

**Waccamaw Regional Council of Governments**

**and**

**Grand Strand Area Transportation Study**

**Disadvantaged Business Enterprise Plan**

REVISION NUMBER	WRCOG			GSATS				
	RURAL TECHNICAL COMMITTEE	BOARD OF DIRECTORS	PUBLIC REVIEW & COMMENT	TECHNICAL COORDINATING COMMITTEE	TECHNICAL ADVISORY COMMITTEE	STUDY TEAM	POLICY COMMITTEE	PUBLIC REVIEW & COMMENT
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## Table of Contents

<u>Page</u>	<u>Section</u>
3	<b>Policy Statement</b>
4	<b>Subpart A - General Requirements</b>
4	Section 26.1 Objectives
4	Section 26.3 Applicability
4	Section 26.5 Definitions
4	Section 26.7 Non-Discrimination Requirements
4	Section 26.11 Record Keeping Requirements
4	Section 26.11(c) Bidders List
5	Section 26.13 Federal Financial Assistance Agreement
5	Section 26.13 (a) Assurance
5	Section 26.13 (b) Contract Assurance
6	<b>Subpart B - Administrative Requirements</b>
6	Section 26.21 DBE Program Updates
6	Section 26.23 Policy Statement
6	Section 26.25 DBE Liaison Officer (DBELO)
7	Section 26.27 DBE Financial Institutions
7	Section 26.29 Prompt Payment Mechanism
7	Section 26.31 Directory
7	Section 26.33 Overconcentration
7	Section 26.35 Business Development Programs
7	Section 26.37 Monitoring and Enforcement Mechanisms
9	<b>Subpart C - Goals, Good Faith Efforts, and Counting</b>
9	Section 26.43 Set-Asides or Quotas
9	Section 26.45 Overall Goals
10	Section 26.51 (a-c) Race-Neutral & Race-Conscious Participation
11	Section 26.53 (a) & (c) Demonstration of Good Faith Efforts
12	Section 26.53 (b) Information To Be Submitted
12	Section 26.53 (d) Administrative Reconsideration
13	Section 26.53 (f) Good Faith Efforts When a DBE is Replaced on a Contract
13	Section 26.55 Counting DBE Participation
14	<b>Subpart D - Certification Standards</b>
14	Section 26.61-26.91 Certification Process
15	<b>Subpart E Certification Procedures</b>
15	Section 26.81 Unified Certification Programs
15	Section 26.87 Removal of DBE's Eligibility
15	Section 26.89 Certification Appeals
16	<b>Subpart F - Compliance and Enforcement</b>
16	Section 26.109 Information, Confidentiality, Cooperation

## **Attachments**

- 17 Attachment 1 Organizational Chart
- 18 Attachment 2 Overall Goal Calculation
- 19 Attachment 3 WRCOG Intent Public Notice
- 20 Attachment 4 Good Faith Forms
- 22 Attachment 5 49 CFR Part 26

# Policy Statement

## Section 26.1, 26.23 Objectives/Policy Statement


The Waccamaw Regional Council of Governments (WRCOG) and the Grand Strand Area Transportation Study (GSATS) have established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. WRCOG/GSATS receive Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, have signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the WRCOG/GSATS to ensure that DBEs, as defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT - assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program complies 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; and
6. To assist the development of firms that can compete successfully in the marketplace outside the DBE Program.

The Senior Transit & Transportation Planner has been delegated as the DBE Liaison Officer. In that capacity, the Planner 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 WRCOG/GSATS in its financial assistance agreements with the Department of Transportation.

WRCOG/GSATS have disseminated this policy statement to the WRCOG Board of Directors and GSATS Policy Committee and all components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts. WRCOG/GSATS have published and distributed notice of this document and the DBE goal in general circulation publications and on the WRCOG and GSATS website.

  
\_\_\_\_\_  
Sarah P. Smith, Executive Director

2-23-24  
Date

## SUBPART A – General Requirements

### Section 26.1 Objectives

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

### Section 26.3 Applicability

**WRCOG and GSATS** are the recipients of federal -aid highway funds authorized under Titles I and V of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240, 105 Stat. 1914, Titles I, III, and V of the Transportation Equity Act for the 21st Century (TEA-21, Pub. L. 105-178, 112 Stat. 107.

**GSATS** 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

WRCOG and GSATS will adopt the definitions contained in Section 26.5 for this program.

### Section 26.7 Non-discrimination Requirements

WRCOG/GSATS 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, gender, or national origin.

In administering its DBE program, the WRCOG/GSATS will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or 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)

We will report DBE participation to DOT as follows:

**WRCOG and GSATS** - We will report DBE participation on a quarterly basis, using DOT form 4630.

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

#### Section 26.11(c) Bidders List

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

We will collect this information in the following ways:

WRCOG/GSATS will require prime bidders to report the names, addresses, phone numbers, and DBE/non-DBE status who quote to them for subcontracting status.

### Section 26.13 Federal Financial Assistance Agreement

WRCOG/GSATS have signed the following assurances, applicable to all DOT-assisted contracts and their administration:

#### Section 26.13(a) Assurance

WRCOG/GSATS shall not discriminate on the basis of race, color, national origin, or gender 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 WRCOG/GSATS of its failure to conduct 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.).

#### Section 26.13 (b) Contract Assurance

We 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, gender, 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 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.

## SUBPART B - ADMINISTRATIVE REQUIREMENTS

### Section 26.21 DBE Program Updates

Since GSATS has received a grant of \$250,000 or more for in FTA planning capital, and or operating assistance in a federal fiscal year; and WRCOG and GSATS are authorized by the FHWA statute for which this part applies; we will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide 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 26.25 DBE Liaison Officer (DBELO)

We have designated the following individual as our DBE Liaison Officer:

Elizabeth Tucker  
Senior Transit & Transportation Planner  
Waccamaw Regional Council of Governments  
1230 Highmarket Street  
Georgetown, SC 29440  
etucker@wrcog.org

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

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

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment and identifies ways to improve progress.
6. Analyzes WRCOG's and GSATS's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Executive Director/WRCOG's Board of Directors on DBE matters and achievement.
9. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
10. Plans and participates in DBE training seminars.
11. Participates with project director to determine contractor compliance with "good faith efforts".
12. Provides outreach to DBEs and community organizations to advise them of opportunities.
13. Maintains the WRCOG/GSATS's updated directory on certified DBEs.



## Section 26.27 DBE Financial Institutions

It is the policy of the WRCOG/GSATS 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.

## Section 26.29 Prompt Payment Mechanisms

The WRCOG/GSATS 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 [specify number] days from the receipt of each payment the prime contract receives from WRCOG/GSATS. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractor’s work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the WRCOG/GSATS. This clause applies to both DBE and non-DBE subcontracts.”

## Section 26.31 Directory

WRCOG/GSATS shall maintain and make available a current directory of all firms eligible to participate in the DBE Program. The South Carolina Department of Transportation DBE directory (found at [www.scdot.org](http://www.scdot.org)) and the North Carolina Department of Transportation DBE directory (found at [www.ebs.nc.gov](http://www.ebs.nc.gov)) is updated monthly and the links to view the directories shall be published on the WRCOG website ([wrcog.org](http://wrcog.org)) and the GSATs website ([gsats.org](http://gsats.org)).

WRCOG will identify eligible DBE certified and prequalified firms by type of work certified to perform, address, and telephone number. This directory shall include related service providers eligible to participate in the DBE program.

## Section 26.33 Overconcentration

WRCOG/GSATS has not identified any areas of over-concentration. WRCOG/GSATS will continue to monitor DBE participation and usage and will take appropriate actions to address any identified over-concentrations.

## Section 26.35 Business Development Programs

WRCOG will not have a business development or mentor – protégé program.

## Section 26.37 Monitoring and Enforcement Mechanisms

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

WRCOG/GSATS 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.

WRCOG/GSATS's DBELO, project administrator and/or project manager will monitor the performance of work to be performed by DBE firms on all USDOT assisted projects. WRCOG/GSATS will review all elements of the work to be performed including supervision of employees, employee payroll, and equipment (if applicable) used by the DBE firm. Contractors, DBE, and all employees are required to cooperate with WRCOG/GSATS or its designate conducting investigations.

Failure of a DBE firm to perform a commercially useful function will result in the dollar amount of the work not being credited toward the sub-recipient's or prime contractor's DBE goal on the project. This can result in WRCOG/GSATS withholding payment from the prime contractor or agency for that amount or could result in removal of the DBE. In cases of deliberate attempts to circumvent the intent of the DBE program, or fraud, these actions may lead to criminal prosecution of both the prime contractor and the DBE firm.

Situations that may trigger investigations include, but are not limited to, shared employees, supervision of DBE employees by another contractor, or an item of work being done jointly by the DBE firm and another contractor.

The DBE must manage the work that has been contracted. Management includes, but is not limited to:

- scheduling work operations,
- preparing and submitting certified payrolls, and
- hiring and firing employees.

All work must be performed with a workforce the DBE firm controls, with a minimum of 30% of the work to be performed by the DBE firm's regular employees, or those hired by the DBE firm for the project from sources other than the prime contractor.

The DBE owner must supervise daily operations, either personally or with a full time, skilled and knowledgeable manager. The manager must be under the DBE owner's direct supervision. The DBE owner must make all operational and managerial decisions of the firm. Mere performance of administrative duties is not supervision of daily operations.

#### Monitoring Payments to DBEs

We 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 WRCOG/GSATS or DOT. This reporting requirement also extends to any certified DBE subcontractor.

We 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.

## SUBPART C - GOALS, GOOD FAITH EFFORTS, AND COUNTING

### Section 26.43 Set-asides or Quotas

The WRCOG/GSATS does not use quotas in any way in the administration of this DBE program.

### Section 26.45 Overall Goals

#### Amount of Goal

WRCOG/GSATS has established an overall goal of 2 (two) percent for DBE participation in USDOT assisted contracts. The goal is based upon evidence of the availability of ready, willing, and able DBEs relative to all businesses ready, willing, and available to participate on USDOT assisted contracts. The goal reflects the level of DBE participation anticipated, absent the effects of discrimination.

#### Method (Attachment 2)

In accordance with §26.45, WRCOG/GSATS has employed a two-step process to calculate its DBE program goal. Step 1 involves determining a “base figure” for the relative availability of DBEs in the area. The base figure is a percentage calculated as the ratio of available and potentially eligible DBEs to all available firms.

The data sources used to derive available DBEs and “all available” firms were as follows:

1. “Available DBEs” is derived from the total number of certified DBEs in the SCDOT and NCDOT DBE directory with the North American Industry Classification (NAICS) whose work type was listed as a service the WRCOG/GSATS may use. This program limited the search to these fields based on the types of contracts anticipated for the upcoming year.
2. “All available” firms are derived from the total number of firms with these same NAICS codes found in Census Bureau’s County Business Patterns (CBP) for the State of South Carolina and the State of North Carolina.
3. “Potentially eligible” DBEs were determined based upon the CBP and the SCDOT Disadvantaged/Minority and Women’s Business Enterprise Directory. Listed firm functions were evaluated to determine their eligibility to bid for proposed contracts (as listed above), and the resulting list was checked to ensure that no firms listed in the certified DBE list were repeated.

The method identified above resulted in a weighted base percent. Documentation of the process is included in Attachment B.

In accordance with Section 26.45(f) the WRCOG/GSATS will submit its overall goal to DOT on August 1 of each year. Before establishing the overall goal each year, WRCOG/GSATS will consult with women, minority, DBE, non-DBE business communities and organizations as well as general consultant groups to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the WRCOG/GSATS’s efforts to establish a level playing field for the participation of DBEs.

Following this consultation, 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 the WRCOG office 30 days following the date of the notice, and informing the public that WRCOG/GSATS and DOT will accept comments on the goals for 45 days from the date of the notice.

Normally, WRCOG/GSATS will issue this notice by June 1 every three years. Comments may be sent to:

DBELO  
Waccamaw Regional Council of Governments  
1230 Highmarket Street  
Georgetown, SC 29440  
Telephone: (843) 546-8502  
Fax: (843) 527-2302  
E-Mail: [etucker@wrcog.org](mailto:etucker@wrcog.org)

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

WRCOG/GSATS will begin using our overall goal on October 1 of each year unless we have received other instructions from DOT.

#### Section 26.51(a-c) Race-Neutral & Race-Conscious Participation

WRCOG/GSATS will meet the overall program goals using race-neutral measures and by establishing contract goals WRCOG/GSATS will use race-neutral measures including, but not limited to the following:

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

WRCOG/GSATS will use race-conscious measures including, but not limited to the following:

1. DBE participation goals will only be used on USDOT-assisted contracts that have subcontracting possibilities.
2. DBE participation goals will not be required for every USDOT-assisted contract.
3. DBE participation goals are not required to be the same as the overall program goal. The goal for a specific contract may be higher or lower than the percentage level of the overall goal.
4. DBE participation goals must provide for participation by all certified DBE's and must not be subdivided into group-specific goals.

#### Section 26.53 (a) & (c) Demonstration of Good Faith Efforts

The bidder/respondent can demonstrate that it has made "good faith efforts" either by meeting the contract goal or documenting "good faith efforts." WRCOG/GSATS will ensure that the information is complete and accurate and will adequately document the bidder's/respondent's "good faith efforts" before committing to the performance of the contract by the bidder/respondent.

“Good faith efforts” include, but are not limited to:

- Verification of advertisement soliciting bids from DBEs for three (3) consecutive days in general circulation, trade, minority, and female-focused media. Such advertisements should begin at least fifteen days prior to bid/proposal submittal date.
- Verification of efforts to provide written notice to a reasonable number of appropriate DBEs listed in the most recent DBE directory of DBE certifying agency listed below:
  - SCDOT
- Verification of efforts to subcontract, consistent with industry practices, with contacted DBEs, or those DBEs who have contacted the bidder; verification will include:
  - Names, addresses, and telephone numbers of all contacts made;
  - Description of effort made;
  - Description of the information provided to DBEs concerning the plans and specifications for portions of the work to be performed by subcontractors and/or members of a joint venture;
  - Description of the outcome of the contact
- Verification that the bidder/respondent attempted to solicit DBEs from at least the same geographical area from which it attempted to solicit other subcontractors or joint ventured prospects;
- Verification that the bidder/respondent, consistent with industry standards, gave DBEs the appropriate access and adequate time to review all necessary project plans, scopes, drawings, specifications, and other pertinent documents, as well as sufficient time to prepare subcontract bids and/or negotiate joint venture arrangements;
- A statement verifying reasons the bidder/respondent and the DBE did not succeed in reaching a subcontracting or joint venture agreement, for each DBE the bidder/respondent contacted, attempted to contact, or who contacted the bidder/respondent;
- Verification the bidder/respondent made an effort to assist DBEs in obtaining bonds, lines of credit, or insurance, if any were required;
- Verification that the bidder/respondent rejected DBEs because they were unable to achieve a mutually agreeable price based upon “good faith” negotiations or was not qualified. Such verification should include a verified statement of the amounts of all bids received from potential subcontractors on the project.
- Verification the bidder/respondent used the services of business, minority, and female organizations that have knowledge of available DBEs.

The following personnel are responsible for determining whether a bidder/respondent who has not met the contract goal has documented sufficient “good faith efforts” to be regarded as responsive:

- WRCOG/GSATS’s DBELO.

WRCOG/GSATS will ensure that all information is complete and accurate and adequately documents the bidder/respondent’s “good faith efforts” before WRCOG/GSATS will commit to the performance of the contract by the bidder/respondent.

#### Section 26.53 (b) Information to be Submitted

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.

#### Section 26.53 (d) Administrative Reconsideration

The bidder must make a written request for administrative reconsideration within seven (7) working days of the notification on lack of "good faith efforts." That request must be faxed, mailed, or emailed to:

DBELO  
Waccamaw Regional Council of Governments  
1230 Highmarket Street  
Georgetown, SC 29440  
Telephone: (843) 546-8502  
Fax: (843) 527-2302  
E-Mail: [etucker@wrcog.org](mailto:etucker@wrcog.org)

The Administrative Review Committee is the Executive Director, Assistant Executive Director, and the Finance Director. The DBELO will process the request, including providing documentation of the determination, and notify the Administrative Review Committee of the request for reconsideration determination.

As part of the reconsideration, the bidder will have the opportunity to provide written documentation or argument to the Administrative Review Committee, concerning the issue of whether they met the goal or made adequate "good faith efforts." WRCOG/GSATS will notify the bidder, in writing of the decision on reconsideration, explaining the basis of finding that the bidder did or did not meet the goal, or make adequate "good faith efforts" to do so. The bidder may choose to meet in person with the Administrative Review Committee to discuss the findings. The result of the reconsideration process is not administratively appealable to the USDOT.

#### Section 26.53 (f) Good Faith Efforts When a DBE is Replaced on a Contract

Termination, Removal, or Substitution of DBE Firm:

A contractor cannot terminate, release, or substitute any DBE firm without the written consent of WRCOG/GSATS. The contractor must provide documentation to WRCOG/GSATS's project manager that the DBE firm is unwilling or unable to perform within five (5) working days of notice of the inability to perform by the DBE firm. WRCOG/GSATS's project manager will forward the notice to the DBELO for approval. If the removal is approved, or a DBE withdraws, the contractor must make a "good faith effort" to find a replacement DBE firm. The contractor must make an effort to replace the dollar value of the work to be performed not merely finding a replacement for the work that was to be performed by the

DBE firm being replaced. If WRCOG/GSATS finds the contractor did not make a “good faith effort,” the contractor is entitled to an administrative reconsideration. If the administrative review concurs in the original finding of no “good faith efforts,” the contractor is subject to administrative remedies upon final verification of DBE participation.

If the substitution is approved, the prime contractor must provide the WRCOG/GSATS project manager and DBELO with copies of new or amended subcontracts. If the contractor fails or refuses to comply at the time specified, WRCOG/GSATS will issue an order stopping all or part of payments until satisfactory action is taken. If the contractor remains in non-compliance WRCOG/GSATS may issue a termination for default proceeding.

#### Section 26.55 Counting DBE Participation

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

## SUBPART D - CERTIFICATION STANDARDS

### Section 26.61 - 26.91 Certification Process

WRCOG/GSATS will accept as accurate and current the certification status of all DBE firms listed on South Carolina's Uniform Certification Program / Department of Transportation Website and North Carolina's Uniform Certification Program / Department of Transportation Website.

In accordance with the development of statewide Unified Certification Programs (UCP), the UCP will use the certification standards of Subpart D of part 26 and the certification procedures of Subpart E of part 26 to determine the eligibility of firms to participate as DBEs in USDOT assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. As WRCOG/GSATS is not a certifying agency, the following directories have been used to determine eligible DBEs:

- South Carolina Department of Transportation
- North Carolina Department of Transportation

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

SCDOT  
Office of Business Development and Special Programs  
P.O. Box 191 Columbia, SC 29202-0191  
803-737-1372

Or

NCDOT  
Business Opportunity and Workforce Development  
1511 Mail Service Center  
Raleigh, NC 27699-1511  
(984) 236-1240



## SUBPART E - CERTIFICATION PROCEDURES

### Section 26.81 Unified Certification Programs

WRCOG/GSATS is a participant in the Unified Certification Program (UCP). The development of the South Carolina UCPs is complete. WRCOG/GSATS participated in the development of the statewide UCP.

### Section 26.87 Removal of a DBE's Eligibility

The de-certification of firms as DBEs will be conducted by the certifying agencies listed above.

### Section 26.89 Certification Appeals

Any firm or complainant may appeal the decision in a certification matter to DOT. Appeals are directed to:

U.S. Department of Transportation  
Departmental Office of Civil Rights  
External Civil Rights Programs Division (S-33)  
1200 New Jersey Ave., S.E.  
Washington, DC 20590  
Phone: (202) 366-4754\*  
Fax: (202) 366-5575

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

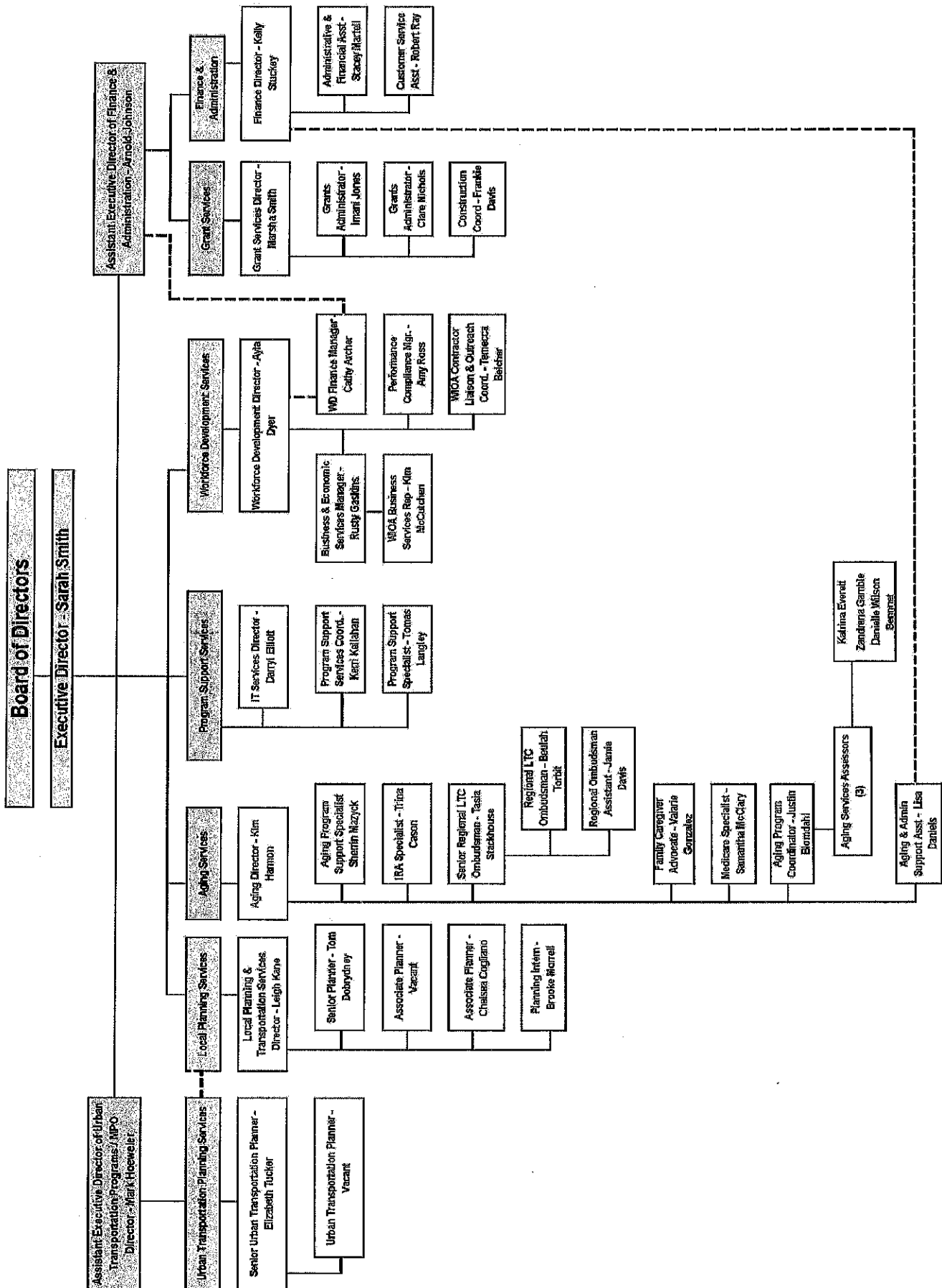
## SUBPART F - COMPLIANCE AND ENFORCEMENT

### Section 26.109 Information, Confidentiality, Cooperation

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

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

# ATTACHMENT 1



## ATTACHMENT 2

### Overall Goal Calculation

NAICS Code	Type of Firm (from the 2021 County Business Patterns)	Number of DBE's In-Region (from SCDOT and NCDOT Directory of DBE's updated 7/11/2023)	Number of Firms (from the 2021 County Business Patterns July 2023)	Relative Availability (# of DBE's divided by # of all firms)
323111	Commercial Printing Services	1	92	1.1%
541310	Architectural Services	1	140	0.7%
541330	Engineering Services	6	357	1.7%
541340	Drafting Services	1	17	5.9%
541370	Surveying and Mapping	4	70	5.7%
541430	Graphic Design Services	0	82	0.0%
541613	Marketing Consulting Services	2	222	0.9%
541620	Environmental Consulting Services	2	58	3.4%
541820	Public Relations Agencies	4	26	15.4%
541910	Marketing Research and Public Opinion Polling	0	24	0.0%
541930	Translation and Interpretation Services	1	5	20.0%
812331, 812332	Office Supplies	0	10	0.0%
<b>Totals</b>		<b>22</b>	<b>1103</b>	<b>2.0%</b>

## ATTACHMENT 3

We published our goal information in these publications:

We received comments from these individuals or organizations:

Summaries of these comments are as follows:

Our responses to these comments are:

ATTACHMENT 4

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 a 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.)



## ATTACHMENT 5

Regulations: 49 CFR Part 26

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

\* If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.