participation by DBE firms wherever possible. This includes dividing a contract statement of work, where possible, into portions that will enable DBE firms to compete as prime contractors. Proper use of this structuring for DBE participation shall not result in the avoidance of proper approval authority. This also includes, if not prohibited by state law, waiving or reducing bonding requirements or allowing for incremental bonding.

SUBPART C - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

Since the MTA has received a grant of \$250,000 or more in FTA planning capital, and or operating assistance in a federal fiscal year, MTA will continue to carry out this program until all funds from DOT financial assistance have been expended. MTA will provide to DOT updates representing significant changes in the program.

Section 26.23 Policy Statement

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

Section 26.27 DBE Financial Institutions

It is the policy of the MTA to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contract to make use of these institutions.

At this time, the MTA has not identified DBE-owned financial institutions. However, MTA encourages contractors to use the services of minority and women owned financial institutions identified from listings posted at the Website of the Financial Management Service, US Dept of the Treasury, Minority bank Deposit Program. The internet address of this website is: <http://www.fms.treas.gov/mbdp>

MTA has identified and provided the contact information of the minority and women owned financial institutions listed in Attachment 2.

Section 26.29 Prompt Payment Mechanisms

MTA will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than ten (10) days from the receipt of each payment the prime contract receives from MTA. The prime contractor agrees further to return retainage payments to each subcontractor within ten (10) 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 the MTA. This clause applies to both DBE and non-DBE subcontracts.

Enforcement

If MTA determines that the prime contractor has failed to comply with the prompt payment provisions set forth above, MTA may give written notice to the Contractor and the Contractor's Surety that, if the default is not remedied within a specified period of time (at least 5 days), the contract may be terminated. The Contract may be terminated for cause in accordance with the Contract Article entitled TERMINATION FOR DEFAULT. The MTA may also impose penalties and sanctions for non-compliance with the prompt payment clause contained in Section 26.37, Monitoring and Enforcement Mechanisms.

The prime contractor is encouraged to include the Dispute Resolution language providing that prime contractors and subcontractors will use appropriate alternative dispute resolution mechanisms contained in Attachment 4, Monitoring and Enforcement Mechanisms to resolve payment disputes in their subcontract agreements.

Section 26.31 Directory

The MTA maintains a hardcopy directory identifying all firms located in the Los Angeles Area Cluster Group (LAACG) that are eligible to participate as DBEs. The directory lists the firm's name, address, phone number, fax number, DBE certification expiration date, on-site visit date, ethnicity and gender of ownership, and the type of work the firm has been certified to perform as a DBE. The MTA revises the Directory ongoing basis. The Directory is available as follows:

Diversity & Economic Opportunity Department
Small Business Certification Unit
Metropolitan Transportation Authority
One Gateway Plaza
Los Angeles, CA 90012
Phone: (213) 922-2600

The Directory may be found in Attachment 3 to this program document.

Additionally, the LAACG DBE directory is available via the internet. The internet directory is updated at least monthly and provides easy search and query capability. Information from the directory may be downloaded as a PDF file or an MSExcel spreadsheet into a local computer. This version of the LAACG DBE directory is available via www.mta.net.

A complete listing of eligible DBE firms certified in the State of California is provided by the California Department of Transportation (Caltrans) via the internet. The Statewide DBE directory can be found at www.dot.ca.gov, under the Office of Civil Rights.

Section 26.33 Overconcentration

MTA has not identified that overconcentration exists in the types of work that DBEs perform. If overconcentration is identified, MTA will obtain FTA approval of the measures it develops for dealing with any overconcentration that excludes non-DBE firms from the opportunity to work.

Section 26.35 Business Development Programs

MTA has not established a business development program. The DBELO will evaluate the need and assess whether MTA should establish a Business Development Program and/or a Mentor-Protégé Program in the MTA's geographic procurement market area. If MTA establishes either program, the program will be guided by the applicable Appendix of 49 CFR Part 26 and approved by the FTA before being implemented.

Section 26.37 Monitoring and Enforcement Mechanisms

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

1. MTA 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. MTA will consider similar action under our own legal authorities, including responsibility determinations in future contracts. Attachment 4 lists the regulation, provisions, and contract remedies available to MTA in the events of non-compliance with the DBE regulation by a participant in MTA's procurement activities.
3. MTA 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 the following:

Notification of Reporting Requirements

Prior to execution of all contracts containing DBE goals the prime contractor shall be verbally directed to the MTA's *Compliance Manual (Federal)* for specific requirements of the DBE Program. Contractors shall be specifically advised of DOT requirements for prompt payment and retention covering all DBE and Non-DBE subcontracts.

Pre-Construction (Kick-off) Meeting

Both the Contractor and the DBE Subcontractor(s) or a representative of each firm shall attend the kick-off meeting concerning DBE requirements and other matters, prior to or immediately after Notice to Proceed is issued. Further, the Contractor shall report its failure to execute subcontractor agreements for any of the listed DBE subcontractors within 14 working days of signing the contract with the MTA. The Contractor shall be responsible for informing the Subcontractors of all DBE requirements as specified by the MTA herein.

Monthly Expenditure Plan

A monthly expenditure plan in calendar form for each of its approved DBE Subcontractors/Suppliers shall be submitted within 30 days of Notice to Proceed. The planned expenditures shall equal the dollars committed to each DBE Subcontractor/Supplier and shall be developed according to the approved project schedule. The plan shall be updated to incorporate any schedule changes and executed Changed Notices and Work Authorization Change Notices affecting the DBE's work. A revised plan shall be submitted within 30 days from the incorporation of the change.

Executed DBE Subcontract Agreements

The Contractor shall submit to MTA copies of all executed DBE subcontracts and/or DBE purchase orders (PO) within fourteen (14) working days after the Contractor executes their contract or PO with MTA. The contractor is required to incorporate the prompt payment and dispute resolution provisions in all executed subcontract agreements.

4. MTA will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award. MTA's Summary of Subcontractors Paid Report (Form 103) is used to keep running tally.

All prime contractors shall submit the Form 103 on a monthly basis. Failure to submit the FORM 103 reports may result in the imposition of a penalty of \$100 per day for each report overdue.

The FORM 103, SUMMARY OF SUBCONTRACTORS PAID REPORT, includes the following information:

- a. Name of each DBE Subcontractor.
- b. General work assignment of each DBE Subcontractor.
- c. The specific portion of work executed by each DBE Subcontractor during the reporting period.
- d. The dollars committed to each DBE Subcontractor.

- e. The dollars paid to each DBE Subcontractor during the reporting period.
- f. The dollars paid to date for each DBE Subcontractor.
- g. The dollars paid to the DBE as a result of a change order or other cost modification.
- h. The dollars paid to date as a percentage of the total commitment to each DBE.
- i. Date of last progress payment
- j. Invoice amount & Invoice Date
- k. Invoice number corresponding to last payment to subcontractor

SUBPART D – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

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

Section 26.45 Overall Goals

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 5 to this program. This section of the program will be updated annually.

In accordance with Section 26.45(f) the MTA will submit its overall goal to DOT on August 1 of each year. Before establishing the overall goal each year, MTA will consult with the Transportation Business Advisory Council (TBAC) and other small business resource organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the MTA's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, MTA will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at your principal office for 30 days following the date of the notice, and informing the public that you and DOT will accept comments on the goals for 45 days from the date of the notice. Normally, MTA will issue this notice by July 1 of each year. The notice must include address to which comments may be sent and business location where the proposal may be reviewed.

MTA's overall goal submission to DOT will include a summary of information and comments received during this public participation process and MTA's responses.

MTA will begin using the established overall goal on October 1 of each year, unless MTA have received other instructions from DOT.

Section 26.49 Transit Vehicle Manufacturers Goals

MTA 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, MTA may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

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

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 6 to this program. This section of the program will be updated annually when the goal calculation is updated.

Section 26.51(d-g) Contract Goals

The MTA will use contract goals to meet any portion of the overall goal MTA 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, contract goals will cumulatively result in meeting any portion of MTA's overall goal that is not projected to be met through the use of race-neutral means.

MTA will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. MTA need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work.)

MTA will express MTA's contract goals as a percentage of the total amount of a DOT-assisted contract.

DEOD will review all procurements over \$25,000 for construction, and all procurements for professional services and goods and commodities over \$40,000 to determine the extent of subcontracting opportunities and DBE availability.

Section 26.53 Good Faith Efforts Procedures

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

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26.

The DBELO and Contract Compliance Manager are 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:

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

Information to be submitted (26.53(b))

MTA treats bidder/offers' compliance with good faith efforts' requirements as a matter of responsiveness.

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

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

Administrative reconsideration (26.53(d))

Within three (3) working days of being informed by MTA 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:

David Vila
Reconsideration Officer
Metropolitan Transportation Authority
One Gateway Plaza

Mail Stop: 99-9-1
Los Angeles, CA 90012-2952

Telephone: (213) 922-1028
E-mail: VlaD@mta.net

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

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

MTA will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. MTA will require the prime contractor to notify the DBE Liaison officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In such a situation, prior approval by MTA is required of any contractor acting as the substitute for the DBE. We require the prime contractor to provide us with copies of the new or amended subcontracts. If the candidate contractor to be substituted is not a DBE, MTA also requires the prime contractor to submit documentation of their good faith efforts.

Failure to Secure Prior Approval

If the prime contractor fails or refuses to comply in the time specified MTA may take appropriate actions, including but not limited to those set forth in the Attachment 4, Monitoring and Enforcement Mechanisms. The MTA's contracting office may issue an order stopping all or part of payment or work until satisfactory action has been taken. If the prime contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

Sample Bid Specification

When a contract goal is established pursuant to MTA's DBE program, the sample bid specification can be used to notify bidders/offerors of the requirements to make good faith efforts. The forms found at Attachment 7 can be used to collect information necessary to determine whether the bidder/offeror has satisfied these requirements. The sample specification is intended for use in both nonconstruction and construction contracts for which a contract goal has been established. Thus, it can be included in invitations for bid for construction, in requests for proposals for architectural/engineering and other professional services, and in other covered solicitation documents. A bid specification is required only when a contract goal is established.

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the MTA 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 10, to meet the contract goal for DBE participation in the performance of this contract.

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

Section 26.55 Counting DBE Participation

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

SUBPART E – CERTIFICATION STANDARDS AND PROCEDURES

Section 26.81 Unified Certification Programs

The MTA is a member of the California Unified Certification Program (CUCP) administered by the California Department of Transportation (Caltrans). The CUCP will meet all of the requirements of 49 CFR Part 26.

All California based U.S. Department of Transportation (DOT) recipient agencies, including the MTA, participate in the California Unified Certification Program (CUCP). This U.S. DOT approved program provides "one-stop shopping" for eligible businesses seeking DBE certification. Under the CUCP, a firm certified by just one of California's 140 plus U.S. DOT recipient agencies is eligible to participate as a DBE statewide. The CUCP went into effect January 1, 2002.

The CUCP is organized into four geographic regions called "Clusters." Each Cluster consists of a small group of U.S. DOT recipient agencies that process DBE certification applications submitted by applicant businesses located within a Cluster. These agencies are known as CUCP "Certifying Members." The Certifying Member processing a certification application for a firm is identified as that firm's "Home Agency." The remaining California U.S. DOT recipient agencies are identified as "Non-Certifying Members" of the CUCP.

When a Certifying Member completes the processing of a DBE certification application, it makes a recommendation for or against certification of the applicant business to a committee composed of all Certifying Members within its Cluster. The decision whether to grant DBE certification is made by the concurrence of the other Certifying Members at regularly scheduled monthly Cluster meetings.

ATTACHMENT B CUCP DBE Application lists the four constituent clusters of the CUCP, the counties they serve and the names of the Certifying Members in each Cluster.

NOTE: All DBE firms certified by California based U.S. DOT recipient agencies prior to January 1, 2002 have been "Grand-fathered" into the CUCP. Businesses seeking a DBE certification or re-certification may contact any of the Certifying Members within their geographic Cluster to request certification or re-certification processing. Non-California based businesses seeking certification will be processed by the California Department of Transportation (Caltrans).

Section 26.81 – 26.73 Certification Process

The DBE certification process undertaken by the MTA's Small Business Certification Unit of the Diversity and Economic Opportunity Department (DEOD) consists of a desk audit performed on the information contained in a completed CUCP DBE application and attached supporting documentation submitted by applicant firms. This information is reviewed against the certification eligibility criteria spelled out above. Subsequent to the desk audit, an on-site interview is conducted with the qualifying owners and key personnel from the applicant firm to further evidence satisfaction of the certification eligibility criteria.

When it is determined that the DBE eligibility requirements have been satisfied, the MTA will recommend to the Los Angeles Area Cluster Group's (LAACG's) Certifying Members that DBE certification status be granted to the applicant firm. The Certifying Members of the LAACG include the MTA, City of Los Angeles, John Wayne Airport, and Orange County Transportation Authority. An applicant firm is granted DBE status under the CUCP if the recommendation to certify is unanimously approved by all Certifying Members of the LAACG at the monthly meetings.

A firm that is found by the MTA to not satisfy all DBE certification eligibility requirements is recommended for certification denial, which also must be unanimously approved by Certifying Members of the LAACG at the monthly meetings. Denied firms have the right to appeal this decision to the U.S. DOT for reconsideration.

To be certified as a DBE, a firm must meet all certification eligibility standards. MTA will make MTA's certification decisions based on the facts as a whole.

For information about the certification process or to apply for certification, please contact the certification unit:

- (1) By US Mail: Small Business Certification Unit
 Diversity and Economic Opportunity Department
 MTA
 One Gateway Plaza
 Los Angeles, CA 90012-2952
- (2) Certification Hotline: (213) 922-2600
- (3) Fax: (213) 922-7660

The CUCP has distributed copies of the DBE Certification Application Package. The DBE Certification Application Package, found at ATTACHMENT 8 of this DBE Program consists of:

- (1) The CUCP Cover Letter directed to the business owner
- (2) Definitions of Terms Used in the Certification Application
- (3) A "ROADMAP FOR APPLICANTS," summarizing the requirements for DBE certification, the steps to take to apply and the documentation needed to submit with the application for certification
- (4) A Uniform Certification Application Form
- (5) A Personal Net Worth (PNW) Statement
- (6) A Supplementary Questionnaire
- (7) NAICS Code List

Certification Standards

Under the CUCP, MTA and the other CUCP Certifying Members follow the certification standards and procedures of subparts D and E of 49 CFR 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 under 49 CFR Part 26, subpart D.

A DBE is a for profit business that has demonstrated, by a preponderance of the evidence, that it meets certification eligibility standards of 49 CFR Part 26 subpart D with respect to:

Business Size Determinations

- A. A Small Business is initially defined by Small Business Administration size standards, 13 CFR Part 121.
- B. Applicant DBE firms must demonstrate that their business has average over three-years annualized gross receipts of less than \$17.4 Million per year.
- C. Other technical aspects of business size standards may be relevant and considered on a case-by-case basis.

Individual Social and Economic Disadvantage

- A. Women, Black Americans, Hispanic Americans, Asian/Pacific Americans, Subcontinent Asian Americans and Native Americans are rebuttably presumed to meet the requirement of individual social and economic disadvantage.
- B. Individuals who are not members of the presumptive group may be determined to be Socially and Economically Disadvantaged if they, on a case-by-case basis, so demonstrate by a preponderance of the evidence.
- C. Applicants must also submit a Personal Net Worth (PNW) Statement. This Statement, in the case of an applicant for DBE status, must show that the individual business owner's/owners' personal net worth is less than \$750,000, excluding equity in their primary residence and the applicant business.
- D. Other technical aspects of individual social and economic disadvantage may be relevant and considered on a case-by-case basis.

Ownership Determinations

- A. The business must be at least 51% owned by socially and economically disadvantaged individuals (qualifying owners).
- B. The ownership by these individuals must be real, substantial and continuing, going beyond pro forma ownership, as presented merely in ownership documents.
- C. Qualifying owner(s) contributions of capital or expense must be real and substantial.
- D. Other technical aspects of ownership may be relevant and considered on a case-by-case basis.

Control Determinations

- A. The business must be independent, its viability must not depend on a relationship with another firm or firms.
- B. The business must not be subject to any formal or informal restrictions that limit the customary discretion of the socially and economically disadvantaged owners.
- C. The qualifying owners must possess the power to direct or change the direction of the management and policies of the firm, and to make day-to-day as well as long-term decisions on matters of management, policy and operations.
- D. Individuals who are not socially and economically disadvantaged may be involved in a DBE firm, but must not possess or exercise the power to control the firm or not be disproportionately responsible for operating the firm.
- E. The qualifying owners may delegate authority, but such delegations must be revocable and the owners must retain a managerial role and the power to hire and fire the person to whom they delegate.
- F. The qualifying owners must have an overall understanding of (and managerial, technical competence & experience directly related to) the type of work in which the business is engaged and the firm's operations.
- G. Qualifying owners must possess all state or locally required licenses or credentials.
- H. Differences in remuneration between the qualifying owners and other participants in the firm may be considered in determining the owners' level of control.
- I. Qualifying owner(s) must work in the business in order to be considered as controlling the firm. They cannot engage in outside employment or other business interests that conflict with managing the firm, unless the firm is itself a part-time business.
- J. Other technical aspects of control may be relevant and considered on a case-by-case basis.

Section 26.83 Procedures for Certification Decisions

Re-certifications 26.83(a) & (c)

The MTA will review the eligibility of firms that have been previously certified or recertified by the MTA under Part 26 every three years. For previously certified DBE firms, the MTA may require

Section 26.87 Removal of a DBE's Eligibility

In the event MTA propose to remove a DBE's certification, MTA will follow procedures consistent with 26.87. Attachment 9 to this program sets forth these procedures in detail. To ensure separation of functions in a de-certification, MTA have determined that Maria Guerra, Chief of Staff of the MTA, will serve as the decision-maker in de-certification proceedings. MTA have established an administrative "firewall" to ensure that Maria Guerra, Chief of Staff of the MTA, will not have participated in any way in the de-certification proceeding against the firm (including in the decision to initiate such a proceeding).

Section 26.89 Certification Appeals

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

Department of Transportation
Office of Civil Rights Certification Appeals Branch
400 7th Street, SW
Room 2104
Washington, D.C. 20590

MTA will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for MTA's DOT-assisted contracting (e.g., certify a firm if DOT has determined that MTA's denial of its application was erroneous).

The MTA's system for administrative appeals of certification decision can be found in Attachment 9. This system is not a remedy a firm need exhaust before making a certification appeal to DOT under 26.89.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

MTA will safeguard from disclose to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. The California Legislature created the Public Records Act, mindful of the right of individuals to privacy, finding and declaring that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Government Code, §6250) The California legislature states public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as provided at Government Code §6253. A broad range of exceptions is provided in consideration of an individual's right to privacy or where otherwise excluded from disclosure by law.

Nothing shall be construed to require disclosure of records that are specifically identified as not to be disclosed in the Public Records Act, including, "Records Whose Disclosure is Exempted or Prohibited," (Government Code §2654 (k)). This provision identifies as exempt from disclosure under California law, "records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege. Federal Regulations state, that MTA must not release an individual's personal net worth statement nor any documentation supporting it to any third party without the written consent of the submitter. 49 CFR §26.67(a)(2)(ii). Therefore, personal net worth statements are protected under the DBE program.

Notwithstanding any contrary provisions of state or local law, MTA shall 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

MTA 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 make available for inspection upon request by any authorized representative of the MTA or DOT. This reporting requirement also extends to any certified DBE subcontractor.

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

ATTACHMENTS

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ATTACHMENT 2

FINANCIAL INSTITUTIONS

FINANCIAL INSTITUTIONS

AMERICAN INTERNATIONAL BANK
624 S. Grand Avenue
Los Angeles, CA 90017
213-688-8600

EAST WEST FEDERAL BANK
415 Huntington Drive
San Marino, CA 91108
626-799-5700

FOUNDERS NATIONAL BANK
3910 Martin Luther King Jr. Blvd
Los Angeles, CA 90008
323-290-7155

BANCO POPULAR, N.A.
6001 E. Washington Boulevard
City of Commerce, CA 90040
212-246-1094

EASTERN INTERNATIONAL BANK
688 New High Street
Los Angeles, CA 90012
213-687-7228

GARFIELD BANK
2417 W. Whittier Boulevard
Montebello, CA 90640
323-726-1411

BANK OF THE ORIENT
2001 Irving Street
San Francisco, CA 94122
415-338-0600

EVERTRUST BANK
1600 S. Azusa Avenue
City of Industry, CA 91748
626-854-9700

GATEWAY BANK, F.S.B.
919 Clement Street
San Francisco, CA 94118
415-831-1288

BORREGO SPRINGS BANK
7777 Alvarado Road, Suite 114
La Mesa, CA 91941
619-668-5159

FAMILY SAVINGS BANK
3633 Creunshaw Boulevard
Los Angeles, CA 90006
323-295-3381

GENERAL BANK
800 W. 6th Street
Los Angeles, CA 90017
213-896-0098

BROADWAY FEDERAL SAVINGS BANK
4800 Wilshire Boulevard
Los Angeles, CA 90016
323-634-1700

FAR EAST NATIONAL BANK
350 Grand Avenue
Los Angeles, CA 90006
213-687-1200

GRAND NATIONAL BANK
1138 S. Garfield Avenue
Alhambra, CA 91801
626-300-8888

CANYON NATIONAL BANK
1711 E. Palm Canyon Drive
Palm Springs, CA 92264
760-325-4442

FIRST CONTINENTAL BANK
8632 E. Valley Boulevard
Rosemead, CA 91770
626-288-8899

GUARANTY BANK OF CALIF.
12301 Wilshire Boulevard
Los Angeles, CA 90025
310-826-4228

CALIFORNIA CENTER BANK
2222 W. Olympic Boulevard
Los Angeles, CA 90006
213-386-2222

FIRST INTERNATIONAL BANK
318 Fourth Avenue
Chula Vista, CA 91910
619-425-5000

HANMI BANK
3660 Wilshire Boulevard, #A
Los Angeles, CA 90010
213-382-2200

CATHY BANK OF LOS ANGELES
777 N. Broadway
Los Angeles, CA 90012
213-625-4700

FIRST UNITED BANK
7320 Clairemont Mesa Boulevard
San Diego, CA 92111
858-496-3800

METROPOLITAN BANK
250 E. 18th Street
Oakland, CA 94606
510-834-1933

ATTACHMENT 4

MONITORING AND ENFORCEMENT MECHANISMS

Attachment 4

Monitoring and Enforcement Mechanisms

The following sections contain the standards, policies, practices and procedures MTA uses to assess whether a contractor is in compliance with regulatory and contract requirements applicable to DOT-assisted projects:

(1) REGULATORY PROVISIONS

including but not limited to:

- A. 49 CFR Part 26 - Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs; particularly, Subpart F, Compliance and Enforcement
- B. 49 CFR Part 29 - Government-wide Debarment and Suspension (Non-Procurement) and Government-wide Requirements for Drug-Free Workplace.
- C. 49 CFR Part 31 - Program Fraud Civil Remedies
- D. 13 CFR Part 121 - Small Business Size Standards

(2) CONTRACT REQUIREMENTS AND REMEDIES

Contract requirements and remedies are provided in this DBE program and by administrative policies, practices and procedures requirements in each contract. All contractors, as a condition of participation in any DOT-assisted contract, shall agree to the terms of this DBE program, and shall incorporate the DBE program and the DBE administrative policies, practices and procedures requirements into their contracts and subcontracts at all tiers.

A. CONTRACTS MANUAL PROVISIONS

MTA's Diversity and Economic Opportunity Department requires each project supported by DOT-assisted funds to include in its contract terms and conditions, the MTA's Contracts Manual, whose program and administrative requirements include, but not limited to:

B. AUDITING AND INSPECTION

MTA reserves the right to audit the records and inspect the facilities of its Contractors and any Subcontractors of any tier for the purpose of verifying the DBE participation and / or adherence to the DBE Program requirements. Contractors and Subcontractors shall permit access to their records at the request of MTA. Notice is hereby given that state, local and federal authorities may initiate or cooperate with MTA in auditing and inspecting such records

C. PROCUREMENT PROVISIONS

In addition to contracts manual provisions required by the Diversity and Economic Opportunity Department, MTA's procurement department requires selected policies, practices and procedures to be defined in contract provisions in response to the circumstances associated with those categories of procurements. These policies, practices and procedures likewise provide the Deputy Executive Officer, Diversity and Economic Opportunity Department with monitoring and enforcement alternatives.

(3) FINDINGS OF NON-COMPLIANCE AND ADMINISTRATIVE SANCTIONS

Contractors found not to be compliant with any part of the DBE program requirements shall be notified of MTA's finding of Non-Compliance, in writing, by certified mail. The notice shall cite the DBE program requirement under which the contractor is non-compliant, state the date of the findings and the grounds on which the finding was made and state the category of sanctions being imposed. Upon a finding of non-compliance, MTA may choose to impose sanctions including, but not limited to:

A. MANDATORY DBE TRAINING

Attendance at a DBE Training program shall be mandatory for the owners, partners, or officers, and staff member of each firm, responsible for the management of DBE businesses and for the preparation of DBE related records and reports. Contractors shall be responsible for all travel, meals, lodging and similar expenses. The Contract Compliance Unit of the Diversity and Economic Opportunity Department will conduct the program.

B. ASSESSMENT FOR NON-COMPLIANCE

Contract payments will be reduced by the greater of:

- an amount equal to up to Five Hundred Dollars (\$500) per day from the date MTA sends Notification to the contractor of the finding of non-compliance with a DBE Program requirement to the date the contractor is notified that MTA finds the firm has complied with the DBE program requirement or MTA chooses to excuse the contractor from performance of that DBE program requirement, or
- an amount equal to ten percent (10%) of the total contract value including any approved Change Orders.

C. SUSPENSION OF PAYMENT

The MTA will suspend payment to the contractor of any monies held by it, as retained on the contract.

D. TERMINATION OF THE CONTRACT FOR DEFAULT

If the Board of Directors approves the action, MTA may terminate the contract for default.

E. SUSPENSION AND DEBARMENT (49 CFR Part 29)

Information concerning the existence of a cause for suspension or debarment shall be reported, investigated and referred, when appropriate, to the proper official for consideration. After consideration, the official will issue the appropriate notice of proposed action.

(4) ENFORCEMENT MECHANISMS

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:

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

(5) RESOLUTION OF DISPUTES BETWEEN CONTRACTOR AND SUBCONTRACTORS

Disputes arising out of or related to this contract between the Contractor and any lower tier DBE subcontractors which cannot be settled by discussions between the

parties involved shall be settled as described herein. These provisions shall not apply to disputes between the Contractor and the MTA. These provisions do not alter in any way or waive compliance with any provisions in Section GC36 SUBMITTAL OF CLAIMS of the Contract Documents.

The Contractor and Subcontractors shall include in their contract a provision indicating that in the event of a dispute to their contract they agree to proceed through informal meetings, mediation, or arbitration, or any combination thereof, specifying the terms under which disputes are to be submitted, the service or assistance to be employed, and the timing or submission of disputes.

A. Informal Meetings

MTA's Diversity and Economic Opportunity Department shall conduct informal meetings with parties to a dispute at the request of any party to the contract, but all parties must agree to the procedure on a voluntary basis. Interested parties should contact the Manager of Contract Compliance at (213) 922-2128. DEOD may require the parties to meet in an attempt to resolve the perceived differences.

B. Mediation

The parties to a contract may agree to endeavor to settle a dispute through informal mediation under independent third party organizations. Individuals appointed to be mediators by MTA's Manager of Contract Compliance can also be considered another source of independent third parties. Submission to informal mediation is voluntary by the parties, is not binding and offers advisory opinions only.

C. Arbitration

Should the parties fail to resolve any DBE related dispute arising out of or related to the contract via informal meetings or mediation, the parties are contractually obligated to submit the claims for arbitration. Arbitration conducted pursuant to the contract shall be binding upon all parties to the arbitration. All arbitration is to be conducted in a manner consistent with section 1020 et seq. of the Public Contract Code and Section 1296 of Code of Civil Procedure.

Available mediation and arbitration services include:

The American Arbitration Association (213) 383-6516
Dispute Resolution Center (818) 793-7174

The Contractor shall incorporate this Section into each DBE subcontract related to work arising under this contract and shall not incorporate by reference.

Only when resolution of DBE disputes attempted through informal meetings, mediation, and/or arbitration has failed may the Contractor formally request substitution of a DBE subcontractor.

D. Timeliness

Should the parties proceed to arbitration, monies due, if any, shall be placed in a trust account. Such funds shall be released to the appropriate party within five (5) working days of a determination being issued by the arbitrator.

NOTE: Arbitration findings are binding upon the parties. However, the findings do not in any way relieve the contractor of its obligation to meet the DBE goals.

ATTACHMENT 5

OVERALL GOAL CALCULATION

Attachment 5

Section 26.45: Overall Goal Calculation

Amount of Goal

1. The Los Angeles County Metropolitan Authority (MTA) proposes an overall annual goal of twenty percent (20%) for Federal Fiscal Year 2003 (October 1, 2002 – September 30, 2003), which is an expressed percentage of the total amount federal financial assistance that the MTA anticipates expending in DOT-assisted contract. Pursuant to 49 CFR Part 26.49, FTA funds for procurement of transit vehicles were excluded from the federal funding base used to calculate the MTA annual DBE goal.
2. The dollar amount of DOT-assisted contracts that MTA expects to award during FFY2003 is \$369.8 million. This means that MTA has set a goal of expending \$225.5 millions with DBEs during this fiscal year.

Methodology used to Calculate Overall Goal

Step 1: 26.45(c)

Determine the base figure for the relative availability of DBEs.

The base figure for the relative availability of DBE's was calculated as follows:

$$\text{Base figure} = \frac{\text{Ready, willing, and able DBEs}}{\text{All firms ready, willing and able}}$$

The data source or demonstrable evidence used to derive the numerator were 1) DOT Unified Certification Program (UCP); and 2) Economic Census Surveys of Minority- and Women-Owned Business Enterprises (SMOBE/SWOBE) in the County Business Pattern published by U.S. Census Bureau.

The MTA used the 1999 County Business Pattern (CBP) published by U.S. Census Bureau as the data source or demonstrable evidence used to derive the denominator.

When MTA divided the numerator by the denominator MTA arrived at the base figure for MTA's overall goal and that number was 18.39%.

Step 2: 26.45(d)

After calculating a base figure of the relative availability of DBEs, evidence was examined to determine what adjustment was needed to the base figure in order to arrive at the overall goal.

In order to reflect as accurately as possible the DBE participation MTA would expect in the absence of discrimination MTA have adjusted MTA's base figure by 1.7%.

The MTA used the median of its past participation to adjust the base figure. This method was used as the past participation closely reflects anticipated projects in the upcoming year. An examination of MTA history resulted in a past participation of 21.8%.

From this data, MTA have adjusted the base figure to twenty percent (20%).

Public Participation

MTA published its annual goal information in the following list of publications: The Los Angeles Times, Passenger Transport, LA Watt Times, Eastern Group Publications, LA Opinion, Chinese Daily News, and Rafu Shimpo.

To date, the MTA has not received comments from these individuals or organizations on the proposed annual goal.

ATTACHMENT 6

**BREAKOUT OF ESTIMATED RACE-NEUTRAL &
RACE-CONSCIOUS PARTICIPATION**

Attachment 6

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

MTA's DBE goal will include projections of the portion of the overall annual DBE goal that MTA expects to meet through race-neutral means as well as race-conscious means and the bases for those projections. MTA will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. MTA anticipates that, in meeting our overall goal of 20%, MTA proposes to obtain 4% from race-neutral participation and 16% through race-conscious measures. MTA will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation. In addition, MTA will maintain data separately on DBE achievements in those contracts with and without contract goals, respectively.

For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: when a DBE wins a prime contract through customary competitive procurement procedures; DBE participation is awarded through a subcontract on a prime contract that does not carry a DBE goal; DBE participation on a prime contract that exceeds 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.

MTA uses the following race-neutral means to increase DBE participation, but not limited to: 1) delivery schedules in ways that facilitate DBE, and other small businesses' participation; 2) providing assistance in overcoming limitations such as inability to obtain bonding or financing; 3) providing technical assistance; carrying out information and communications programs on contracting procedures and specific contract opportunities; 4) ensuring distribution of MTA Certified Directory; 5) assisting DBEs and other small businesses to develop their capability to utilize emerging technology and conduct business through electronic media; 6) organizing Small Business Outreach functions; and 7) implementing a Mentor Protégé Program.

The remaining race-conscious will be achieved by establishing contract-specific goals for particular projects that have subcontracting opportunities. Contract goals are established to meet any portion of the overall goal that MTA does not expect to meet through race-neutral measures. Establishing reasonable contract-specific goals requires an examination of individual project requirements for subcontracting opportunities (including estimated dollar value, material content, etc.), as well as consideration of the apparent capability and availability of DBEs to participate on specific contracts. It must be emphasized that goals-setting in this context is viewed as aspirational (within the overall context of sound procurement practice). This process also requires recognizing that there may be limits related to the actual interest level, capability, and/or availability of DBEs that may prevent the attainment of goals established on a particular project. While unknown factors preclude precise quantification of DBE goals, MTA will carefully review individual contract prior to solicitation to ensure that established goals appear to be reasonably attainable in view of the DBE firms ready, willing, and able to compete for contracting opportunities.

ATTACHMENT 7

FORM 1& 2 FOR DEMONSTRATION OF GOOD FAITH EFFORTS

FORM 1- DBE GOAL DECLARATION

DBE GOAL ACHIEVED

The Bidder, Offeror or Proposer declares to the best of its knowledge, information and belief that by its efforts, it is committed to a minimum level of _____ percent (____%) DBE participation for this contract.

See FORM 7, SUMMARY OF COUNTING AND CALCULATING REPORTS, attached.

Executed on: _____, 20 ____, at, _____, _____
Date City State

Company Name: _____

By: _____
Authorized Signature Printed Name

Title: _____

DBE GOAL NOT ACHIEVED

The Bidder, Offeror or Proposer declares to the best of its knowledge, information and belief that by its efforts, (if unable to meet the DBE goal of ____%) it is committed to a minimum level of _____ percent (____%) DBE participation for this contract.

While the Bidder, Offeror or Proposer did exert efforts to achieve the goal, it was not successful. The Bidder or Proposer certifies that, if requested, it will submit evidence in support of its good faith efforts, within forty-eight (48) hours of MTA's request.

See FORM 7, SUMMARY OF COUNTING AND CALCULATING REPORTS, attached.

DO NOT SUBMIT EVIDENCE OF GOOD FAITH EFFORTS WITH THE BID OR PROPOSAL.

Executed on: _____, 20 ____, at, _____, _____
Date City State

Company Name: _____

By: _____
Authorized Signature Printed Name

Title: _____

FORM 2 - PRIME CONTRACTOR COMMITMENT / DBE AFFIRMATION FORM

Bidders, Offerors or Proposers bidding on DOT- assisted contracts must provide a written commitment to utilize each DBE firm listed to help meet its DBE commitment and an affirmation by each DBE firm that they are participating in the contract. Complete this form and submit the form with the bid or proposal for each DBE subcontractor. If you have any questions please call your Prime Contractor or the Diversity and Economic Opportunity Representative assigned to the project.

RFP/IFB Number: _____ Project Title: _____

Name of Contractor: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Financial Description: Complete FORM 6, CONTRACTOR'S COUNTING & CALCULATION REPORT - The Bidder, Offeror or Proposer is committed to utilizing the above-named DBE firm for the work described below. The total value of DBE participation committed to this firm is \$

Technical Description: Describe clearly and completely the portion of the work assigned to this DBE. Provide NAICS code(s).

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 of Authorized Contractor's Representative

Typed or Printed Name of Person Signing for the Firm

Title of Person Signing for the Firm

Telephone Number:

By: _____
Signature of Authorized DBE's Representative

Typed or Printed Name of Person Signing for the Firm

Title of Person Signing for the Firm

Telephone Number:

ATTACHMENT 8

CERTIFICATION APPLICATION FORMS

CALIFORNIA UNIFIED CERTIFICATION PROGRAM (CUCP)



Dear Business Owner:

Thank you for your interest in participating in the Unified Certification Program (UCP) of California for Disadvantaged Business Enterprises (DBEs). As mandated by the United States Department of Transportation (U.S. DOT) in the DBE Program, Final Rule 49 Code of Federal Regulations (CFR), Part 26, all U.S. DOT recipients of federal financial assistance must participate in a statewide UCP by March 2002. The UCP is a "One-Stop Shopping" certification procedure that will eliminate the need for DBE firms to obtain certifications from multiple agencies within the State.

The UCP of California is charged with the responsibility of certifying firms and compiling and maintaining the Database of certified DBEs for U.S. DOT grantees in California, pursuant to 49 CFR Part 26. The Database is intended to expand the use of DBE firms by maintaining complete and current information on those businesses and the products and services they can provide to all grantees of California.

Please complete the attached application and supplemental questionnaire if you wish to be considered for DBE certification and your business meets the following general guidelines:

- a) The firm must be at least 51% owned by one or more socially and economically disadvantaged individuals.
- b) The firm must be an independent business, and one or more of the socially and economically disadvantaged owners must control its management and daily operations.
- c) Only existing for-profit "Small Business Concerns," as defined by the Small Business Act and Small Business Administration (SBA) regulations may be certified. DBE applicants are first subject to the applicable small business size standards of the SBA. Second, the average annual gross receipts for the firm (including its affiliates) over the previous three fiscal years must not exceed U.S. DOT's cap of \$17.42 million.

For firm applying for airport concession DBE certification: The average annual gross receipts for the firm (including its affiliates) over the previous three fiscal years must not exceed \$30 million.

- d) The Personal Net Worth (PNW) of each socially and economically disadvantaged owner must not exceed \$750,000. The PNW excludes the individual's ownership interest in the applicant firm and the equity in his/her primary residence.

For firm applying for airport concession DBE certification: A PNW is not required at this time.

CALIFORNIA UNIFIED CERTIFICATION PROGRAM (CUCP)



Definitions of Terms Used in Uniform Certification Application

Alaska Native Corporation (ANC) – Any Regional Corporation, Village Corporation, Urban Corporation, or Group Corporation organized under the laws of the State of Alaska in accordance with the Alaska Native Claims Settlement Act, as amended.

Concession – A grant of property made by a government or other controlling authority in return for stipulated services or a promise that the property will be used for a specific purpose.

Corporate Tax Returns – Federal Tax Return Form 1120 or 1120S, including Schedules E or C.

Indian Tribe – Any Indian tribe, band, nation, or other organized group or community of Indians, including any ANC, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or is recognized as such by the State in which the tribe, band, nation, group, or community resides. See definition of Tribally-Owned Concern.

Key Person Insurance – Life insurance and long-term disability income insurance on major employees, with benefits payable to the business.

Native Hawaiian – Any individual whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

Native Hawaiian Organization – Any community service organization serving Native Hawaiians in the State of Hawaii which is a not-for-profit organization chartered by the State of Hawaii, is controlled by Native Hawaiians and whose business activities will principally benefit such Native Hawaiians.

Partnership Tax Returns – Federal Tax Return Form 1065, including Schedules K and K-1.

Personal Net Worth – The net value of the assets of an individual remaining after total liabilities are deducted. An individual's personal net worth does not include: The individual's ownership interest in an applicant or participating DBE firm; or the individual's equity in his or her primary place of residence. An individual's personal net worth includes only his or her own share of assets held jointly or as community property with the individual's spouse.

Personal Tax Returns – Federal Tax Return Form 1040, including Schedules B and C.

**DISADVANTAGED BUSINESS ENTERPRISE PROGRAM
49 CFR PART 26**

UNIFORM CERTIFICATION APPLICATION

Under Sec. 26.107 of 49 CFR Part 26, dated February 2, 1999, if at any time, the Department or a recipient has reason to believe that any person or firm has willfully and knowingly provided incorrect information or made false statements, the Department may initiate suspension or debarment proceedings against the person or firm under 49 CFR Part 29, take enforcement action under 49 CFR Part 31, Program Fraud and Civil Remedies, and/or refer the matter to the Department of Justice under 18 U.S.C. 1001.

ROADMAP FOR APPLICANTS

← Should I apply?

Your firm must meet the following requirements to qualify as a DBE under the DOT DBE program:

- Disadvantaged owners are U.S. citizens or legal permanent residents.
- Firm's annual gross income does NOT exceed \$17.42 million (averaged over 3 years).
- Firm is at least 51% owned and controlled by socially and economically disadvantaged individuals.
- Firm meets SBA small business size in the primary industry group (13 CFR part 121).
- Firm owned by ANCs, Indian Tribes, and Native Hawaiian Organizations meet the small business size requirements and are controlled by socially and economically disadvantaged individuals.
- Firm and owners meet the requirements of part 26 concerning licenses and credentials.
- Firm must be for-profit.

Note: Firm must undergo an on-site review.

↑ Is there an easier way to apply?

If you are currently certified as an 8(a), or SDB firm, you may be eligible for a streamlined certification application process pursuant to a Memorandum of Understanding (MOU) between DOT and the SBA. Under the MOU, the certifying agency to which you are applying will accept your current SBA application package in lieu of requiring you to submit an entirely new application. You must still meet the requirements for the DBE program.

→ What documents must I submit with this application?

The following documents must be attached to your application. *Missing documents or incomplete information will delay the processing of your application.*

All Applicants

- Work experience resumes that include places of ownership/employment and corresponding dates.
- Personal Net Worth statement or statement from CPA.
- Social & economic disadvantage statement.
- Entire copy of personal tax returns for the last 3 years, if applicable.
- Documented proof of contributions used to acquire ownership for each owner (*e.g. both sides of cancelled checks*).
- Signed loan agreement and security agreements.
- Description of real estate and proof of ownership listed.
- List of equipment leased and signed lease agreements.
- List of construction equipment and/or vehicles owned and titles/proof of ownership.
- Signed leases for office/storage space.
- End of Year Balance Sheets and Income Statements for the past 3 years (*or life of firm if less than 3 years*). A new business must provide a current Balance Sheet.
- Copies of relevant licenses.
- DBE/MBE/WBE, SBA 8(a) or SDB certifications or denials and decertifications.
- Bank Authorizations and Signatory cards.
- Schedule of salaries paid to all officers, managers, owners or directors of the firm (W-2s).

Sole Proprietorship

- Assumed name, fictitious name or other registration certificate from appropriate governmental agency.

Partnership or Joint Venture

- Original and any amended Partnership or Joint Venture Agreements.
- Assumed name, fictitious name, or other registration Certificate from appropriate governmental agency, if applicable.
- Partnership tax returns for last 3 years.

Corporation or LLC

- Official Articles of Incorporation (*signed by the state official*).
- Both sides of all Corporate Stock Certificates and Stock.
- Transfer Ledger.
- Entire copy of corporate tax returns for the last 3 years.
- Shareholders' Agreement.
- Minutes of all Stockholders' and Board of Directors' meetings.
- Corporate By-laws and any amendments.

NOTE: The specific state or recipient to which you are applying may have additional requirements.

↓ Where can I find more information?

U.S. DOT - <http://osdbuweb.dot.gov/business/dbe/index.html>

Section 1: CERTIFICATION INFORMATION

1. Prior/Other Certifications.

(a) Is your firm currently certified for any of the following programs? (If Yes, attach a copy of your certification(s)).	<input type="checkbox"/> DBE	Name of certifying agency:
		Has this firm's home state conducted an on-site visit? <input type="checkbox"/> Yes, on ___ / ___ / ___ <input type="checkbox"/> No
	<input type="checkbox"/> 8(a) <input type="checkbox"/> SDB	Stop! You may not have to complete this application. Ask about the streamlined application process under the SBA/DOT MOU.
(b) Has your firm applied for certification for any program listed in 1(a) in the past? <input type="checkbox"/> Yes, on ___ / ___ / ___ <input type="checkbox"/> No If Yes, identify: Other names your company has used: Identification and certification numbers:		
(c) Has this firm or any of its owners, Board of Directors, officers or management personnel been denied certification or decertified before by any agency in any state, local or Federal entity? <input type="checkbox"/> Yes, on ___ / ___ / ___ <input type="checkbox"/> No If Yes, identify State and name of agency:		

Section 2: GENERAL INFORMATION

2. Contact Information.

Contact Person:		Legal name of firm:	
Phone #:	Cell #:	Fax #:	
E-Mail:		Web Site (if firm has one):	
Street address of firm: (No P.O. box no.)			
Mailing address of firm:			
City:	County/Parish:	State:	Zip:

3. Business Profile.

Primary nature of business/NAICS code:	Federal tax ID:
Federal identification number or Applicant's Social Security number:	
This firm was established on ___ / ___ / ___	I(we) have owned this firm since: ___ / ___ / ___
Did the business exist under a different type of ownership prior to the date indicated above? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Explain.	
Method of acquisition (check all that apply): <input type="checkbox"/> Started new business <input type="checkbox"/> Bought existing business <input type="checkbox"/> Inherited business <input type="checkbox"/> Secured concession <input type="checkbox"/> Merger or consolidation <input type="checkbox"/> Other (explain):	
Has this firm operated under a different name during the past five years? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain:	
Has this firm applied for reorganization under Chapter 11 and/or liquidation under Chapter 7, within the last 3 years? (If Yes, provide court papers) <input type="checkbox"/> Yes <input type="checkbox"/> No	
Type of firm (Check all applicable): <input type="checkbox"/> Sole proprietorship (provide a copy of the assumed name certificate) <input type="checkbox"/> Partnership (provide copies of all partnership agreements and the assumed named certificate) <input type="checkbox"/> Corporation (provide Articles of Incorporation, copies of the stock certificates (both sides), Stock Transfer Ledger, Shareholders' Agreement, all minutes of the shareholders' meetings and Board of Directors' meetings, the Corporate Bylaws and Bylaws Amendments (if applicable), the Corporate Bank Resolution and Bank Signature Cards) <input type="checkbox"/> Limited Liability Partnership <input type="checkbox"/> Joint Venture <input type="checkbox"/> Other	
Number of employees: Permanent Full-time ___ Temporary Full-time ___ Seasonal Full-time ___ Permanent Part-time ___ Temporary Part-time ___ Seasonal Part-time ___	
Where do you obtain seasonal employees?	
Does your firm directly pay, in its own name, all its employees? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, explain.	
Specify the gross receipts of the firm for the last 3 years: (Attach copies of full transactions for each year)	
Year ending ___	Total receipts: \$ _____
Year ending ___	Total receipts: \$ _____
Year ending ___	Total receipts: \$ _____

Section 3: OWNERSHIP

4. Identify all individuals or holding companies with any ownership interest. List their cash, equipment and/or real estate and/or other investment in the firm; and attach the documentation of the source of these investments. (Attach work experience resumes of each person; if more than two owners, attach a separate sheet.)

First Person					
Name:		Title:		Home Phone#:	
Home Address (street and number):					
City:			State:		Zip
Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female		Ethnic Group (attach proof of status):			
U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> African American <input type="checkbox"/> Hispanic <input type="checkbox"/> Native American <input type="checkbox"/> Caucasian <input type="checkbox"/> Asian Pacific <input type="checkbox"/> Asian Indian <input type="checkbox"/> Other Ethnic Group (explain) _____			
Legal permanent resident: <input type="checkbox"/> Yes <input type="checkbox"/> No					
Number of years owned:		Initial investment to acquire ownership interest in firm:		Type	Dollar Value
Percentage owned:				Cash	\$
Familial relationship to other owners:				Real Estate	\$
				Equipment	\$
				Other	\$
Shares of Stock: Number Percentage Class Date Acquired Method Acquired					
Additional contributions made by anyone since the business was started/acquired:					

Second Person					
Name:		Title:		Home Phone#:	
Home Address (street and number):					
City:			State:		Zip:
Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female		Ethnic Group (Attach proof of status):			
U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> African American <input type="checkbox"/> Hispanic <input type="checkbox"/> Native American <input type="checkbox"/> Caucasian <input type="checkbox"/> Asian Pacific <input type="checkbox"/> Asian Indian <input type="checkbox"/> Other Ethnic Group (explain) _____			
Legal permanent resident: <input type="checkbox"/> Yes <input type="checkbox"/> No					
Number of years owned:		Initial investment to acquire ownership interest in firm:		Type	Dollar Value
Percentage owned:				Cash	\$
Familial relationship to other owners:				Real Estate	\$
				Equipment	\$
				Other	\$
Shares of Stock: Number Percentage Class Date Acquired Method Acquired					
Additional contributions made by anyone since the business was started/acquired:					

Section 4: CONTROL

5. Identify Officers & Board of Directors. (Attach work experience resumes of each person; if additional space is required, attach a separate sheet.)

	Name	Title/Date Appointed	Ethnicity	Gender
Company Officers	1.			
	2.			
	3.			
	4.			
	5.			
Board of Directors	1.			
	2.			
	3.			
	4.			
	5.			

6. Identify management personnel who control the firm in the following areas. (Attach work experience resumes, including dates of employment at each company for each person; if more than two persons, attach a separate sheet)

	Name	Title	Ethnicity	Gender
Financial Decision (responsibility for check signing, acquisition of lines of credit, surety bonding, supplies, etc.)	1.			
	2.			
Estimating, bidding and negotiating (cost estimates, bid preparation and submission, negotiation or contract execution)	1.			
	2.			
Hiring/firing of management personnel	1.			
	2.			
Field/Production Operations Supervisor (site supervision/scheduling, project management services)	1.			
	2.			
List all field supervisors	1.			
	2.			
Office management	1.			
	2.			
Marketing/Sales	1.			
	2.			
Purchasing of major equipment	1.			
	2.			

7. Identify persons or firms who provide the following services.

	Name of firm	Name of person	Address	Phone No.
External management or technical/Computer service				
Accountant				
Attorney				
Principal Suppliers	1. Materials or equipment supplied			
	2. Materials or equipment supplied			

8. Identify those union(s), business(es), or professional association(s) in which the owner(s) or management personnel have membership.

Name of union, business or professional association	Address	Phone No.
1.		
2.		
3.		

9. Attach a list of equipment and/or vehicles within your firm's possession or under your control (indicate separately), office space (owned or leased) and storage space (owned or leased), including signed leasing agreements.

10. Financial Information.

(a) Banking Information
 Name of bank: _____ Phone No. () _____
 Name of officer: _____
 Address of bank: _____ City: _____ State: _____ Zip: _____

(b) Bonding Information: If you have bonding capacity, identify:
 Name of agent or broker: _____ Phone No: () _____
 Address of agent/broker: _____ City _____ State: _____ Zip : _____
 Bonding limit: Aggregate limit \$ _____ Project limit \$ _____

(c) Attach copies of year end balance sheet and profit and loss (income) statements for the last 3 years, or if business has been in operation for less than one year, provide a current balance sheet, a projected profit and loss statement for the next 12 month period and a projected balance sheet for the end of that period.

11. Identify all sources, amount and purposes of money loaned to the firm, including name of person or firm securing the loan, if other than owner(s). (Attach copies of all loan agreements.)

Name of Source	Address of Source	Amount
1.		
2.		
3.		

12. List current licenses (e.g. contractor, engineer, architect, ICC, etc.). (Attach copies of licenses.)

Name of Individual or Firm	Name of License	Expiration Date	License Number
1.			
2.			
3.			

13. Does your firm have key person insurance? Yes No
 (If Yes, attach a list of the persons named and the value.)

14. List the 3 largest contracts completed by this firm in the past 3 years.

Name of owner/contractor	Name/location of project	Type of work performed
1.		
2.		
3.		

15. List all active jobs this firm is currently working on. (If additional space is required, attach a separate sheet.)

Name of prime contractor and project number	Location of project	Type of work	Date project began	Anticipated completion date
1.				
2.				
3.				

Section 5: AFFILIATION

16. Affiliation with other businesses.

<p>(a) Affiliate companies:</p>											
<p>(b) Do any of the people listed in question 4, 5, or 6 perform a management or supervisory function for any other business? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, identify: Person: _____ Title: _____ Business: _____ Function: _____</p>											
<p>(c) Do any of the people listed in questions 4, 5, or 6 own or work for other firms that have a business relationship with yours? <i>(e.g., ownership interest, shared office space, financial investments, equipment leases or personnel sharing)?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, identify: Firm: _____ Person: _____ Business Relationship: _____</p>											
<p>(d) Whether affiliated or not, is the applicant firm co-located at any of its business locations, or does it share a telephone number, P.O. Box, office space, yard, warehouse, facilities, equipment, or office staff, with any other business, organization, or entity? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, identify: Firm's name: _____ Tax ID number _____ Explain nature of shared facilities: _____</p>											
<p>(e) At present or in the past 5 years:</p> <p>If you answered Yes to any to any of these questions, identify on a separate piece of paper any relevant names, addresses, dates and explanations.</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Has this firm been a subsidiary of any other firm?</td> <td style="padding: 2px;"><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td style="padding: 2px;">Has this firm consisted of a partnership in which one or more of the partners are other firms?</td> <td style="padding: 2px;"><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td style="padding: 2px;">Has any other firm owned 5% or more of this firm?</td> <td style="padding: 2px;"><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td style="padding: 2px;">Has this firm had any subsidiaries?</td> <td style="padding: 2px;"><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td style="padding: 2px;">Has this firm owned 5% or more of any other firm?</td> <td style="padding: 2px;"><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> </table>	Has this firm been a subsidiary of any other firm?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Has this firm consisted of a partnership in which one or more of the partners are other firms?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Has any other firm owned 5% or more of this firm?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Has this firm had any subsidiaries?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Has this firm owned 5% or more of any other firm?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has this firm been a subsidiary of any other firm?	<input type="checkbox"/> Yes <input type="checkbox"/> No										
Has this firm consisted of a partnership in which one or more of the partners are other firms?	<input type="checkbox"/> Yes <input type="checkbox"/> No										
Has any other firm owned 5% or more of this firm?	<input type="checkbox"/> Yes <input type="checkbox"/> No										
Has this firm had any subsidiaries?	<input type="checkbox"/> Yes <input type="checkbox"/> No										
Has this firm owned 5% or more of any other firm?	<input type="checkbox"/> Yes <input type="checkbox"/> No										

Section 6: OTHER

- 17. Are you a trucking firm?** Yes No
(If Yes, attach proof of ownership of a fully operational truck and trailer. Documentation should include insurance and titles.)
- 18. Are you a regular dealer?** Yes No
(If Yes, attach proof of warehouse, product lines carried, and distribution equipment.)

AFFIDAVIT OF CERTIFICATION

A MATERIAL OR FALSE STATEMENT OR OMISSION MADE IN CONNECTION WITH THIS APPLICATION IS SUFFICIENT CAUSE FOR DENIAL OF CERTIFICATION, REVOCATION OF A PRIOR APPROVAL, INITIATION OF SUSPENSION OR DEBARMENT PROCEEDINGS, AND MAY SUBJECT THE PERSON AND/OR ENTITY MAKING THE FALSE STATEMENT TO ANY AND ALL CIVIL AND CRIMINAL PENALTIES AVAILABLE PURSUANT TO APPLICABLE FEDERAL AND STATE LAW.

I _____ (full name), swear or affirm under penalty of law that I am _____ (title) of applicant firm _____ (firm name) and that I have read and understood all of the questions in this application and that all of the foregoing information and statements submitted in this application and its attachments and supporting documents are true and correct to the best of my knowledge, and that all responses to the questions are full and complete, omitting no material information. The responses include all material information necessary to fully and accurately identify and explain the operations, capabilities and pertinent history of the named firm, as well as the ownership, control, and affiliations thereof.

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

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

If awarded a contract or subcontract, I agree to promptly and directly provide the prime contractor, if any, and the Department, recipient agency, or federal funding agency on an ongoing basis, current, complete and accurate information regarding (1) work performed on the project; (2) payments; and (3) proposed changes, if any, to the foregoing arrangements.

I agree to provide written notice to the recipient agency or Unified Certification Program (UCP) of any material change in the information contained in the original application within 30 calendar days of such change (e.g., ownership, address, telephone number, etc.).

I acknowledge and agree that any misrepresentations in this application or in records pertaining to a contract or subcontract will be grounds for terminating any contract or subcontract which may be awarded; denial or revocation of certification; suspension and debarment; and for initiating action under federal and/or state law concerning false statement, fraud or other applicable offenses.

I declare under penalty of perjury that the foregoing is true and correct.

Signature of owner, officer or partner _____ Date(mm/dd/yy) _____

I declare under penalty of perjury that the information provided in this application and supporting documents relating to my disadvantaged status and me is true and correct.

Print Name: _____ Signature: _____ Date: _____

Print Name: _____ Signature: _____ Date: _____

Print Name: _____ Signature: _____ Date: _____

Print Name: _____ Signature: _____ Date: _____

Print Name: _____ Signature: _____ Date: _____

NOTARY CERTIFICATION

STATE OF _____

)SS:

COUNTY OF _____

Subscribed and sworn to before me this _____ day of _____, 20____

Signature of Notary Public _____

Printed/typed name of Notary Public _____

County of residence _____ Date commission expires _____

AFFIDAVIT OF SOCIAL AND ECONOMIC DISADVANTAGE

This form must be signed and notarized for each owner upon which disadvantaged status is relied.

SOCIAL DISADVANTAGE

I hereby certify under penalty of perjury that I am a member of one of the following groups:

- African American Hispanic Native American Caucasian Asian Pacific
- Asian Indian Other Ethnic Group (explain): _____

And that I have held myself out as a member of that group and have acted as a member of that group.

I further certify that I am an owner of the company seeking DBE certification and that I have experienced social disadvantage due to the effect of discrimination based upon my (check all that apply)

- race ethnicity gender other (explain) _____

Print Name: _____ Signature: _____ Date: _____

PERSONAL FINANCIAL STATEMENT

I hereby certify under penalty of perjury that my personal net worth does not exceed \$750,000.

Print Name: _____ Signature: _____ Date: _____

This statement is supported by (check one):

- A signed, notarized statement of personal net worth, with appropriate supporting documentation.
- A signed, notarized statement from a certified public accountant (CPA) attesting that he/she has examined my personal net worth and determined, consistent with the provisions of §26.67(a)(2) and generally accepted accounting standards, that my personal net worth does not exceed \$750,000.

NOTARY CERTIFICATION	
STATE OF _____	
COUNTY OF _____)SS:
Subscribed and sworn to before me this _____ day of _____, 20 _____	
Signature of Notary Public _____	
Printed/typed name of Notary Public _____	
County of residence _____	Date commission expires _____

**PERSONAL NET WORTH STATEMENT
(49 CFR PART 26)**

As of _____

For firm applying for airport concession DBE certification: A PNW is not required at this time.

Each individual owner of a DBE firm whose ownership or control is relied upon for DBE certification is required to provide Personal Net Worth (PNW) information and include it in the notarized DBE Certification Application package. For a firm with more than one owner relied upon for DBE certification, please make additional copies of this Statement. The Unified Certification Program of California reserves the right to request additional information as necessary and may conduct an on-site visit to verify the information contained in this Statement.

I understand that all personal financial information I submit will remain confidential unless I give my written consent to release this information to a third party. I also understand that the only exception to this confidentiality provision is if I decide to appeal a decision by the Unified Certification Program of California.

Name _____ Phone _____
 Business Address _____
 City, State, & Zip Code _____
 Business Name _____

Assets ¹	Liabilities
Cash on Hand & in Banks..... \$ _____	Accounts Payable \$ _____
Savings Accounts..... \$ _____	Notes Payable to Banks and Others..... \$ _____
IRA or Other Retirement Accounts \$ _____	Installment Accounts (Auto) \$ _____
Accounts/Notes Receivable..... \$ _____	(Mo. Payments \$ _____)
Life Insurance/Cash Surrender Value..... \$ _____	Other Installment Accounts \$ _____
Stocks and Bonds..... \$ _____	(Mo. Payments \$ _____)
Real Estate ² \$ _____	Loans on Life Insurance \$ _____
Automobile - Present Value \$ _____	Mortgages on Real Estate ² \$ _____
Other Personal Property..... \$ _____	Unpaid Taxes..... \$ _____
Other Assets..... \$ _____	Other Liabilities..... \$ _____
Total Assets..... \$ _____	Total Liabilities..... \$ _____
	NET WORTH \$ _____
Sources of Income	Contingent Liabilities
Salary..... \$ _____	As Endorse or Co-Maker \$ _____
Net Investment Income..... \$ _____	Legal Claims and Judgment..... \$ _____
Real Estate Income \$ _____	Provision for Federal Income Tax \$ _____
Other Income ³ \$ _____	Other Special Debt..... \$ _____

Is any portion of the equity in the individual's primary residence attributable to withdrawal(s) from the firm applying for DBE certification? _____ If yes, how much? \$ _____

The undersigned does hereby swear that the foregoing statements are true, accurate, and complete.

Signature _____ Date _____

- Exclude an individual's ownership interest in the firm applying for DBE certification. For individuals claiming to be Alaska Native, exclude any of the following which the individual receives from any Alaska Native Corporation ("ANC"): Cash (including cash dividends on stock received from an ANC) to the extent that it does not, in the aggregate, exceed \$2,000 per individual per year; a partnership interest; land, or an interest in land (including land or an interest in land received from an ANC as a dividend or distribution on stock); and an interest in a settlement trust.
- Do not include the individual's primary residence.
- Alimony or child support payments need not be disclosed in "Other Income" unless it is desired to have such payments counted toward total income.

**PERSONAL NET WORTH STATEMENT
NOTARY ACKNOWLEDGEMENT**

STATE OF _____

COUNTY OF _____

On this _____ day of _____, _____, before me, the undersigned Notary Public, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within Affidavit, and acknowledged that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature on the instrument, the person(s) executed the instrument.

WITNESS my hand and Official Seal.

Signature: _____

Name: _____
(Typed or Printed)

CALIFORNIA UNIFIED CERTIFICATION PROGRAM (CUCP)



Supplemental Questionnaire

For firm applying for airport concession DBE certification: A Supplemental Questionnaire is not required at this time.

Firm Name: _____

1. Is the firm's principal place of business in California? Yes _____ No _____

If no, please include a copy of the firm's DBE certificate issued in its home state. (The California UCP will not process a new application for DBE certification from a firm having its principal place of business in another state unless the firm has already been certified in that state.)

2. Is the firm authorized to do business in the State of California? Yes _____ No _____

3. List all office locations in California: _____

4. Has the firm ever done business with any U.S. DOT Grantees of California? Yes _____ No _____

If yes, please indicate the agency name(s) and latest year(s):

Agency	Latest Year

Agency	Latest Year

5. Is there an upcoming project in which the firm is interested and therefore, would need to be certified prior to a specific date in order to be counted toward DBE participation? Yes _____ No _____

If yes, please answer the following:

Agency letting contract: _____

Contract number and name: _____

Bid opening date (If Request for Proposal, submission due date): _____

6. Indicate areas where you prefer to do your work. You may select Statewide (SW) to indicate you are willing to work anywhere in the State.

- | | | | | | |
|--|---|---------------------------------------|--|---|--|
| <input type="checkbox"/> SW Statewide | <input type="checkbox"/> 10 Fresno | <input type="checkbox"/> 20 Madera | <input type="checkbox"/> 30 Orange | <input type="checkbox"/> 40 San Luis Obispo | <input type="checkbox"/> 50 Stanislaus |
| <input type="checkbox"/> 01 Alameda | <input type="checkbox"/> 11 Glenn | <input type="checkbox"/> 21 Marin | <input type="checkbox"/> 31 Placer | <input type="checkbox"/> 41 San Mateo | <input type="checkbox"/> 51 Sutter |
| <input type="checkbox"/> 02 Alpine | <input type="checkbox"/> 12 Humboldt | <input type="checkbox"/> 22 Mariposa | <input type="checkbox"/> 32 Plumas | <input type="checkbox"/> 42 Santa Barbara | <input type="checkbox"/> 52 Tehama |
| <input type="checkbox"/> 03 Amador | <input type="checkbox"/> 13 Imperial | <input type="checkbox"/> 23 Mendocino | <input type="checkbox"/> 33 Riverside | <input type="checkbox"/> 43 Santa Clara | <input type="checkbox"/> 53 Trinity |
| <input type="checkbox"/> 04 Butte | <input type="checkbox"/> 14 Inyo | <input type="checkbox"/> 24 Merced | <input type="checkbox"/> 34 Sacramento | <input type="checkbox"/> 44 Santa Cruz | <input type="checkbox"/> 54 Tulare |
| <input type="checkbox"/> 05 Calaveras | <input type="checkbox"/> 15 Kern | <input type="checkbox"/> 25 Modoc | <input type="checkbox"/> 35 San Benito | <input type="checkbox"/> 45 Shasta | <input type="checkbox"/> 55 Tuolumne |
| <input type="checkbox"/> 06 Colusa | <input type="checkbox"/> 16 Kings | <input type="checkbox"/> 26 Mono | <input type="checkbox"/> 36 San Bernardino | <input type="checkbox"/> 46 Sierra | <input type="checkbox"/> 56 Ventura |
| <input type="checkbox"/> 07 Contra Costa | <input type="checkbox"/> 17 Lake | <input type="checkbox"/> 27 Monterey | <input type="checkbox"/> 37 San Diego | <input type="checkbox"/> 47 Siskiyou | <input type="checkbox"/> 57 Yolo |
| <input type="checkbox"/> 08 Del Norte | <input type="checkbox"/> 18 Lassen | <input type="checkbox"/> 28 Napa | <input type="checkbox"/> 38 San Francisco | <input type="checkbox"/> 48 Solano | <input type="checkbox"/> 58 Yuba |
| <input type="checkbox"/> 09 El Dorado | <input type="checkbox"/> 19 Los Angeles | <input type="checkbox"/> 29 Nevada | <input type="checkbox"/> 39 San Joaquin | <input type="checkbox"/> 49 Sonoma | |

CALIFORNIA UNIFIED CERTIFICATION PROGRAM (CUCP)



Work Category Codes

Please review the enclosed Work Category Codes list and indicate below areas of expertise that you prefer to perform in order of importance. DBE applicants are first subject to the applicable small business size standards of the Small Business Administration (SBA). Second, the average annual gross receipts for the firm (including its affiliates) over the previous three fiscal years must not exceed the U.S. Department of Transportation's cap of \$17.42 million. Please note that size standards are subject to change at any time by the SBA. To determine if the firm meets SBA's and U.S. DOT's size standards, please contact one of the certifying agencies on the enclosed roster.

For firm applying for airport concession DBE certification: The average annual gross receipts for the firm (including its affiliates) over the previous three fiscal years must not exceed \$30 million.

<u>Work Code</u>	<u>Title (Description of Work/Service)</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

STATE OF CALIFORNIA

UNIFIED CERTIFICATION PROGRAM (CUCP)



NAICS Code	NAICS Description	NAICS Code	NAICS Description	NAICS Code	NAICS Description
11110	Soybean Farming	115112c	Machine	233210	Single Family Housing Construction
11120	Oilseed (except Soybean) Farming	115112d	Postharvest Crop Activities (except Cotton Ginning)	233220	Multifamily Housing Construction
11130	Dry Pea and Bean Farming	115112e	Farm Labor Contractors and Crew Leaders	233310	Manufacturing and Industrial Building Construction
11140	Wheat Farming	115112e	Farm Management Services	233320	Commercial and Institutional Building Construction
11150	Corn Farming	115210	Support Activities for Animal Production	234110	Highway and Street Construction
11160	Rice Farming	115310	Support Activities for Forestry	234120	Bridge and Tunnel Construction
11191	Oilseed and Grain Combination Farming	211111	Crude Petroleum and Natural Gas Extraction	234910	Water, Sewer, and Pipeline Construction
11199	All Other Grain Farming	211112	Natural Gas Liquid Extraction	234920	Power and Communication Transmission Line Construction
11211	Potato Farming	212111	Bituminous Coal and Lignite Surface Mining	234930	Industrial Nonbuilding Structure Construction
11219	Other Vegetable (except Potato) and Melon Farming	212112	Bituminous Coal Underground Mining	234990	All Other Heavy Construction
11310	Orange Groves	212113	Anthracite Mining	235110	Plumbing, Heating and Air-Conditioning Contractors
11320	Citrus (except Orange) Groves	212210	Iron Ore Mining	235210	Painting and Wall Covering Contractors
11331	Apple Orchards	212221	Gold Ore Mining	235310	Electrical Contractors
11332a	Grape Vineyards	212222	Silver Ore Mining	235410	Masonry and Stone Contractors
11332b	Strawberry Farming	212231	Lead Ore and Zinc Ore Mining	235420	Drywall, Plastering, Acoustical and Insulation Con
11332c	Berry (except Strawberry) Farming	212234	Copper Ore and Nickel Ore Mining	235430	Tile, Marble, Terrazzo and Mosaic Contractors
11332d	Tree Nut Farming	212291	Uranium-Radium-Vanadium Ore Mining	235510	Carpentry Contractors
11332e	Fruit and Tree Nut Combination Farming	212299	All Other Metal Ore Mining	235520	Floor Laying and Other Floor Contractors
11339	Other Noncitrus Fruit Farming	212311	Dimension Stone Mining and Quarrying	235610	Roofing, Siding and Sheet Metal Contractors
11411	Mushroom Production	212312	Crushed and Broken Limestone Mining and Quarrying	235710	Concrete Contractors
11419	Other Food Crops Grown Under Cover	212312a	Crushed and Broken Limestone Mining and Quarrying	235810	Water Well Drilling Contractors
11421	Nursery and Tree Production	212313	Crushed and Broken Granite Mining and Quarrying	235910	Structural Steel Erection Contractors
11422	Floriculture Production	212319	Other Crushed and Broken Stone Mining and Quarrying	235920	Glass and Glazing Contractors
11910	Tobacco Farming	212321	Construction Sand and Gravel Mining	235930	Excavation Contractors
11920	Cotton Farming	212322	Industrial Sand Mining	235940	Wrecking and Demolition Contractors
11930	Sugarcane Farming	212324	Kaolin and Ball Clay Mining	235950	Building Equipment and Other Machinery Installation
11940	Hay Farming	212325	Clay and Ceramic and Refractory Minerals Mining	235990	All Other Special Trade Contractors
11991	Sugar Beet Farming	212391	Potash, Soda, and Borate Mineral Mining	311111	Dog and Cat Food Manufacturing
11992	Peanut Farming	212392	Phosphate Rock Mining	311119	Other Animal Food Manufacturing
11998	All Other Miscellaneous Crop Farming	212393	Other Chemical and Fertilizer Mineral Mining	311211	Flour Milling
112111	Beef Cattle Ranching and Farming	212399	All Other Nonmetallic Mineral Mining	311212	Rice Milling
112112	Cattle Feedlots	213111	Drilling Oil and Gas Wells	311213	Malt Manufacturing
112120	Dairy Cattle and Milk Production	213112	Support Activities for Oil and Gas Operations	311221	Wet Corn Milling
112210	Hog and Pig Farming	213113	Support Activities for Coal Mining	311222	Soybean Processing
112310	Chicken Egg Production	213114	Support Activities for Metal Mining	311223	Other Oilseed Processing
112320	Broilers and Other Meat Type Chicken Production	213115	Support Activities for Nonmetallic Minerals	311225	Fats and Oils Refining and Blending
112330	Turkey Production	221111	Hydroelectric Power Generation	311230	Breakfast Cereal Manufacturing
112340	Poultry Hatcheries	221112	Fossil Fuel Electric Power Generation	311311	Sugarcane Mills
112390	Other Poultry Production	221113	Nuclear Electric Power Generation	311312	Cane Sugar Refining
112410	Sheep Farming	221119	Other Electric Power Generation	311313	Beet Sugar Manufacturing
112420	Goat Farming	221121	Electric Bulk Power Transmission and Control	311320	Chocolate and Confectionery Manufacturing from Cacao
112511	Finfish Farming and Fish Hatcheries	221122	Electric Power Distribution	311330	Confectionery Manufacturing from Purchased Chocolate
112512	Shellfish Farming	221210	Natural Gas Distribution	311340	Non-Chocolate Confectionery Manufacturing
112519	Other Animal Aquaculture	221310	Water Supply and Irrigation Systems	311411	Frozen Fruit, Juice and Vegetable Manufacturing
112910	Apiculture	221320	Sewage Treatment Facilities	311412	Frozen Specialty Food Manufacturing
112920	Horse and Other Equine Production	221330	Steam and Air-Conditioning Supply	311421	Fruit and Vegetable Canning
112930	Fur-Bearing Animal and Rabbit Production	233110	Land Subdivision and Land Development	311422	Specialty Canning
112990	All Other Animal Production			311423	Dried and Dehydrated Food Manufacturing
113110	Timber Tract Operations				
113210	Forest Nurseries and Gathering of Forest Products				
113310	Logging				
114111	Finfish Fishing				
114112	Shellfish Fishing				
114119	Other Marine Fishing				
114210	Hunting and Trapping				
5111	Cotton Ginning				
5112a	Soil Preparation, Planting, and Cultivating				
115112b	Crop Harvesting, Primarily by				

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<u>311511</u>	Fluid Milk Manufacturing	<u>314999</u>	All Other Miscellaneous Textile Product Mills	<u>321214</u>	Truss) Manufacturing
<u>311512</u>	Creamery Butter Manufacturing	<u>315111</u>	Sheer Hosiery Mills	<u>321219</u>	Truss Manufacturing
<u>311513</u>	Cheese Manufacturing	<u>315119</u>	Other Hosiery and Sock Mills		Reconstituted Wood Product Manufacturing
<u>311514</u>	Dry, Condensed, and Evaporated Dairy Product Manufacturing	<u>315191</u>	Outerwear Knitting Mills	<u>321911</u>	Wood Window and Door Manufacturing
<u>311520</u>	Ice Cream and Frozen Dessert Manufacturing	<u>315192</u>	Underwear and Nightwear Knitting Mills	<u>321912</u>	Cut Stock, Resawing Lumber, and Planing
<u>311611</u>	Animal (except Poultry) Slaughtering	<u>315211</u>	Men's and Boys' Cut and Sew Apparel Contractors	<u>321918</u>	Other Millwork (including flooring)
<u>311612</u>	Meat Processed from Carcasses	<u>315212</u>	Women's, Girls', and Infants' Cut and Sew Apparel	<u>321920</u>	Wood Container and Pallet Manufacturing
<u>311613</u>	Rendering and Meat By-product Processing	<u>315221</u>	Men's and Boys' Cut and Sew Underwear and Nightwear	<u>321991</u>	Manufactured Home (Mobile Home) Manufacturing
<u>311615</u>	Poultry Processing	<u>315222</u>	Men's and Boys' Cut and Sew Suit, Coat and Overcoat	<u>321992</u>	Prefabricated Wood Building Manufacturing
<u>311711</u>	Seafood Canning	<u>315223</u>	Men's and Boys' Cut and Sew Shirt (except Work Shi	<u>321999</u>	All Other Miscellaneous Wood Product Manufacturing
<u>311712</u>	Fresh and Frozen Seafood Processing	<u>315224</u>	Men's and Boys' Cut and Sew Trouser, Slack and Jeans	<u>322110</u>	Pulp Mills
<u>311811</u>	Retail Bakeries	<u>315225</u>	Men's and Boys' Cut and Sew Work Clothing Manufacturing	<u>322121</u>	Paper (except Newsprint) Mills
<u>311812</u>	Commercial Bakeries	<u>315226</u>	Men's and Boys' Cut and Sew Other Outerwear Manufacturing	<u>322122</u>	Newsprint Mills
<u>311813</u>	Frozen Cakes, Pies, and Other Pastries Manufacturing	<u>315231</u>	Women's and Girls' Cut and Sew Lingerie, Loungewear	<u>322130</u>	Paperboard Mills
<u>311821</u>	Cookie and Cracker Manufacturing	<u>315232</u>	Women's and Girls' Cut and Sew Blouse and Shirt Ma	<u>322211</u>	Corrugated and Solid Fiber Box Manufacturing
<u>311822</u>	Flour Mixes and Dough Manufacturing from Purchased	<u>315233</u>	Women's and Girls' Cut and Sew Dress Manufacturing	<u>322212</u>	Folding Paperboard Box Manufacturing
<u>311823</u>	Dry Pasta Manufacturing	<u>315234</u>	Women's and Girls' Cut and Sew Suit, Coat, Tailored	<u>322213</u>	Setup Paperboard Box Manufacturing
<u>311830</u>	Tortilla Manufacturing	<u>315239</u>	Women's and Girls' Cut and Sew Other Outerwear Man	<u>322214</u>	Fiber Can, Tube, Drum, and Similar Products Manufacturing
<u>311911</u>	Roasted Nuts and Peanut Butter Manufacturing	<u>315291</u>	Infants' Cut and Sew Apparel Manufacturing	<u>322215</u>	Non-Folding Sanitary Food Container Manufacturing
<u>311919</u>	Other Snack Food Manufacturing	<u>315292</u>	Fur and Leather Apparel Manufacturing	<u>322221</u>	Coated and Laminated Packaging Paper and Plastics
<u>311920</u>	Coffee and Tea Manufacturing	<u>315299</u>	All Other Cut and Sew Apparel Manufacturing	<u>322222a</u>	Coated and Laminated Paper Manufacturing
<u>311930</u>	Flavoring Syrup and Concentrate Manufacturing	<u>315991</u>	Hat, Cap and Millinery Manufacturing	<u>322222b</u>	Plastics, Foil, and Coated Paper Bag Manufacturing
<u>311941</u>	Mayonnaise, Dressing and Other Prepared Sauce Manu'	<u>315992</u>	Glove and Mitten Manufacturing	<u>322222c</u>	Uncoated Paper and Multiwall Bag Manufacturing
<u>311942</u>	Spice and Extract Manufacturing	<u>315993</u>	Men's and Boys' Neckwear Manufacturing	<u>322222d</u>	Laminated Aluminum Foil Manufacturing for Flexible
<u>311991</u>	Perishable Prepared Food Manufacturing	<u>316110</u>	Leather and Hide Tanning and Finishing	<u>322222e</u>	Surface-Coated Paperboard Manufacturing
<u>311999</u>	All Other Miscellaneous Food Manufacturing	<u>316211</u>	Rubber and Plastics Footwear Manufacturing	<u>322231</u>	Die-Cut Paper and Paperboard Office Supplies Manufacturing
<u>312111</u>	Soft Drink Manufacturing	<u>316212</u>	House Slipper Manufacturing	<u>322232</u>	Envelope Manufacturing
<u>312112</u>	Bottled Water Manufacturing	<u>316213</u>	Men's Footwear (except Athletic) Manufacturing	<u>322233</u>	Stationery, Tablet, and Related Product Manufacturer
<u>312113</u>	Ice Manufacturing	<u>316214</u>	Women's Footwear (except Athletic) Manufacturing	<u>322291</u>	Sanitary Paper Product Manufacturing
<u>312120</u>	Breweries	<u>316219</u>	Other Footwear Manufacturing	<u>322292</u>	All Other Converted Paper Product Manufacturing
<u>312130</u>	Wineries	<u>316991</u>	Luggage Manufacturing	<u>323110</u>	Commercial Lithographic Printing
<u>312140</u>	Distilleries	<u>316992</u>	Women's Handbag and Purse Manufacturing	<u>323111a</u>	Commercial Gravure Printing
<u>312210</u>	Tobacco Stemming and Redrying	<u>316993</u>	Personal Leather Good (except Women's Handbag and All Other Leather Good Manufacturing	<u>323111b</u>	Commercial Flexographic Printing
<u>312221</u>	Cigarette Manufacturing	<u>316999</u>	Sawmills	<u>323111c</u>	Commercial Screen Printing
<u>312229</u>	Other Tobacco Product Manufacturing	<u>321113</u>	Wood Preservation	<u>323111d</u>	Quick Printing
<u>313111</u>	Yarn Spinning Mills	<u>321114</u>	Hardwood Veneer and Plywood Manufacturing	<u>323111e</u>	Digital Printing
<u>313112</u>	Yarn Texturizing, Throwing and Twisting Mills	<u>321211</u>	Softwood Veneer and Plywood Manufacturing	<u>323111f</u>	Manifold Business Forms Printing
<u>313113</u>	Thread Mills	<u>321212</u>	Engineered Wood Member (except	<u>323111g</u>	Books Printing
<u>313210</u>	Broadwoven Fabric Mills	<u>321213</u>		<u>323111h</u>	Blankbook, Loose-leaf Binder and Device Manufacturer
<u>313221</u>	Narrow Fabric Mills			<u>323111j</u>	Other Commercial Printing
<u>313222</u>	Schiffli Machine Embroidery			<u>323121</u>	Tradebinding and Related Work
<u>313230</u>	Nonwoven Fabric Mills			<u>323122</u>	Prepress Services
<u>313241</u>	Wet Knit Fabric Mills			<u>324110</u>	Petroleum Refineries
<u>313249</u>	Other Knit Fabric and Lace Mills			<u>324121</u>	Asphalt Paving Mixture and Block Manufacturing
<u>313311</u>	Broadwoven Fabric Finishing Mills			<u>324122</u>	Asphalt Shingle and Coating Materials Manufacturing
<u>313312</u>	Textile and Fabric Finishing (except Broadwoven Fabric)				
<u>313320</u>	Fabric Coating Mills				
<u>314110</u>	Carpet and Rug Mills				
<u>314121</u>	Curtain and Drapery Mills				
<u>314129</u>	Other Household Textile Product Mills				
<u>314911</u>	Textile Bag Mills				
<u>314912</u>	Canvas and Related Product Mills				
<u>314991</u>	Rope, Cordage and Twine Mills				
<u>314992</u>	Tire Cord and Tire Fabric Mills				

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324191	Petroleum Lubricating Oil and Grease Manufacturing	326130	Manufacturing Laminated Plastics Plat, Sheet and Shape Manufacturing	331312	Primary Aluminum Production
4199	All Other Petroleum and Coal Products Manufacturing	326140	Polystyrene Foam Product Manufacturing	331314	Secondary Smelting and Alloying of Aluminum
325110	Petrochemical Manufacturing	326150	Urethane and Other Foam Product (except Polystyrene)	331315	Aluminum Sheet, Plate and Foil Manufacturing
325120	Industrial Gas Manufacturing	326160	Plastics Bottle Manufacturing	331316	Aluminum Extruded Product Manufacturing
325131	Inorganic Dye and Pigment Manufacturing	326191	Plastics Plumbing Fixture Manufacturing	331319	Other Aluminum Rolling and Drawing
325132	Synthetic Organic Dye and Pigment Manufacturing	326192	Resilient Floor Covering Manufacturing	331411	Primary Smelting and Refining of Copper
325181	Alkalies and Chlorine Manufacturing	326199	All Other Plastics Product Manufacturing	331419	Primary Smelting and Refining of Nonferrous Metal
325182	Carbon Black Manufacturing	326211	Tire Manufacturing (except Retreading)	331421	Copper Rolling, Drawing and Extruding
325188	All Other Basic Inorganic Chemical Manufacturing	326212	Tire Retreading	331422	Copper Wire (except Mechanical) Drawing
325191	Gum and Wood Chemical Manufacturing	326220	Rubber and Plastics Hoses and Belting Manufacturing	331423	Secondary Smelting, Refining, and Alloying of Copper
325192	Cyclic Crude and Intermediate Manufacturing	326291	Rubber Product Manufacturing for Mechanical Use	331491	Nonferrous Metal (except Copper and Aluminum) Roll
325193	Ethyl Alcohol Manufacturing	326299	All Other Rubber Product Manufacturing	331492	Secondary Smelting, Refining, and Alloying of Nonferrous
325199	All Other Basic Organic Chemical Manufacturing	327111	Vitreous China Plumbing Fixture and China and Earth	331511	Iron Foundries
325211	Plastics Material and Resin Manufacturing	327112	Vitreous China, Fine Earthenware and Other Pottery	331512	Steel Investment Foundries
325212	Synthetic Rubber Manufacturing	327113	Porcelain Electrical Supply Manufacturing	331513	Steel Foundries (except Investment)
325221	Cellulosic Organic Fiber Manufacturing	327121	Brick and Structural Clay Tile Manufacturing	331521	Aluminum Die-Casting Foundries
325222	Noncellulosic Organic Fiber Manufacturing	327122	Ceramic Wall and Floor Tile Manufacturing	331522	Nonferrous (except Aluminum) Die-Casting Foundries
325311	Nitrogenous Fertilizer Manufacturing	327123	Other Structural Clay Product Manufacturing	331524	Aluminum Foundries (except Die-Casting)
325312	Phosphatic Fertilizer Manufacturing	327124	Clay Refractory Manufacturing	331525	Copper Foundries (except Die-Casting)
325314	Fertilizer (Mixing Only) Manufacturing	327125	Nonclay Refractory Manufacturing	331528	Other Nonferrous Foundries (except Die-Casting)
3320	Pesticide and Other Agricultural Chemical Manufacturing	327211	Flat Glass Manufacturing	332111	Iron and Steel Forging
325411	Medical and Botanical Manufacturing	327212	Other Pressed and Blown Glass and Glassware Manufacturing	332112	Nonferrous Forging
325412	Pharmaceutical Preparation Manufacturing	327213	Glass Container Manufacturing	332114	Custom Roll Forming
325413	In-Vitro Diagnostic Substance Manufacturing	327215	Glass Product Manufacturing Made of Purchased Glass	332115	Crown and Closure Manufacturing
325414	Biological Product (except Diagnostic) Manufacturing	327310	Cement Manufacturing	332116	Metal Stamping
325510	Paint and Coating Manufacturing	327320	Ready-Mix Concrete Manufacturing	332117	Powder Metallurgy Part Manufacturing
325520	Adhesive Manufacturing	327331	Concrete Block and Brick Manufacturing	332211	Cutlery and Flatware (except Precious) Manufacturing
325611	Soap and Other Detergent Manufacturing	327332	Concrete Pipe Manufacturing	332212	Hand and Edge Tool Manufacturing
325612	Polish and Other Sanitation Good Manufacturing	327390	Other Concrete Product Manufacturing	332213	Saw Blade and Handsaw Manufacturing
325613	Surface Active Agent Manufacturing	327410	Lime Manufacturing	332214	Kitchen Utensil, Pot and Pan Manufacturing
325620	Toilet Preparation Manufacturing	327420	Gypsum Product Manufacturing	332311	Prefabricated Metal Building and Component Manufacturing
325910	Printing Ink Manufacturing	327910	Abrasive Product Manufacturing	332312	Fabricated Structural Metal Manufacturing
325920	Explosives Manufacturing	327991	Cut Stone and Stone Product Manufacturing	332313	Plate Work Manufacturing
325991	Custom Compounding of Purchased Resins	327992	Ground or Treated Mineral and Earth Manufacturing	332321	Metal Window and Door Manufacturing
325992	Photographic Film, Paper, Plate and Chemical Manufacturing	327993	Mineral Wool Manufacturing	332322	Sheet Metal Work Manufacturing
325998	All Other Miscellaneous Chemical Product and Preparation	327999	All Other Miscellaneous Nonmetallic Mineral Product	332323	Ornamental and Architectural Metal Work Manufacturer
326111	Unsupported Plastics Bag Manufacturing	331111	Iron and Steel Mills	332410	Power Boiler and Heat Exchanger Manufacturing
326112	Unsupported Plastics Packaging Film and Sheet Manu	331112	Electrometallurgical Ferroalloy Product Manufacturer	332420	Metal Tank (Heavy Gauge) Manufacturing
326113	Unsupported Plastics Film and Sheet (except Packaging)	331210	Iron and Steel Pipe and Tube Manufacturing	332431	Metal Can Manufacturing
121	Unsupported Plastics Profile Shapes Manufacturing	331221	Cold-Rolled Steel Shape Manufacturing	332439	Other Metal Container Manufacturing
326122	Plastics Pipe and Pipe Fitting	331222	Steel Wire Drawing	332510	Hardware Manufacturing
		331311	Alumina Refining	332611	Spring (Heavy Gauge) Manufacturing
				332612	Spring (Light Gauge)

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332618	Manufacturing Other Fabricated Wire Product	333319	Other Commercial and Service Industry Machinery Ma	334220	Radio and Television Broadcasting and Wireless Com
332710	Manufacturing Machine Shops	333411	Air Purification Equipment Manufacturing	334290	Other Communications Equipme Manufacturing
332721	Precision Turned Product Manufacturing	333412	Industrial and Commercial Fan and Blower Manufacturer	334310	Audio and Video Equipment Manufacturing
332722	Bolt, Nut, Screw, Rivet and Washer Manufacturing	333414	Heating Equipment (except Warm Air Furnaces) Manufacturing	334411	Electron Tube Manufacturing
332811	Metal Heat Treating	333415	Air-Conditioning and Warm Air Heating Equipment an	334412a	Bare Printed Circuit Board Manufacturing
332812	Metal Coating, Engraving (except Jewelry and Silverware)	333511	Industrial Mold Manufacturing	334412b	Semiconductor and Related Device Manufacturing
332813	Electroplating, Plating, Polishing, Anodizing and	333512a	Machine Tool (Metal Cutting Types) Manufacturing	334412c	Electronic Capacitor Manufacturing
332911	Industrial Valve Manufacturing	333512b	Machine Tool (Metal Forming Types) Manufacturing	334412e	Electronic Resistor Manufacturing
332912	Fluid Power Valve and Hose Fitting Manufacturing	333512c	Special Die and Tool, Die Set, Jig and Fixture Man	334412f	Electronic Coil, Transformer, and Other Inductor M
332913	Plumbing Fixture Fitting and Trim Manufacturing	333512d	Cutting Tool and Machine Tool Accessory Manufacturer	334412g	Electronic Connector Manufacturing
332919	Other Metal Valve and Pipe Fitting Manufacturing	333512e	Rolling Mill Machinery and Equipment Manufacturing	334412h	Printed Circuit Assembly (Electronic Assembly) Man
332991	Ball and Roller Bearing Manufacturing	333518	Other Metalworking Machinery Manufacturing	334412i	Other Electronic Component Manufacturing
332992a	Small Arms Ammunition Manufacturing	333611	Turbine and Turbine Generator Set Unit Manufacturing	334510	Electromedical and Electrotherapeutic Apparatus Ma
332992b	Ammunition (except Small Arms) Manufacturing	333612	Speed Changer, Industrial High- Speed Drive and Gear	334511	Search, Detection, Navigation, Guidance, Aeronautical
332992c	Small Arms Manufacturing	333613	Mechanical Power Transmission Equipment Manufacturer	334512a	Automatic Environmental Control Manufacturing for
332992d	Other Ordnance and Accessories Manufacturing	333618	Other Engine Equipment Manufacturing	334512b	Instruments and Related Products Manufacturing for
332992e	Fabricated Pipe and Pipe Fitting Manufacturing	333911	Pump and Pumping Equipment Manufacturing	334512c	Totalizing Fluid Meter and Counting Device Manufacturing
332992f	Industrial Pattern Manufacturing	333912	Air and Gas Compressor Manufacturing	334512d	Instrument Manufacturing for Measuring and Testing
332992g	Enameled Iron and Metal Sanitary Ware Manufacturing	333913	Measuring and Dispensing Pump Manufacturing	334512e	Analytical Laboratory Instrument Manufacturing
332992h	All Other Miscellaneous Fabricated Metal Product M	333921	Elevator and Moving Stairway Manufacturing	334512f	Irradiation Apparatus Manufacturing
333111	Farm Machinery and Equipment Manufacturing	333922	Conveyor and Conveying Equipment Manufacturing	334512g	Watch, Clock, and Part Manufacturing
333112	Lawn and Garden Tractor and Home Lawn and Garden E	333923	Overhead Traveling Crane, Hoist and Monorail System	334512h	Other Measuring and Controlling Device Manufacturing
333120	Construction Machinery Manufacturing	333924	Industrial Truck, Tractor, Trailer and Stacker Mac	334611	Software Reproducing
333131	Mining Machinery and Equipment Manufacturing	333991	Power-Driven Hand Tool Manufacturing	334612	Pre-recorded Compact Disc (except Software), Tape,
333132	Oil and Gas Field Machinery and Equipment Manufacturing	333992a	Welding and Soldering Equipment Manufacturing	334613	Magnetic and Optical Recording Media Manufacturing
333210	Sawmill and Woodworking Machinery Manufacturing	333992b	Packaging Machinery Manufacturing	335110	Electric Lamp Bulb and Part Manufacturing
333220	Plastics and Rubber Industry Machinery Manufacturing	333992c	Industrial Process Furnace and Oven Manufacturing	335121	Residential Electric Lighting Fixture Manufacturing
333291	Paper Industry Machinery Manufacturing	333992d	Fluid Power Cylinder and Actuator Manufacturing	335122	Commercial, Industrial and Institutional Electric
333292	Textile Machinery Manufacturing	333992e	Fluid Power Pump and Motor Manufacturing	335129	Other Lighting Equipment Manufacturing
333293	Printing Machinery and Equipment Manufacturing	333992f	Scale and Balance (except Laboratory) Manufacturing	335211	Electric Housewares and Household Fan Manufacturing
333294	Food Product Machinery Manufacturing	333999	All Other Miscellaneous General Purpose Machinery	335212	Household Vacuum Cleaner Manufacturing
333295	Semiconductor Machinery Manufacturing	334111	Electronic Computer Manufacturing	335221	Household Cooking Appliance Manufacturing
333298	All Other Industrial Machinery Manufacturing	334112	Computer Storage Device Manufacturing	335222	Household Refrigerator and Home Freezer Manufacturer
333311	Automatic Vending Machine Manufacturing	334113	Computer Terminal Manufacturing	335224	Household Laundry Equipment Manufacturing
333312	Commercial Laundry, Drycleaning and Pressing Machine	334119	Other Computer Peripheral Equipment Manufacturing	335228	Other Major Household Appliance Manufacturing
333313	Office Machinery Manufacturing	334210	Telephone Apparatus Manufacturing	335311	Power, Distribution and Specialty Transformer Manu
333314	Optical Instrument and Lens Manufacturing			335312	Motor and Generator Manufacturing
333315	Photographic and Photocopying Equipment Manufacturer				

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335313	Switchgear and Switchboard Apparatus Manufacturing	337121	Upholstered Household Furniture Manufacturing	421210	Wholesalers
35314	Relay and Industrial Control Manufacturing	337122	Nonupholstered Wood Household Furniture Manufacturer	421220	Furniture Wholesalers
335911	Storage Battery Manufacturing	337124	Metal Household Furniture Manufacturing	421310	Home Furnishing Wholesalers
335912	Primary Battery Manufacturing	337125	Household Furniture (except Wood and Metal) Manufacturing	421320	Lumber, Plywood, Millwork and Wood Panel Wholesale
335921	Fiber Optic Cable Manufacturing	337127	Institutional Furniture Manufacturing	421330	Brick, Stone and Related Construction Material Who
335929	Other Communication and Energy Wire Manufacturing	337129	Wood Television, Radio, and Sewing Machine Cabinet	421390	Roofing, Siding and Insulation Material Wholesaler
335931	Current-Carrying Wiring Device Manufacturing	337211	Wood Office Furniture Manufacturing	421410	Other Construction Material Wholesalers
335932	Noncurrent-Carrying Wiring Device Manufacturing	337212	Custom Architectural Woodwork and Millwork Manufacturing	421420a	Photographic Equipment and Supplies Wholesalers
335991	Carbon and Graphite Product Manufacturing	337214	Office Furniture (Except Wood) Manufacturing	421420b	Office Equipment Wholesalers
335999	All Other Miscellaneous Electrical Equipment and C	337215	Showcase, Partition, Shelving, and Locker Manufacturing	421420c	Computer and Computer Peripheral Equipment and Software
336111	Automobile Manufacturing	337910	Mattress Manufacturing	421420d	Other Commercial Equipment Wholesalers
336112	Light Truck and Utility Vehicle Manufacturing	337920	Blind and Shade Manufacturing	421420e	Medical, Dental and Hospital Equipment and Supplies
336120	Heavy Duty Truck Manufacturing	339111	Laboratory Apparatus and Furniture Manufacturing	421420f	Optthalmic Goods Wholesalers
336211	Motor Vehicle Body Manufacturing	339112a	Surgical and Medical Instrument Manufacturing	421490	Other Professional Equipment and Supplies Wholesale
336212	Truck Trailer Manufacturing	339112b	Surgical Appliance and Supplies Manufacturing	421510	Metal Service Centers and Offices
336213	Motor Home Manufacturing	339112c	Dental Equipment and Supplies Manufacturing	421520	Coal and Other Mineral and Ore Wholesalers
336214	Travel Trailer and Camper Manufacturing	339112e	Ophthalmic Goods Manufacturing	421610	Electrical Apparatus and Equipment, Wiring Supplies
336311	Carburetor, Piston, Piston Ring and Valve Manufacturing	339112f	Dental Laboratories	421620	Electrical Appliance, Television and Radio Set Who
336312	Gasoline Engine and Engine Parts Manufacturing	339911	Jewelry (except Costume) Manufacturing	421690	Other Electronic Parts and Equipment Wholesalers
336321	Vehicular Lighting Equipment Manufacturing	339912	Silverware and Hollowware Manufacturing	421710	Hardware Wholesalers
336322	Other Motor Vehicle Electrical and Electronic Equip.	339913	Jewelers' Material and Lapidary Work Manufacturing	421720	Plumbing and Heating Equipment and Supplies (Hydro
6330	Motor Vehicle Steering and Suspension Components (339914	Costume Jewelry and Novelty Manufacturing	421730	Warm Air Heating and Air-Conditioning Equipment an
336340	Motor Vehicle Brake System Manufacturing	339920	Sporting and Athletic Goods Manufacturing	421740	Refrigeration Equipment and Supplies Wholesalers
336350	Motor Vehicle Transmission and Power Train Parts M	339921	Doll and Stuffed Toy Manufacturing	421810	Construction and Mining (except Oil Well) Machinery
336360	Motor Vehicle Seating and Interior Trim Manufacturer	339922	Game, Toy, and Children's Vehicle Manufacturing	421820a	Farm and Garden Machinery and Equipment Wholesaler
336370	Motor Vehicle Metal Stamping	339924	Pen and Mechanical Pencil Manufacturing	421820b	Industrial Machinery and Equipment Wholesalers
336391	Motor Vehicle Air-Conditioning Manufacturing	339942	Lead Pencil and Art Good Manufacturing	421820c	Industrial Supplies Wholesalers
336399	All Other Motor Vehicle Parts Manufacturing	339943	Marking Device Manufacturing	421820d	Service Establishment Equipment and Supplies Whole
336411	Aircraft Manufacturing	339944	Carbon Paper and Inked Ribbon Manufacturing	421820e	Transportation Equipment and Supplies (except Motor vehicles)
336412	Aircraft Engine and Engine Parts Manufacturing	339950	Sign Manufacturing	421910	Sporting and Recreational Goods and Supplies Whole
336413	Other Aircraft Part and Auxiliary Equipment Manufacturing	339951	Gasket, Packing, and Sealing Device Manufacturing	421920	Toy and Hobby Goods and Supplies Wholesalers
336414	Guided Missile and Space Vehicle Manufacturing	339992	Musical Instrument Manufacturing	421930	Recyclable Material Wholesalers
336415	Guided Missile and Space Vehicle Propulsion Unit a	339993	Fastener, Button, Needle and Pin Manufacturing	421940	Jewelry, Watch, Precious Stone and Precious Metal
336419	Other Guided Missile and Space Vehicle Parts and A	339994	Broom, Brush and Mop Manufacturing	421990	Other Miscellaneous Durable Goods Wholesalers
336510	Railroad Rolling Stock Manufacturing	339995	Burial Casket Manufacturing	422110	Printing and Writing Paper Wholesalers
336611	Ship Building and Repairing	339999	All Other Miscellaneous Manufacturing	422120	Stationary and Office Supplies Wholesalers
336612	Boat Building	421110	Automobile and Other Motor Vehicle Wholesalers	422130	Industrial and Personal Service Paper Wholesalers
336991	Motorcycle, Bicycle and Parts Manufacturing	421120	Motor Vehicle Supplies and New Part Wholesalers	422210	Drugs and Druggists' Sundries Wholesalers
336992	Military Armored Vehicle, Tank and Tank Component	421130	Tire and Tube Wholesalers	422310	Piece Goods, Notions and Other Dry Goods Wholesale
9999	All Other Transportation Equipment Manufacturing	421140	Motor Vehicle Parts (Used)	422320	Men's and Boys' Clothing and
337110	Wood Kitchen Cabinet and Counter Top Manufacturing				

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<u>422330</u>	Furnishings Wholesale Women's, Children's, and Infants' Clothing and Acc	<u>445120</u> <u>445210</u>	(except Convenience Convenience Stores	<u>481219</u>	Air Transportation Other Nonscheduled Air Transportation
<u>422340</u>	Footwear Wholesalers	<u>445220</u>	Meat Markets	<u>482111</u>	Line-Haul Railroads
<u>422410</u>	General Line Grocery Wholesalers	<u>445230</u>	Fish and Seafood Markets	<u>482112</u>	Short Line Railroads
<u>422420a</u>	Packaged Frozen Food Wholesalers	<u>445291</u>	Fruit and Vegetable Markets	<u>483111</u>	Deep Sea Freight Transportation
<u>422420b</u>	Dairy Product (except Dried or Canned) Wholesalers	<u>445292</u>	Baked Goods Stores	<u>483112</u>	Deep Sea Passenger Transportation
<u>422420c</u>	Poultry and Poultry Product Wholesalers	<u>445299</u>	Confectionery and Nut Stores	<u>483113</u>	Coastal and Great Lakes Freight Transportation
<u>422420d</u>	Confectionery Wholesalers	<u>445310</u>	All Other Specialty Food Stores	<u>483114</u>	Coastal and Great Lakes Passenger Transportation
<u>422420e</u>	Fish and Seafood Wholesalers	<u>446110</u>	Beer, Wine and Liquor Stores	<u>483211</u>	Inland Water Freight Transportation
<u>422420f</u>	Meat and Meat Product Wholesalers	<u>446120</u>	Pharmacies and Drug Stores	<u>483212</u>	Inland Water Passenger Transportation
<u>422420g</u>	Fresh Fruit and Vegetable Wholesalers	<u>446130</u>	Cosmetics, Beauty Supplies and Perfume Stores	<u>484110</u>	General Freight Trucking, Local
<u>422420h</u>	Other Grocery and Related Products Wholesalers	<u>446191</u>	Optical Goods Stores	<u>484121</u>	General Freight Trucking, Long- Distance, Truckload
<u>422510</u>	Grain and Field Bean Wholesalers	<u>446199</u>	Food (Health) Supplement Stores	<u>484122</u>	General Freight Trucking, Long- Distance, Less Than
<u>422520</u>	Livestock Wholesalers	<u>447110</u>	All Other Health and Personal Care Stores	<u>484210</u>	Used Household and Office Goods Moving
<u>422590</u>	Other Farm Product Raw Material Wholesalers	<u>447190</u>	Gasoline Stations with Convenience Stores	<u>484220</u>	Specialized Freight (except Used Goods) Trucking,
<u>422610</u>	Plastics Materials and Basic Forms and Shapes Wholesale	<u>448110</u>	Other Gasoline Stations	<u>484230</u>	Specialized Freight (except Used Goods) Trucking,
<u>422690</u>	Other Chemical and Allied Products Wholesalers	<u>448120</u>	Men's Clothing Stores	<u>485111</u>	Mixed Mode Transit Systems
<u>422710</u>	Petroleum Bulk Stations and Terminals	<u>448130</u>	Women's Clothing Stores	<u>485112</u>	Commuter Rail Systems
<u>422720</u>	Petroleum and Petroleum Products Wholesalers	<u>448140</u>	Children's and Infants' Clothing Stores	<u>485113</u>	Bus and Motor Vehicle Transit Systems
<u>422810</u>	Beer and Ale Wholesalers	<u>448150</u>	Family Clothing Stores	<u>485119</u>	Other Urban Transit Systems
<u>422820</u>	Wine and Distilled Alcoholic Beverage Wholesalers	<u>448190</u>	Clothing Accessories Stores	<u>485210</u>	Interurban and Rural Bus Transportation
<u>422910</u>	Farm Supplies Wholesalers	<u>448210</u>	Other Clothing Stores	<u>485310</u>	Taxi Service
<u>422920</u>	Book, Periodical and Newspaper Wholesalers	<u>448310</u>	Shoe Stores	<u>485320</u>	Limousine Service
<u>422930</u>	Flower, Nursery Stock and Florists' Supplies Whole	<u>448320</u>	Jewelry Stores	<u>485410</u>	School and Employee Bus Transportation
<u>422940</u>	Tobacco and Tobacco Product Wholesalers	<u>451110</u>	Luggage and Leather Goods Stores	<u>485510</u>	Charter Bus Industry
<u>422950</u>	Paint, Varnish and Supplies Wholesalers	<u>451120</u>	Sporting Goods Stores	<u>485991</u>	Special Needs Transportation
<u>422990</u>	Other Miscellaneous Nondurable Goods Wholesalers	<u>451130</u>	Hobby, Toy and Game Stores	<u>485999</u>	All Other Transit and Ground Passenger Transportation
<u>441110</u>	New Car Dealers	<u>451211</u>	Sewing, Needlework and Piece Goods Stores	<u>486110</u>	Pipeline Transportation of Crude Oil
<u>441120</u>	Used Car Dealers	<u>451212</u>	Musical Instrument and Supplies Stores	<u>486210</u>	Pipeline Transportation of Natural Gas
<u>441210</u>	Recreational Vehicle Dealers	<u>451220</u>	Book Stores	<u>486910</u>	Pipeline Transportation of Refined Petroleum Products
<u>441221</u>	Motorcycle Dealers	<u>452110</u>	News Dealers and Newsstands	<u>486990</u>	All Other Pipeline Transportation
<u>441222</u>	Boat Dealers	<u>452910</u>	Pre-recorded Tape, Compact Disc and Record Stores	<u>487110</u>	Scenic and Sightseeing Transportation, Land
<u>441229</u>	All Other Motor Vehicle Dealers	<u>452920</u>	Department Stores	<u>487210</u>	Scenic and Sightseeing Transportation, Water
<u>441310</u>	Automotive Parts and Accessories Stores	<u>453110</u>	Warehouse Clubs and Superstores	<u>487990</u>	Scenic and Sightseeing Transportation, Other
<u>441320</u>	Tire Dealers	<u>453210</u>	All Other General Merchandise Stores	<u>488111</u>	Air Traffic Control
<u>442110</u>	Furniture Stores	<u>453220</u>	Florists	<u>488119</u>	Other Airport Operations
<u>442210</u>	Floor Covering Stores	<u>453310</u>	Office Supplies and Stationery Stores	<u>488190</u>	Other Support Activities for Air Transportation
<u>442291</u>	Window Treatment Stores	<u>453910</u>	Gift, Novelty and Souvenir Stores	<u>488210</u>	Support Activities for Rail Transportation
<u>442299</u>	All Other Home Furnishings Stores	<u>453920</u>	Used Merchandise Stores	<u>488310</u>	Port and Harbor Operations
<u>443111</u>	Household Appliance Stores	<u>453930</u>	Pet and Pet Supplies Stores	<u>488320</u>	Marine Cargo Handling
<u>443112</u>	Radio, Television and Other Electronics Stores	<u>454110</u>	Art Dealers	<u>488330</u>	Navigational Services to Shipping
<u>443120</u>	Computer and Software Stores	<u>454210</u>	Manufactured (Mobile) Home Dealers	<u>488390</u>	Other Support Activities for Water Transportation
<u>443130</u>	Camera and Photographic Supplies Stores	<u>454311</u>	Tobacco Stores	<u>488410</u>	Motor Vehicle Towing
<u>444110</u>	Home Centers	<u>454312</u>	All Other Miscellaneous Store Retailers (except To	<u>488490</u>	Other Support Activities for Road Transportation
<u>444120</u>	Paint and Wallpaper Stores	<u>454319</u>	Electronic Shopping and Mail- Order Houses	<u>488510</u>	Freight Transportation Arrangeme.
<u>444130</u>	Hardware Stores	<u>454390</u>	Vending Machine Operators	<u>488991</u>	Packing and Crating
<u>444190</u>	Other Building Material Dealers	<u>481111</u>	Heating Oil Dealers	<u>488999</u>	All Other Support Activities for
<u>444210</u>	Outdoor Power Equipment Stores	<u>481112</u>	Liquefied Petroleum Gas (Bottled Gas) Dealers		
<u>444220</u>	Nursery and Garden Centers	<u>481211</u>	Other Fuel Dealers		
<u>445110</u>	Supermarkets and Other Grocery		Other Direct Selling Establishments		
			Scheduled Passenger Air Transportation		
			Scheduled Freight Air Transportation		
			Nonscheduled Chartered Passenger Air Transportation		
			Nonscheduled Chartered Freight		

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	Transportation	522390	Other Activities Related to Credit Intermediation	532490	Rental and Leasing
91110	Postal Service		Investment Banking and Securities Dealing	533110	Other Commercial and Industrial Machinery and Equip.
72110	Couriers	523110	Securities Brokerage	541110	Lessors of Nonfinancial Intangible Assets (except
492210	Local Messengers and Local Delivery	523120	Commodity Contracts Dealing	541191	Offices of Lawyers
493110	General Warehousing and Storage	523130	Commodity Contracts Brokerage	541199	Title Abstract and Settlement Offices
493120	Refrigerated Warehousing and Storage	523210	Exchanges	541211	All Other Legal Services
493130	Farm Product Warehousing and Storage	523910	Miscellaneous Intermediation	541213	Offices of Certified Public Accountants
493190	Other Warehousing and Storage	523920	Portfolio Management	541214	Tax Preparation Services
511110	Newspaper Publishers	523930	Investment Advice	541219	Payroll Services
511120	Periodical Publishers	523991	Trust, Fiduciary and Custody Activities	541310	Other Accounting Services
511130	Book Publishers	523999	Miscellaneous Financial Investment Activities	541320	Architectural Services
511140	Database and Directory Publishers	524113	Direct Life Insurance Carriers	541330	Landscape Architectural Services
511191	Greeting Card Publishers	524114	Direct Health and Medical Insurance Carriers	541340	Engineering Services
511199	All Other Publishers	524126	Direct Property and Casualty Insurance Carriers	541350	Drafting Services
512110	Software Publishers	524127	Direct Title Insurance Carriers	541360	Building Inspection Services
512120	Motion Picture and Video Production	524128	Other Direct Insurance (except Life, Health and Me	541380	Geophysical Surveying and Mapping Services
512120	Motion Picture and Video Distribution	524130	Reinsurance Carriers	541410	Surveying and Mapping (except Geophysical) Service
512131	Motion Picture Theaters (except Drive-ins)	524210	Insurance Agencies and Brokerages	541420	Testing Laboratories
512132	Drive-in Motion Picture Theaters	524291	Claims Adjusting	541430	Interior Design Services
512191	Teleproduction and Other Post-Production Services	524292	Third Party Administration of Insurance and Pensions	541490	Industrial Design Services
512199	Other Motion Picture and Video Industries	524298	All Other Insurance Related Activities	541511	Graphic Design Services
512210	Record Production	525110	Pension Funds	541512	Other Specialized Design Services
512220	Integrated Record Production/Distribution	525120	Health and Welfare Funds	541513	Custom Computer Programming Services
512230	Music Publishers	525190	Other Insurance Funds	541519	Computer Systems Design Services
512240	Sound Recording Studios	525910	Open-End Investment Funds	541611	Computer Facilities Management Services
2290	Other Sound Recording Industries	525920	Trusts, Estates, and Agency Accounts	541612	Other Computer Related Services
513111	Radio Networks	525930	Real Estate Investment Trusts	541613	Administrative Management and General Management C
513112	Radio Stations	525990	Other Financial Vehicles	541614	Human Resources and Executive Search Consulting Se
513120	Television Broadcasting	531110	Lessors of Residential Buildings and Dwellings	541618	Marketing Consulting Services
513210	Cable Networks	531120	Lessors of Nonresidential Buildings	541620	Process, Physical Distribution and Logistics Consumption
513220	Cable and Other Program Distribution	531130	Lessors of Miniwarehouses and Self Storage Units	541690	Other Management Consulting Services
513310	Wired Telecommunications Carriers	531190	Lessors of Other Real Estate Property	541710	Environmental Consulting Services
513321	Paging	531210	Offices of Real Estate Agents and Brokers	541720	Other Scientific and Technical Consulting Services
513322	Cellular and Other Wireless Telecommunications	531311	Residential Property Managers	541810	Research and Development in the Physical, Engineer
513330	Telecommunications Resellers	531312	Nonresidential Property Managers	541820a	Research and Development in the Social Sciences an
513340	Satellite Telecommunications	531320	Offices of Real Estate Appraisers	541820b	Advertising Agencies
513390	Other Telecommunications	531390	Other Activities Related to Real Estate	541820c	Public Relations Agencies
514110	News Syndicates	532111	Passenger Car Rental	541820d	Media Buying Agencies
514120	Libraries and Archives	532112	Passenger Car Leasing	541820e	Media Representatives
514191	On-Line Information Services	532120	Truck, Utility Trailer, and RV (Recreational Vehicle	541820f	Display Advertising
514199	All Other Information Services	532210	Consumer Electronics and Appliances Rental	541890	Direct Mail Advertising
514210	Data Processing Services	532220	Formal Wear and Costume Rental	541910	Advertising Material Distribution Services
522110	Commercial Banking	532230	Video Tape and Disc Rental	541921	Other Services Related to Advertising
522120	Savings Institutions	532291	Home Health Equipment Rental	541922	Marketing Research and Public Opinion Polling
522130	Credit Unions	532292	Recreational Goods Rental	541923	Photography Studios, Portrait Commercial Photography
522190	Other Depository Credit Intermediation	532310	All Other Consumer Goods Rental	541930	Translation and Interpretation Services
522210	Credit Card Issuing	532411	General Rental Centers	541940	Veterinary Services
522220	Sales Financing	532412	Commercial Air, Rail, and Water Transportation Equip.	541990	All Other Professional, Scientific and Technical S
522291	Consumer Lending	532420	Construction, Mining and Forestry Machinery and Equip.	551111	Offices of Bank Holding
522292	Real Estate Credit		Office Machinery and Equipment		
522293	International Trade Financing				
522294	Secondary Market Financing				
522298	All Other Non-Depository Credit Intermediation				
3310	Mortgage and Nonmortgage Loan Brokers				
522320	Financial Transactions Processing, Reserve,				

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551112	Companies	611519	Other Technical and Trade Schools	711211	Sports Teams and Clubs
561110	Offices of Other Holding Companies	611610	Fine Arts Schools	711212	Race Tracks
561110	Office Administrative Services	611620	Sports and Recreation Instruction	711219	Other Spectator Sports
561210	Facilities Support Services 12	611630	Language Schools	711310	Promoters of Performing Arts, Sports and Similar Events
561310	Employment Placement Agencies	611691	Exam Preparation and Tutoring	711320	Promoters of Performing Arts, Sports and Similar E
561320	Temporary Help Services	611692	Automobile Driving Schools	711410	Agents and Managers for Artists, Athletes, Entertainment
561330	Employee Leasing Services	611699	All Other Miscellaneous Schools and Instruction	711510	Independent Artists, Writers, and Performers
561410	Document Preparation Services	611710	Educational Support Services	712110	Museums
561421	Telephone Answering Services	621111	Offices of Physicians (except Mental Health Specialist)	712120	Historical Sites
561422	Telemarketing Bureaus	621112	Offices of Physicians, Mental Health Specialists	712130	Zoos and Botanical Gardens
561431	Private Mail Centers	621210	Offices of Dentists	712190	Nature Parks and Other Similar Institutions
561439	Other Business Service Centers (including Copy Shop)	621310	Offices of Chiropractors	713110	Amusement and Theme Parks
561440	Collection Agencies	621320	Offices of Optometrists	713120	Amusement Arcades
561450	Credit Bureaus	621330	Offices of Mental Health Practitioners (except Physicians)	713210	Casinos (except Casino Hotels)
561491	Repossession Services	621340	Offices of Physical, Occupational and Speech Therapists	713290	Other Gambling Industries
561492	Court Reporting and Stenotype Services	621391	Offices of Podiatrists	713910	Golf Courses and Country Clubs
561499	All Other Business Support Services	621392	Offices of All Other Miscellaneous Health Practitioner	713920	Skating Facilities
561510	Travel Agencies	621410	Family Planning Centers	713930	Marines
561520	Tour Operators	621420	Outpatient Mental Health and Substance Abuse Center	713940	Fitness and Recreational Sports Centers
561591	Convention and Visitors Bureaus	621491	HMO Medical Centers	713950	Bowling Centers
561592	All Other Travel Arrangement and Reservation Services	621492	Kidney Dialysis Centers	713990	All Other Amusement and Recreation Industries
561611	Investigation Services	621493	Freestanding Ambulatory Surgical and Emergency Center	721110	Hotels (except Casino Hotels) and Motels
561612	Security Guards and Patrol Services	621498	All Other Outpatient Care Centers	721120	Casino Hotels
561613	Armored Car Services	621511	Medical Laboratories	721191	Bed and Breakfast Inns
561621	Security Systems Services (except Locksmiths)	621512	Diagnostic Imaging Centers	721199	All Other Traveler Accommodation
561622	Locksmiths	621610	Home Health Care Services	721211	RV (Recreational Vehicle) Parks and Campgrounds
561710	Exterminating and Pest Control Services	621910	Ambulance Services	721214	Recreational and Vacation Camps (except Campground)
561720	Janitorial Services	621991	Blood and Organ Banks	721310	Rooming and Boarding Houses
561730	Landscaping Services	621999	All Other Miscellaneous Ambulatory Health Care Ser	722110	Full-Service Restaurants
561740	Carpet and Upholstery Cleaning Services	622110	General Medical and Surgical Hospitals	722211	Limited-Service Restaurants
561790	Other Services to Buildings and Dwellings	622210	Psychiatric and Substance Abuse Hospitals	722212	Cafeterias
561910	Packaging and Labeling Services	622310	Specialty (except Psychiatric and Substance Abuse)	722213	Snack and Nonalcoholic Beverage Bars
561920	Convention and Trade Show Organizers	623110	Nursing Care Facilities	722310	Food Service Contractors
561990	All Other Support Services	623210	Residential Mental Retardation Facilities	722320	Caterers
562111	Solid Waste Collection	623220	Residential Mental Health and Substance Abuse Facility	722330	Mobile Food Services
562112	Hazardous Waste Collection	623311	Continuing Care Retirement Communities	722410	Drinking Places (Alcoholic Beverages)
562119	Other Waste Collection	623312	Homes for the Elderly	811111	General Automotive Repair
562211	Hazardous Waste Treatment and Disposal	623990	Other Residential Care Facilities	811112	Automotive Exhaust System Repair
562212	Solid Waste Landfill	624110	Child and Youth Services	811113	Automotive Transmission Repair
562213	Solid Waste Combustors and Incinerators	624120	Services for the Elderly and Persons with Disability	811118	Other Automotive Mechanical and Electrical Repair
562219	Other Nonhazardous Waste Treatment and Disposal	624190	Other Individual and Family Services	811121	Automotive Body, Paint and Interior Repair and Maintenance
562910	Remediation Services	624210	Community Food Services	811122	Automotive Glass Replacement Shops
562920	Materials Recovery Facilities	624221	Temporary Shelters	811191	Automotive Oil Change and Lubrication Shops
562991	Septic Tank and Related Services	624229	Other Community Housing Services	811192	Car Washes
562999	All Other Miscellaneous Waste Management Services	624230	Emergency and Other Relief Services	811198	All Other Automotive Repair and Maintenance
611110	Elementary and Secondary Schools	624310	Vocational Rehabilitation Services	811211	Consumer Electronics Repair and Maintenance
611210	Junior Colleges	624410	Child Day Care Services	811212	Computer and Office Machine Repair and Maintenance
611310	Colleges, Universities and Professional Schools	711110	Theater Companies and Dinner Theaters	811213	Communication Equipment Repair and Maintenance
611410	Business and Secretarial Schools	711120	Dance Companies	811219	Other Electronic and Precision Equipment Repair & Maintenance
611420	Computer Training	711130	Musical Groups and Artists		
611430	Professional and Management Development Training	711190	Other Performing Arts Companies		
611511	Cosmetology and Barber Schools				
611512	Flight Training				
611513	Apprenticeship Training				