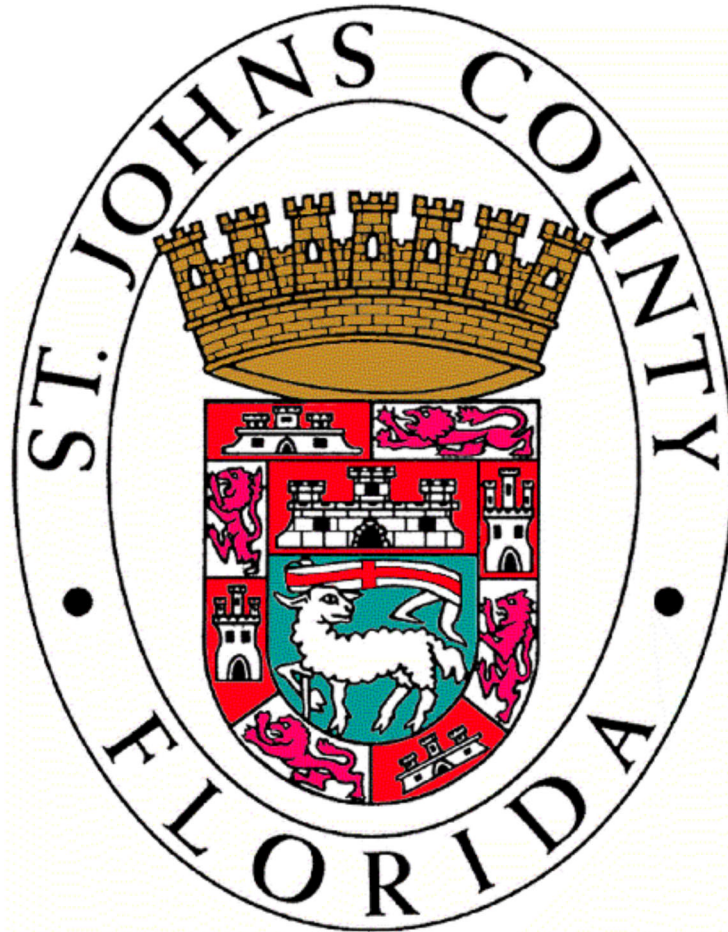


**ST JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS**



**Disadvantaged Business Enterprise Program**

**2025**

In accordance with 49 CFR Part 26

## POLICY STATEMENT

### 26.1, 26.23, 26.3

St Johns County (the County) has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The County has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, and has signed an assurance that it will comply with 49 CFR Part 26. It is the policy of St Johns County to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in DOT assisted contracts. It is also the County's policy to engage in the following actions on a continuing basis:

1. Ensure nondiscrimination in the award and administration of DOT- assisted contracts;
2. Create a level playing field on which DBEs can compete fairly for DOT assisted contracts;
3. Ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. Help remove barriers to the participation of DBEs in DOT assisted contracts;
6. Promote the use of DBEs in all types of federally-assisted contracts and procurement activities;
7. Assist the development of firms that can compete successfully in the market place outside the DBE Program; and
8. Make appropriate use of the flexibility afforded to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

The County's Transit Grants Specialist, Rachel Garvey, has been delegated as the DBE Liaison Officer. In that capacity, the Transit Grants Specialist 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 County in its financial assistance agreements with the Department of Transportation. St Johns County has disseminated this policy statement to the Sunshine Bus Company, the County's Purchasing Department, and to the Small Business Development Center. It is also posted on the County website at: <http://www.sjcfl.us/Transportation/Transit.aspx>.

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Joy Andrews, County Administrator

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Date

## **SUBPART A – GENERAL REQUIREMENTS**

### **Section 26.1, 26.23 Objectives**

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

### **Section 26.3 Applicability**

The County is the recipient of federal transit funds authorized by Federal transit laws in Title 49, U.S. Code Chapter 53, as amended by HR 4348 the “Moving Ahead for progress in the 21st Century Act” or “MAP- 21” and as a condition of receiving these funds, has signed an assurance that it will comply with 49, U.S.C, et seq.

### **Section 26.5 Definitions**

The County will adopt the definitions contained in Section 26.5 of 49 CFR Part 26 for this program.

### **Section 26.7 Non-discrimination Requirements**

The County 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 County 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**

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

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

#### **Bidders List: 26.11(c)**

DBE bidders’ lists will be used as provided by the Florida Department of Transportation under the Unified Certified Certification Process (UCP) consisting of information about all DBE and non-DBE firms that bid or quote on FTA-assisted contracts. The purpose of this requirement is to allow use of the bidders list approach to calculating overall goals. The bidders list will include the name, address, DBE non-DBE status, age, and annual gross receipts of firms.

### **Section 26.13 Assurances**

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

Contract Assurance: 26.13(a)

The County shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any FTA assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part 26. The County 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 FTA, 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 County 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.)

Contract Assurance: 26.13(b)

The County 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, which may include, but is not limited to:

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

[Note: This language is to be used verbatim, as it is stated in 26.13(a)]

## **SUBPART B - ADMINISTRATIVE REQUIREMENTS**

### **Section 26.21 DBE Program Updates**

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

### **Section 26.25 DBE Liaison Officer (DBELO)**

The following individual has been designated as the DBE Liaison Officer:

Rachel Morris, Transit Grants Specialist  
4040 Lewis Speedway  
St. Augustine, FL 32084 Tel: (904) 209-0630  
Email: [rgarvey@sicfl.us](mailto:rgarvey@sicfl.us)

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

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

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party Transit contracts and purchase requisitions for compliance with this program.
3. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
4. Analyzes St. Johns County's progress toward attainment and identifies ways to improve progress.
5. Advises the County on DBE matters and achievement.
6. Plans and participates in DBE training seminars.
7. Provides outreach to DBEs and community organizations to advise them of opportunities.

### **Section 26.27 DBE Financial Institutions**

It is the policy of the St. Johns County 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. In order to identify and use such institutions, the County will utilize FDOT's DBE Directory and the Department of Treasury's website at <http://www.fiscal.treasury.gov/mbdp/> in order to determine the availability of financial institutions. The County will monitor the extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community.

### **Section 26.29 Prompt Payment Mechanisms**

#### Prompt Payment: 26.29(a)

The County will include the following clause in each DOT assisted prime contract:

*"The prime consultant agrees to pay each sub-consultant under this prime contract, for satisfactory performance of its contract, no later than 30 days from the receipt of each payment the prime consultant receives from the BOCC. Any delay or postponement of payment from the above-referenced time frame may occur only for good cause, following written approval of the BOCC. This clause applies to both DBE and non-DBE sub-consultants."*

#### Retainage: 26.29(b)

The prime consultant agrees to return retainage payments to each sub-consultant within 30 days after the sub-consultant's work is satisfactorily completed. Any delay or postponement of payment from the above-referenced time frame may occur only for good cause, following written approval of the County. This clause applies to both DBE and non-DBE sub-consultants.

Monitoring & Enforcement: 26.29(d)

The County has established monitoring and enforcement of prompt payment and return of retainage as follows:

1. Contracts or agreements with DBE and non-DBE sub-consultants will require prime contractors to maintain records and documents of payments for a minimum of 5 years after contract completion.
2. Require the prime contractors to furnish a statement that they have made payment to sub-consultants in accordance with policy requirements.

Sanctions for Non-Compliance

In the event of the consultant's non-compliance with this policy, or failure to meet the prescribed DBE goal, or expectancy set forth in any contract, or to establish a good faith effort to do so, the County shall impose such contract sanctions as the County, the DOT, or both may determine to be appropriate, including, but not limited to:

- a) Withholding payments to the consultant under the contract until the consultant complies; and/or
- b) Cancellation, termination, or suspension of the contract in whole or in part; and/or
- c) Suspension or debarment of consultant from eligibility to contract with the County in the future or to receive bid packages or request for proposal (RFP) packages.

**Section 26.31          Directory**

St Johns County utilizes the Florida Unified Certification Program Disadvantaged Business Enterprise (UCP DBE) Directory and accesses the directory to calculate overall goals. The directory lists the firm's name, address, phone number, date of the most recent certification, the type of work the firm has been certified to perform as a DBE, and its assigned North American Industry Classification System (NAICS) code. All certified DBE and ACDBE firms listed in this directory have been approved under the eligibility standards and guidelines set forth in the Title 49 Code of Federal Regulations Parts 23 and 26.

**Section 26.33          Overconcentration**

The County has not identified that overconcentration exists in the types of work that DBEs perform. The County will reevaluate the concentration of available DBEs during the three year update period.

**Section 26.35          Business Development Programs**

The County has not established a business development program but does seek out and encourage eligible vendors. The County partners with the University of North Florida Small Business Development Center (SBDC) to provide assistance to disadvantaged businesses. The in-house business analyst provides full-service, individual counseling as well as classes and seminars. The SBDC is a member of the Association of Procurement Technical Assistance Centers.

**Section 26.37          Monitoring and Enforcement Mechanisms**

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

1. We will bring to the attention of the DOT any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (i.e. referral to the Department of Justice for

criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.

2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. Attachment 3 lists the regulation, provisions, and contract remedies available in the event of non-compliance with the DBE regulation by a participant in our procurement activities.
3. We will also provide a monitoring and enforcement mechanism to verify that work committed to DBES at contract award is actually performed by the DBEs. This will be accomplished by conducting site visits to review applicable contracts in which DBE firms are participating.
4. We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award. The County implements and carries out appropriate mechanisms to ensure compliance with 49 CFR Part 26 program requirements by all program participants, including prompt payment, and describes and sets forth these mechanisms in the DBE program, and actively monitors participation by maintaining a running total of actual DBE attainments.

The County requires prime contractors to maintain records and documents of payments to subcontractors, including DBEs, for a minimum of three (3) years. These records will be made available for inspection upon request by any authorized representative of the County or DOT. This reporting requirement extends to all subcontractors, both DBE and non-DBE.

### **Section 26.39                      Small Business Participation**

The County will structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation. If a contract is funded in whole or in part by a federal agency or other grantor, the Assistant Director of Purchasing & Contracts will take affirmative steps to ensure that small, women owned, minority, and disadvantaged businesses are utilized as required by such federal agency or grantor. For all contracts, the Assistant Director of Purchasing will take steps to assure these disadvantaged business enterprises have access to, and notice of, County solicitation opportunities and when economically feasible, Purchasing may divide total requirements into smaller tasks or quantities to permit maximum participation by disadvantaged business enterprises and labor surplus areas firms.

## **SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING**

### **Section 26.43                      Set-asides or Quotas**

The County does not use set asides or quotas in any way in the administration of this DBE program.

### **Section 26.45                      Overall Goals**

In accordance with Section 26.45, the County will submit its triennial overall DBE goal to FTA on August 1 of the year specified by FTA.

The County will also request the use of project-specific DBE goals as appropriate, and/or may establish project specific goals as directed by FTA.

The process used by the County to establish overall DBE goals can be found in Attachment 4 to this program.

Before establishing the overall goal each year, the County will consult with minority and general contractor's groups, community organizations, and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and promote the County efforts to establish a level playing field for the participation of DBEs.

Following this consultation, the County will publish a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the County office for 30 days following the date of the notice, and informing the public that the County and DOT will accept comments on the goals for 45 days from the date of the notice. The publishing of the notice of the proposed overall goal will be in a newspaper, website, or other media of general circulation focused on minority readers. Normally, this notice will be issued by June 1. The notice will include addresses to which comments may be sent and addresses, including offices and websites, where the proposal may be reviewed.

Our overall goal submission to DOT will include a summary of information and comments received during the public participation process, and our responses.

The County will begin using the overall goal on October 1 of the specified year, unless the County has received other instructions from DOT. If the County establishes a goal on a project basis, we will begin using the goal by the time of the first solicitation for a DOT-assisted contract for that project. The goal will remain effective for the duration of the three-year period established and approved by FTA.

#### **Section 26.47                    Goal Setting and Accountability**

If the awards and commitments shown on the County Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall applicable goal to that fiscal year, the County shall:

1. Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments.
2. Establish specific steps and milestones to correct any problems identified in the analysis; and
3. Submit the plan to FTA within 90 days of the end of the affected fiscal year.

#### **Section 26.49                    Transit Vehicle Manufacturer Goals**

The County will require each transit vehicle manufacturer as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements to certify that it has complied with the requirements of this section. Alternatively, the County 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                    Meeting Overall Goals/Contract Goals**

The County will meet the maximum feasible portion of its overall goal using race-neutral means of facilitating DBE participation. To do so, the County will provide the breakout of estimated race-neutral and race-conscious participation can be found in Attachment 4 to this program. This section of the program will be updated when the goal calculation is updated.

The County will use contract goals to meet any portion of the overall goal that the County does not project



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

The County will establish contract goals only on DOT assisted contracts that have subcontracting possibilities. The County 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 work.)

The County will express its contract goals as a percentage of the Federal share of DOT assisted contracts.

## **Section 26.53                    Good Faith Efforts Procedures**

### Award of Contracts with a DBE Contract Goal: 26.53(a)

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

### Evaluation of Good Faith Efforts (26.53(a) & (c))

The DBELO will determine whether a bidder/offeror has not met the contract goal and whether documented sufficient good faith efforts are to be regarded as responsive.

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

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 the Appendix A of Part 26.

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

### Information to be submitted: 26.53(b)

The County considers bidder/offerors' compliance with the 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,
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 contractor's commitment, and
6. if the contract goal is not met, evidence of good faith efforts.

Administrative reconsideration: 26.53(d)

Within five (5) business days of being informed by the County 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: Jaime Locklear, Purchasing Director, St Johns County Purchasing Department, 500 San Sebastian View, St Augustine, Florida, 32084. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

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

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

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

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

In those instances where “good cause” exists to terminate a DBE’s contract, the County will require the prime contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. The County 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 this situation, the County will require the prime contractor to obtain prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

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

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the St. Johns County Board of Commissioners 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, 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**

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

**SUBPART D & E – CERTIFICATION**

**Section 26.61-26.73                      Unified Certification Process**

The County does not certify, but it is a member of a Unified Certification Program (UCP) administered by the Florida Department of Transportation. The UCP meets all the requirements of Section 26.81. The County will use and count for DBE credit only those DBE firms certified by the Florida Department of Transportation UCP.

For further information on the certification process and for those firms wishing to be certified they can contact the State of Florida UCP at:

Florida Department of Transportation  
Equal Opportunity Office  
605 Suwannee Street, MS 65  
Tallahassee, Florida 32399  
Tel: (850) 414-4100

Any firm or complainant may appeal a State of Florida UCP decision in a certification matter the U.S. Department of Transportation (DOT). Such appeals may be sent to:

U.S. Department of Transportation  
Departmental Office of Civil Rights  
Disadvantaged Business Enterprise Division (S-33)  
S33AppealsManagementRecords@dot.gov

We will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT assisted contracting.

## **SUBPART F – COMPLIANCE AND ENFORCEMENT**

### **Section 26.109 Information, Confidentiality, Cooperation**

The County will safeguard from disclosure to third parties' information that may reasonably be regarded as confidential business information consistent with Federal, State, and local law. The County shall require all DBE firms to complete the *Release of Confidential Information* form that is a component of the Florida Department of Transportation's submission process:

<https://www.fdot.gov/equalopportunity/dbesbepgrams.shtm>

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

#### **Monitoring Payments to DBEs**

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

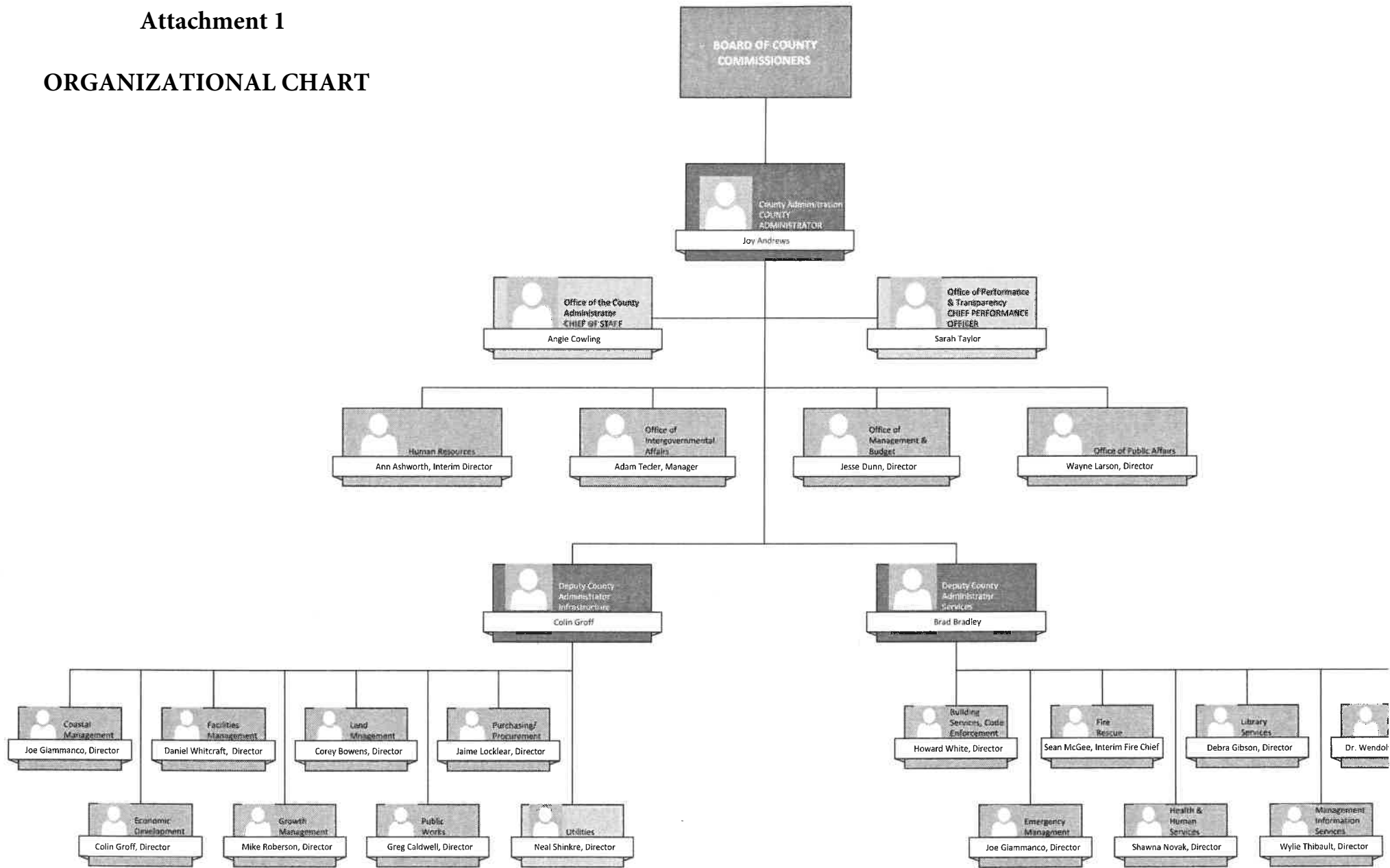
The County may perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

#### **ATTACHMENTS**

- Attachment 1 Organizational Chart
- Attachment 2 DBE Directory
- Attachment 3 Monitoring and Enforcement Mechanisms
- Attachment 4 Goal Setting Methodology - Overall Goal Calculation
- Attachment 5 Good Faith Efforts Forms - Forms 1 & 2 for Demonstration of Good Faith Efforts
- Attachment 6 Certification Application Forms
- Attachment 7 DBE Regulations: 49 CFR Part 26

# Attachment 1

## ORGANIZATIONAL CHART



*Dick D'Souza  
Assistant Transportation Director*

*Rachel Morris  
Transit Grants Specialist*

**ATTACHMENT 2**

**DBE DIRECTORY**

The State of Florida's UCP/DBE directory can be found at:  
<https://fdotxwp02.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/>

## ATTACHMENT 3

### MONITORING AND ENFORCEMENT MECHANISMS

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

1. Breach of contract action, pursuant to the terms of the contract.
2. Breach of contract action, pursuant to Chapter 95.11, F.S.

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

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

## ATTACHMENT 4

### Section 26.45 Overall Goal Calculations

The County has proposed an Overall DBE goal of .1% of the Federal Financial assistance we will expend on DOT assisted contracts, exclusive of FTA funds to be used for the purchase of transit vehicles. The County is proposing to achieve this goal using Race Neutral means.

#### FTA Assisted Contracting Opportunities for FFY 2022-2024

Table 1 below represents the County’s DOT assisted contracting opportunities, which consist of projects considered in preparing this goal methodology.

NAICS CODE	DESCRIPTION
485113*	Bus and Other Motor Vehicle Transit Systems (System O/M)
336211**	Motor Vehicle Manufacturing and Supplies
423830	Industrial Machinery and Equipment Merchant Wholesalers
561110	Office Administrative Services (Grant Administration)
332311	Prefabricated metal building and component manufacturing (Shelters)
238210	Electrical Contractors and Other Wiring Installation Contractors
237310	Highway, Street, and Bridge Construction (Paving Contractors)

Table 1

\* NAICS Code 336211 all vehicles will be procured through the State of Florida contract (T.R.I.P.S.).

\*\*NAICS Code 561110; No DBE vendor will be contracted. The funds are for administrative costs associated with the management and planning of transportation grants done by the recipient.

To establish a base figure of the relative availability of DBEs to all comparable firms available to participate on the County’s DOT-assisted contracting opportunities, SJC utilized the Florida Department of Transportation Unified Certification Program Disadvantaged Business Enterprise (UCP DBE) directory and the U.S. Census Bureau County Business Patterns (NAICS) Database. This base figure expresses the availability of DBEs as a percentage of all firms for each NAICS code for which there will be contracting and subcontracting opportunities.

St Johns County’s market area includes St Johns County, the adjacent counties of Clay, Duval, Putnam, Volusia, and Nassau, and the City of Jacksonville. Many of the contractors and subcontractors that seek to do business with St Johns County are listed as “statewide.”

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

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

When we divided the numerator by the denominator, we arrived at the rounded weighted base figure of 0.1%.



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. No adjustment was necessary.

FTA-assisted projects are listed below. Project amounts are assigned relevant NAICS Code(s).

NAICS Code	Project	Amount of DOT funds on project:	% of total DOT funds (weight)
485113	Bus System O&M	\$2,250,000.00	59.75%
336211	Bus Manufacturing	\$1,300,000.00	34.52%
423830	Maintenance Equipment	\$25,000.00	0.66%
561110	Administrative Services	\$96,000.00	2.55%
332311	Shelters	\$45,000.00	1.19%
238210	Security Lighting/Cameras	\$25,000.00	0.66%
237310	Pavement Resurfacing	\$25,000.00	0.66%
Total FTA-Assisted Contract Funds		\$3,766,000.00	100%

Determine the relative availability of DBE's by NAICS Code:

NAICS Code	Project	Number of DBEs available to perform this work	Number of all firms available (including DBEs)	Relative Availability
485113	Bus System O&M	8	29	27.59%
336211	Bus Manufacturing	0	24	0.00%
423830	Maintenance Equipment	4	1773	0.23%
561110	Administrative Services	47	3477	1.35%
332311	Shelters	4	50	8.00%
238210	Security Lighting/Cameras	74	6292	1.18%
237310	Pavement Resurfacing	82	479	17.12%
Combined Totals		219	12124	1.81%

(Weight) x (Availability) = Weighted Base Figure

NAICS Code	Project	Weight	Availability	Weighted Base Figure
485113	Bus System O&M	59.75%	27.59%	16.48%
336211	Bus Manufacturing	34.52%	0.00%	0.00%
423830	Maintenance Equipment	0.66%	0.23%	0.00%
561110	Administrative Services	2.55%	1.35%	0.03%
332311	Shelters	1.19%	8.00%	0.10%
238210	Security Lighting/Cameras	0.66%	1.18%	0.01%
237310	Pavement Resurfacing	0.66%	17.12%	0.11%
Total				0.13%
Expressed as a %				
(*100)				0.13%
Rounded,				
Weighted Base				
Figure:				0.1%

ATTACHMENT 5

**FORMS 1 & 2 FOR DEMONSTRATION OF GOOD FAITH EFFORTS**

**Form 1: Disadvantaged Business Enterprise (DBE) Utilization**

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

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

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

Name of bidder/offeror's firm: \_\_\_\_\_

State Registration No. \_\_\_\_\_

By \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Title

**Form 2: Letter of Intent**

Name of bidder/offeror's firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Name of DBE firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Description of work to be performed by DBE firm:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

**Affirmation**

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

By \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Title

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

(Submit this page for each DBE subcontractor.)