



**NAUGATUCK VALLEY
COUNCIL of GOVERNMENTS**

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Disadvantaged Business Enterprise Program

FFYs 2016-2018

DRAFT

*Prepared by
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July 2016*

Policy Statement

The Naugatuck Valley Council of Governments (NVCOG) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR § 26. NVCOG has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, NVCOG has signed an assurance that it will comply with 49 CFR § 26.

It is the policy of the NVCOG to ensure that DBEs are defined in § 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT - assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR § 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.

Benjamin Muller has been delegated as the DBE Liaison Officer. In that capacity, Benjamin Muller 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 Naugatuck Valley Council of Governments in its financial assistance agreements with the Department of Transportation.

The Naugatuck Valley Council of Governments has disseminated this policy statement to the board and all of the 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.

General Requirements

Objectives

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

Applicability

The Naugatuck Valley Council of Governments is the recipient of federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

The Naugatuck Valley Council of Governments is the recipient 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).

The Naugatuck Valley Council of Governments 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.

Definitions

Affiliation has the same meaning the term has in the Small Business Administration (SBA) regulations, 13 CFR part 121. Except as otherwise provided in 13 CFR part 121, concerns are affiliates of each other when, either directly or indirectly:

1. One concern controls or has the power to control the other; or
2. A third party or parties controls or has the power to control both; or
3. An identity of interest between or among parties exists such that affiliation may be found.

In determining whether affiliation exists, it is necessary to consider all appropriate factors, including common ownership, common management, and contractual relationships. Affiliates must be considered together in determining whether a concern meets small business size criteria and the statutory cap on the participation of firms in the DBE program.

Alaska Native means a citizen of the United States who is a person of one-fourth degree or more Alaskan Indian (including Tsimshian Indians not enrolled in the Metlaktla Indian Community), Eskimo, or Aleut blood, or a combination of those bloodlines. The term includes, in the absence of proof of a minimum blood quantum, any citizen whom a Native village or Native group regards as an Alaska Native if their father or mother is regarded as an Alaska Native.

Alaska Native Corporation (ANC) means 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 (43 U.S.C. 1601, *et seq.*).

Compliance means that a recipient has correctly implemented the requirements of this part.

Contract means a legally binding relationship obligating a seller to furnish supplies or services (including, but not limited to, construction and professional services) and the buyer to pay for them. For purposes of this part, a lease is considered to be a contract.

Contractor means one who participates, through a contract or subcontract (at any tier), in a DOT-assisted highway, transit, or airport program.

Department or DOT means the U.S. Department of Transportation, including the Office of the Secretary, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the Federal Aviation Administration (FAA).

Disadvantaged business enterprise or DBE means a for-profit small business concern --

1. That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and
2. whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

DOT-assisted contract means any contract between a recipient and a contractor (at any tier) funded in whole or in part with DOT financial assistance, including letters of credit or loan guarantees, except a contract solely for the purchase of land.

Good faith efforts means efforts to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement.

Immediate family member means father, mother, husband, wife, son, daughter, brother, sister, grandmother, grandfather, grandson, granddaughter, mother-in-law, or father-in-law.

Joint venture means an association of a DBE firm and one or more other firms to carry out a single, for-profit business enterprise, for which the parties combine their property, capital, efforts, skills and knowledge, and in which the DBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.

Native American tribe means any Native American tribe, band, nation, or other organized group or community of Native Americans, including any ANC, which is recognized as eligible for the special programs and services provided by the United States to Native Americans because of their status as Native Americans, or is recognized as such by the State in which the tribe, band, nation, group, or community resides. See definition of "tribally-owned concern" in this section.

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

Native Hawaiian Organization means 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.

Noncompliance means that a recipient has not correctly implemented the requirements of this part.

Operating Administration or OA means any of the following parts of DOT: the Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA). The "Administrator" of an operating administration includes his or her designees.

Personal net worth means 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.

Primary industry classification means the four digit Standard Industrial Classification (SIC) code designation which best describes the primary business of a firm. The SIC code designations are described in the Standard Industry Classification Manual. As the North American Industrial Classification System (NAICS) replaces the SIC system, references to SIC codes and the SIC Manual are deemed to refer to the NAICS manual and applicable codes. The SIC Manual and the NAICS Manual are available through the National Technical Information Service (NTIS) of the U.S. Department of Commerce (Springfield, VA, 22261). NTIS also makes materials available through its web site (www.ntis.gov/naics).

Primary recipient means a recipient which receives DOT financial assistance and passes some or all of it on to another recipient.

Principal place of business means the business location where the individuals who manage the firm's day-to-day operations spend most working hours and where top management's business records are kept. If the offices from which management is directed and where business records are kept are in different locations, the recipient will determine the principal place of business for DBE program purposes.

Program means any undertaking on a recipient's part to use DOT financial assistance, authorized by the laws to which this part applies.

Public works contract means any agreement between any individual, firm, or corporation and any political subdivision of the state other than a municipality for construction, rehabilitation, conversion, extension, demolition or repair of a public building, highway, or other changes in improvements in real property, or which is financed in whole or in part by the State of Connecticut, including, but not limited to, matching expenditures, grants, loans, insurance, or guarantees.

Race-conscious measure or program is one that is focused specifically on assisting only DBEs, including women-owned DBEs.

Race-neutral measure or program is one that is, or can be, used to assist all small businesses. For the purposes of this part, *race-neutral* includes gender-neutrality.

Recipient is any entity, public or private, to which DOT financial assistance is extended, whether directly or through another recipient, through the programs of the FAA, FHWA, or FTA, or who has applied for such assistance.

Secretary means the Secretary of Transportation or his/her designee.

Set-aside means a contracting practice restricting eligibility for the competitive award of a contract solely to DBE firms.

Small Business Administration or *SBA* means the United States Small Business Administration.

Small business concern means, with respect to firms seeking to participate as DBEs in DOT-assisted contracts, a small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in §26.65(b).

Socially and economically disadvantaged individual means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is --

1. Any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis.
2. Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:
 - a. "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;
 - b. "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
 - c. "Native Americans," which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
 - d. "Asian-Pacific Americans," which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, Federated States of Micronesia, or Hong Kong;
 - e. "Subcontinent Asian Americans," which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;
 - f. Women;
 - g. Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

Tribally-owned concern means any concern at least 51 percent owned by a Native American tribe as defined in this section.

You refers to a recipient, unless a statement in the text of this part or the context requires otherwise (i.e., 'You must do XYZ' means that recipients must do XYZ).

Non-Discrimination Requirements

The Naugatuck Valley Council of Governments 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 Naugatuck Valley Council of Governments 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.

Record-Keeping Requirements

Uniform Report of DBE Awards or Commitments and Payments

Naugatuck Valley Council of Governments will report DBE participation to the FTA using the Uniform Report of DBE Awards as required in part 26.11(a), available semi-annually through the FTA TrAMS digital system. This report shall be completed by the designated Civil Rights Officer in a timely manner, with full support from Project Managers and the Finance Director.

Bidders List

The Naugatuck Valley Council of Governments will create a bidders list consistent with part 26.11(c) including information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The bidder list will include:

- the name,
- address,
- DBE status,
- age, and
- annual gross receipts of firms.

We will collect this information in the following ways:

1. Implementing a contract clause requiring prime bidders to report the above information, and
2. Including notice in all solicitations requesting responding firms to report DBE participation.

Assurances

Naugatuck Valley Council of Governments has signed the following assurances from part 26.13, applicable to all DOT-assisted contracts and their administration:

Federal Financial Assistance Agreement Assurance

Naugatuck Valley Council of Governments 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 Naugatuck Valley Council of Governments 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.

Contract Assurance (part 26.13b)

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, 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.

Administrative Requirements

DBE Program Updates

Since the Naugatuck Valley Council of Governments has received a grant in excess of \$250,000.00 for fiscal years 2014-15, 2016-17, 2017-18 we will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program.

Public Involvement

Public involvement is critical to developing a creating awareness of the agency's program and goal. Each time the program sees a substantive update and/or the DBE Goal is updated the agency will conduct outreach in the following ways:

1. providing opportunities for public comment by making the proposed program and goal available in NVCOG's office, VTD's office, publishing the notice on the website, and publishing notice in the a newspaper having substantial circulation in the area, consistent with NVCOG's public participation plan;
2. holding direct conversation, either via phone or in person with known DBE, WBE, and other interest groups; and
3. incorporating feedback and comments into the program and goal.

DBE Liaison Officer (DBELO)

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

*Benjamin Muller
Civil Rights Officer
203-757-0535
bmuller@nvcogct.org*

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the Naugatuck Valley Council of Governments complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Chairman of the Board concerning DBE program matters. The DBELO may assign task to agency staff as required. An organization chart displaying the DBELO's position in the organization is found in Attachment D 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 staff of four (4) to assist in the administration of the program. The duties and responsibilities include the following:

- Gathers and reports statistical data and other information as required by DOT.
- Reviews third party contracts and purchase requisitions for compliance with this program.
- Works with all departments to set overall annual goals.
- Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
- 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.
- Analyzes the Agency's progress toward attainment and identifies ways to improve progress.
- Advises the Executive Director on DBE matters and achievement.
- Participates in pre-bid meetings.
- Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
- Plans and participates in DBE training seminars.
- Acts as liaison to the Uniform Certification Process in Connecticut.
- Provides outreach to DBEs and community organizations to advise them of opportunities.

DBE Financial Institutions

It is the policy of the Naugatuck Valley Council of Governments 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 present, there are no federally-insured financial institutions owned and controlled by socially and economically disadvantaged individuals in the Naugatuck Valley—nor in Connecticut as a whole—according to the Quarter Four listings from the Office of the Comptroller of the Currency and the FDIC. We will re-evaluate the availability of DBE financial institutions every three years.

Additional information can be obtained on relevant institutions from the DBE Liaison Officer.

Prompt Payment Mechanisms

Prompt Payment & Retainage

The Naugatuck Valley Council of Governments will include the following clauses 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 thirty (30) days from the receipt of each payment the prime contract receives from the Naugatuck Valley Council of Governments. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the Naugatuck Valley Council of Governments. This clause applies to both DBE and non-DBE subcontracts.”

“The prime contractor agrees to return retainage payments to each subcontractor within thirty (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 Naugatuck Valley Council of Governments. This clause applies to both DBE and non-DBE subcontracts.”

To monitor adherence to this policy, NVCOG will ensure that invoices from prime contractors show—either within the invoice itself or in attached documentation in the form of —compliance with this policy before payment is completed. NVCOG staff will also reach out to subcontractors on DOT-assisted contracts to confirm prompt payment.

Failure to comply with these prompt payment requirements is a breach of the Contract, which may lead to any remedies permitted under law, including, but not limited to, Contractor debarment.

Reporting Requirements during the Term of the Contract

The prime contractor shall, within thirty (30) days of contract award—and prior to any work being performed—execute formal subcontracts or purchase orders with the DBE firms included in the bid. These written agreements shall be made available to the DBELO upon request. All contracts between the bidder and its subcontractors must contain a prompt payment clause as above.

During the contract term, prime contractors shall submit regular “Status Reports of DBE Subcontract Payments” (see *Appendix*) in a form acceptable to NVCOG. These reports are to be submitted quarterly, or by the following dates:

- January 1st
- April 1st
- July 1st
- October 1st

DBE Directory

The Naugatuck Valley Council of Governments utilizes the State of Connecticut’s DBE directory identifying all firms eligible to participate as DBEs. The directory lists the firm’s name, address, phone

number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. The Directory is available at the following web address:
http://www.biznet.ct.gov/dot_dbe/DBESearchResults.aspx.

Overconcentration

The Naugatuck Valley Council of Governments uses a disproportionality (or representation) ratio to determine whether overconcentration exists in the awarding of contracts to DBE prime or sub contractors. The disproportionality ratio is given by:

$$\delta_j^k = \frac{s_j^k}{s^k}$$

where j denotes the relevant sub-industry, k denotes group membership, and s is the share of dollars awarded in the sub-industry or over all industries. A disproportionate representation of DBE businesses in a particular sub-industry occurs when this ratio exceeds one.¹

For the period comprising FFYs 2013–2015, only one industry group had a DBE on a prime or sub contract: Architectural, Engineering, and Related Services (NAICS code 5413). A single firm performed a sub contract of \$4,600, which is 1.43% of the total \$321,812.50 expended on this NAICS code in the study period. This compares with \$419,608.84 dollars expended on all NAICS codes in the study period, of which the DBE sub contract accounted for 1.10%:

$$\delta_j^k = \frac{0.0143}{0.0110} = 1.3$$

This analysis shows a potential slight overconcentration in architectural design services. Because the number is close to one, and because of the overall small number of contracts and sub contracts, the potential overconcentration in Architectural, Engineering, and Related Services does not warrant relief measures.

This analysis will be performed at every update of this program plan, and will cover all industries in which NVCOG had a prime or a sub contract with a DBE firm.

Business Development Programs

Naugatuck Valley Council of Governments does not have an internal business development program, but NVCOG is developing a survey for economic development professionals in the planning region to discern business development and existing practices, with a focus on the redevelopment of the region's many brownfields. The outcomes of this information-gathering process will feed directly into DBE-related engagement with the economic development community, and has potential for encouraging more formal partnerships between NVCOG and economic development professionals in the region.

NVCOG is a participating member in the following business development and small business advocacy organizations:

- Greater Waterbury Chamber of Commerce (www.waterburychamber.com)
- Greater Valley Chamber of Commerce (www.greatervalleychamber.com)

NVCOG partners with the following business development and advocacy organizations on a case-by-case basis:

- Waterbury Development Corporation
- SCORE Small Business Consulting

¹ (Myers, Kalar, & Davila, 2014)

- Small Business Administration
- Connecticut Department of Administrative Services
- Connecticut UCP & DBE Program

Monitoring and Enforcement Mechanisms

The Naugatuck Valley Council of Governments will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

We 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.

We will consider similar action under our own legal authorities, including responsibility determinations in future contracts.

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 payroll submissions, site visits on the job-sites, and will occur for each contract/project on which DBEs are participating.

We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

We will keep a log of these activities for documentation purposes.

The Naugatuck Valley Council of Governments has incorporated the following non-discriminatory element to its DBE program, in order to facilitate competition on DOT-assisted public works projects by small business concerns by removing unnecessary and unjustified bundling of contract requirements; race-neutral small business set-asides for prime contracts below a certain value; requiring bidders on large contracts to identify and/or providing specific subcontracts appropriate for small business participation.

Section 26.39 Small Business Participation

To encourage and facilitate participation by small businesses on DOT-assisted contracts, NVCOG will do the following:

- remove unnecessary or unjustified bundling of contract requirements;
- require bidders to identify small business subcontractors and/or opportunities for small business participation;
- host pre-bid conferences for large contracts advertised through business development partners and as part of the bid notice;
- distribute promotional information outlining potential opportunities to contract with the organization, including offers for technical assistance;
- advertise bid opportunities in multiple newspapers of record in the region as well as on the organization website and social media outlets to expand notified population;
- maintain an email listing of small businesses which have contracted or subcontracted with NVCOG, and email this listing when new bid or subcontracting opportunities arise; and
- maintain an email listing of business advocacy and development organizations in NVCOG's market area, and contact this listing when new bid or subcontracting opportunities arise.

Goals, Good Faith Efforts, & Counting

Set-asides or Quotas

The Naugatuck Valley Council of Governments does not use quotas in any way in the administration of this DBE program.

Overall Goals

In accordance with Section 26.45, the Naugatuck Valley Council of Governments will submit its triennial overall DBE goal to FTA and the Connecticut DOT. The Naugatuck Valley Council of Governments will also request use of project-specific DBE goals as appropriate, and/or will establish project-specific DBE goals as directed by FTA, FHWA, and the CT DOT. The process generally used by Naugatuck Valley Council of Governments to establish overall DBE goals is contained in Attachments A and B and is generally as follows:

1. Establish a base of ready, willing, and able vendors in the market area
2. Identify the number of those who are DBE firms
3. Make adjustments as necessary.

Before establishing the overall goal each year, Naugatuck Valley Council of Governments will consult with the Connecticut DOT as the UCP to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses.

NVCOG will also participate in a consultative process with local small business advocates and public outreach partners, including the regional Chambers of Commerce and institutions providing small business consulting or financial development assistance, to ascertain the effects of discrimination on opportunities for DBEs and the regional proportion of DBEs willing and able to do work outside of the formal certification process.

Following this consultation, we 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 our principal office for 30 days following the date of the notice, and informing the public that the agency will accept comments on the goals for 30 days from the date of the notice. Program should state the media in which this notice was issued: e.g. newspapers, available minority-focus media, trade publications, and websites.

Normally, we will issue this notice by July 1 of each year. The notice must 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: the goal (including the breakout of estimated race-neutral and race-conscious participation, as appropriate); a copy of the methodology, worksheets, etc., used to develop the goal; a summary of information and comments received during this public participation process and our responses; and proof of publication of the goal in media outlets listed above.

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

Goal Setting & Accountability

If the awards and commitments shown on the agency's Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall applicable to that fiscal year, we will:

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 the problems identified in the analysis; and
3. Evaluate the program and projects which occurred within the specified year(s) and document the apparent reasons for non-attainment.

Transit Vehicle Manufacturers Goals

Naugatuck Valley Council of Governments 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, Naugatuck Valley Council of Governments 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.

Meeting Overall Goals through Race-Neutral Means & Contract Goals

The Naugatuck Valley Council of Governments will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation and we will track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award. Tracking will begin annually, on the fiscal year beginning July 1st, and will be tracked quarterly and reported on quarterly using the DBE Status Report (*Attachment C*). Adjustments will be made at the mid-point of each year, if any.

The Naugatuck Valley Council of Governments will meet the maximum feasible portion of its overall goal using race-neutral means of facilitating DBE participation. In order to do so, NVCOG will use the following race-neutral means:

1. invitations to bid or quote will be sent directly to relevant DBEs on the UCP's DBE Directory;
2. bid packages will be divided, whenever reasonable, into a number of smaller contracts in order to facilitate DBE participation;
3. NVCOG will provide bid specifications and requests for proposals in a timely manner to the DBE community;
4. bid specifications will emphasize and clarify DBE requirements, and point out the use and availability of the DBE directory for prime contractors;
5. engage in the activities described in the Small Business portion above;
6. the DBELO will maintain a relationship with advocacy groups for disadvantaged individuals, and will regularly consult with these groups for input and apprise these groups of contracting opportunities; and
7. the DBELO will directly assist DBEs in overcoming common barriers which exclude DBEs from the procurement process by request.

Areas of assistance include:

1. information on DBE organization and contractual needs;
2. instruction on preparation of complete bid packages, including specifications;
3. opportunity to review successful bids on previous similar procurements;
4. debriefing sessions covering reasons for unsuccessful bids; and
5. instruction on job performance requirements.

These race-neutral means shall be documented by the DBELO in coordination with the Project Manager for each FTA-assisted contract.

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

We will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We 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.)

We will express our contract goals as a percentage of total amount federal assistance on a DOT-assisted contract.

Good Faith Efforts Procedures

Good Faith Efforts

The Naugatuck Valley Council of Governments treats bidder/proposers compliance with good faith efforts requirements as a matter of responsiveness. Solicitations issued by the Naugatuck Valley Council of Governments will require all bidders/proposers to submit a written assurance of meeting the goals in their bids or proposals. Within a reasonable time after the opening of bids and before the award of the contract, the agency will require all bidders or proposers wishing to remain in competition for the contract to submit:

1. The names and addresses of DBE subcontractors that will participate in the contract;
2. A description of the work each DBE is to perform;
3. The dollar value of each proposed DBE subcontract;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation its 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 shall be submitted.

The agency will determine whether the competitor offering the lowest price of firms meeting the DBE contract goal has offered a reasonable price for the contract. If the Agency determines that this competitor's price is not reasonable, it will consider next the price offered by the competitor with the highest percentage of DBE participation of those firms that failed to meet the goal. If the Agency determines that this price is not reasonable, it will consider the other competitors that failed to meet the goal in order of their percentage of DBE participation until it selects one with a reasonable price. If the agency determines that no competitor with DBE participation has offered a reasonable price, the contract may be awarded to any competitor that demonstrates that it has made sufficient

reasonable "good faith" efforts to meet the DBE contract goal. "Efforts that are merely pro forma are not good faith efforts to meet the goals. Efforts to obtain DBE participation are not good faith efforts to meet the goals, even if they are sincerely motivated if, given all relevant circumstances, they could not reasonably be expected to produce a level of DBE participation sufficient to meet the goals."

In order to decide whether a price offered by a competitor is reasonable, the Agency will use the same criteria that would be used to determine whether, if the competitor in question had made the only offer to perform the contract, it would still be awarded the contract.

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. Such justification will include, but not be limited to, the following documentation:

1. A detailed statement of the efforts made to negotiate with DBE's including at a minimum (i) the names, addresses and telephone number of DBE's who were contacted; (ii) a description of the information provided to DBE's regarding the plans and specifications for portions of the work to be performed; and (iii) a detailed statement of the reasons why additional prospective agreements with DBE's, if needed to meet the stated goal, were not reached;
2. A detailed statement of the efforts made to select portions of the work proposed to be performed by DBE's in order to increase the likelihood of achieving the stated goal;
3. As to each DBE contacted but which the bidder considers to be not qualified, a detailed statement of the reasons for the bidder's conclusion;
4. As to each DBE contacted but which the bidder considers to be unavailable, (i) an Unavailability Certificate signed by a DBE, or (ii) a statement from the bidder that the DBE refused to give such written certification after reasonable request;
5. Attendance at a pre-bid meeting, if any, scheduled by the Agency to inform DBE's of subcontracting opportunities under a given solicitation;
6. Advertisement in general circulation media, trade association publications, and minority and women focus media for twenty days or a reasonable time before bids are due;
7. Written notice to DBE's that their interest in the contract is solicited; and
8. Efforts made to assist the DBE's contacted that needed assistance in obtaining bonding or insurance required by the competitor or by the Agency.

The DBE Liaison Officer will be 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. We will ensure that all information is complete and accurate and adequately documents the bidder/offerors good faith efforts before we commit to the performance of the contract by the bidder/offeror. Competitors who fail to meet the DBE goals and who fail to demonstrate sufficient reasonable efforts will not be eligible to be awarded the contract. Within thirty (30) days of being informed by the Naugatuck Valley Council of Governments 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:

*Mark Pandolfi
Transit Capital Administrator
Valley Transit District
41 Main Street
Derby, CT 06418*

The reconsideration official will not have played any role in the original determination that the bidder/offeror did not make 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 Agency 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.

The Agency will require a contractor to make good faith efforts to replace a DBE that has terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to make the contract goal. We 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 Agency will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. If the contractor fails or refuses to comply in the time specified, we will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, we may issue a termination for default proceeding.

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, Naugatuck Valley Council of Governments 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 following personnel 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 Rick Dunne, Executive Director

We 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 Naugatuck Valley Council of Governments 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 30 days of being informed by Naugatuck Valley Council of Governments that it is not responsible 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: Mark Pandolfi, Transit Capital Administrator, 41 Main Street, Derby, Connecticut 06418, mpandolfi@valleytransit.org (The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.)

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. We will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

Good Faith Efforts when a DBE is Terminated/Replaced on a Contract with Contract Goals: 26.53(f)

The Naugatuck Valley Council of Governments requires that prime contractors not terminate a DBE subcontractor listed on a bid/contract with a DBE contract goal without NVCOG's 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 being: the DBE fails to execute a contract, fails to perform from work consistent with the normal industry standards, fails to meet reasonable bond requirements, or the DBE sub is ineligible to work on public works projects, ineligible to receive DBE credit for the type of work, or the DBE firm is unable to complete the work, or other documented good cause. Before transmitting to Naugatuck Valley Council of Governments 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 Naugatuck Valley Council of Governments prior to consideration of the request to terminate. The DBE will then have five (5) days to respond and advise Naugatuck Valley Council of Governments of why it objects to the proposed termination. The five day period may be reduced if the matter is one of public necessity. e.g., safety.

In those instances where "good cause" exists to terminate a DBE's contract, Naugatuck Valley Council of Governments 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. We 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, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

If the contractor fails or refuses to comply in the time specified, our contracting office 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 contracting officer 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 Naugatuck Valley Council of Governments 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 (6) if the contract goal is not met, evidence of good faith efforts.

Counting DBE Participation

DBE participation is based on the total amount of DOT assistance received by NVCOG in any contract awarded to an eligible DBE participant (a firm certified by Connecticut Unified Certifying Program, or UCP), in accordance with 49 CFR 26.55. The following standards will be used to determine DBE participation:

1. NVCOG and prime contractors may count only awards/expenditures to DBEs that perform a commercially useful function in the contract, as defined in the NVCOG DBE Program Plan.
2. NVCOG will count awards/expenditures for materials, supplies, or services from DBEs *provided* that the DBEs assume the actual and contractual responsibility for the provision of the materials, supplies, or services. The following are the allowable percentages:
 - a. Sixty percent (60%) of the dollar value of the award/expenditure may be counted toward the DBE goal if the DBE supplier is not a manufacturer. One hundred percent (100%) of the dollar value of the award/expenditure may be counted toward the DBE goal if the DBE supplier is a manufacturer. Sixty percent (60%) of the dollar value of the award/expenditure may be counted toward the DBE goal if the materials or supplies are obtained from a DBE "regular dealer."

Compliance & Enforcement

Information, Confidentiality, Cooperation

We will safeguard from disclosure to third parties information that may reasonably 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.

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. This reporting requirement also extends to any certified DBE subcontractor. Further, NVCOG will maintain DBE Status Reports and other DBE-relevant records for three years.

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 DBE Status Report.

Attachments

Attachment A: Goal Methodology

Attachment B: Organizational Chart

Attachment C: Status Report of DBE Sub Contract Payments

Attachment A: Goal Methodology

Goal Calculation Methodology

The Naugatuck Valley Council of Governments DBE goal is based on the Federal financial assistance we will expend in DOT assisted contracts, exclusive of Federal Transit Administration (FTA) funds to be used for the purchase of transit vehicles. The following is the method staff should use to calculate this goal:

1. Project the number and type of contracts to be awarded by NVCOG. NVCOG's total budget of contracting opportunities for the next three (3) years shall be determined. Eliminate non-contracting opportunities from that baseline: these include salaries, related fringe benefits, and public utilities. The total dollars remaining become the total contracting dollar opportunities.
2. Determine the base figure for the relative availability of DBEs. NVCOG uses the Connecticut DOT (ConnDOT)'s lists of Prequalified Construction Firms and Prequalified Consultants to gain a representative sample of ready, willing, and able firms doing business relevant² to the needs of NVCOG and within NVCOG's likely region of procurement (identified as Fairfield, Hartford, Litchfield, and New Haven Counties). These two lists are compared against ConnDOT's list of certified DBEs to identify what proportion of these firms are certified with the Connecticut UCP.³
3. Adjustments to this base figure are made by weighting the proportion of dollars likely available for consultants and contractors over the coming three year period. Because all firms on ConnDOT's prequalified list engage in work relevant to transportation and facility construction, and because the exact nature of work performed by agency is not readily available via the existing prequalified lists, contracting opportunities are to be divided between construction-related contracting work and consulting & engineering work available.
4. Consult economic development, business development, small business advocacy, and minority- and women-owned business advocacy organizations face-to-face and over the phone to determine whether any changes or adjustments might be necessary to address the needs of DBEs in our region.
5. Review third party reports to determine whether there is adequate reason to further adjust the DBE goal. Third party reports that have been useful in the past include economic analyses from the regional Chambers of Commerce, regional United Ways, and research from DataHaven. Additional reports and nonprofits shall be sought at each goal calculation.

Race-Neutral vs. Race-Conscious Participation

NVCOG will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. Race-neutral measures taken by NVCOG is detailed in the DBE Program Plan. To calculate the portion of the goal to be achieved through race-conscious means, the DBELO shall look at the Semiannual Uniform Reports on DBE Participation and Shortfall Analyses over the previous three (3) years to discern what percentage of contracting dollars have been awarded to DBE firms through race-neutral measures in the past. That information will be compared against the probable subcontracting opportunities in upcoming Federally-assisted contracts to determine the final breakdown between race-neutral and race-conscious participation.

² "Relevant" indicates that the business is certified as a DBE in an industry in which NVCOG expects to procure in the next three years.

³ NVCOG compares DBEs doing work in relevant NAICS codes from the UCP's listings against the total number of firms available through the US Census Bureau's County Business Patterns. In the most recent analysis, NVCOG found that the DBE list was not comparable to the CBP list. The CBP method provided an unadjusted DBE availability that was much lower than expected. The final approach used by NVCOG overcomes the deficiency by using more comparable data. The CBP data should be examined in future goal calculations to determine if this methodology should change.

Contract Goals

Contract specific goals may be set for any contract where there are subcontracting opportunities. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means. We will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We 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.

We will express our contract goals as a percentage of the Federal share of a DOT-assisted contract. The methodology for establishing these contract goals will be consistent with those stated in the previous section. The stated goals will be indicated in the specific solicitations.

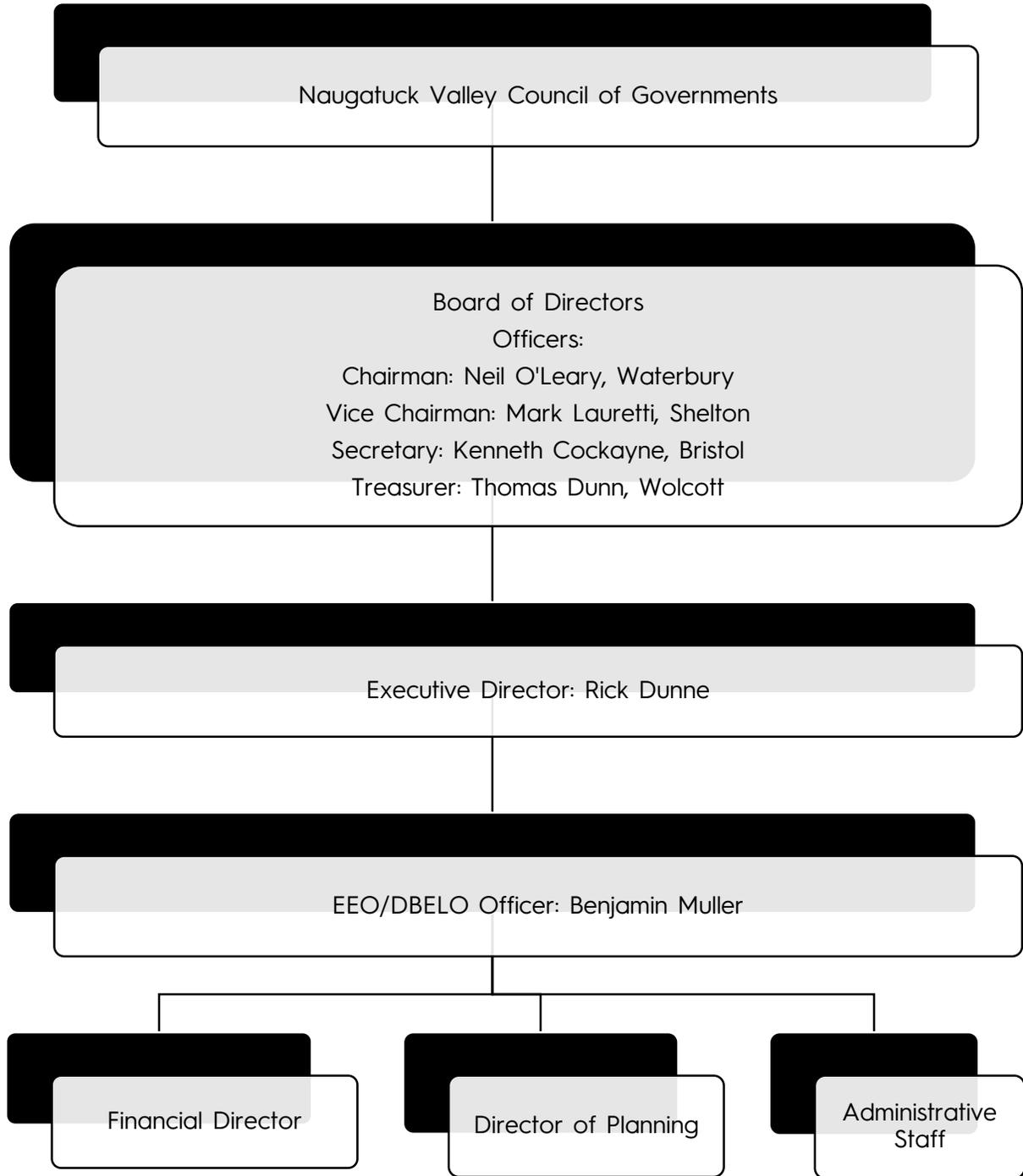
Bidders on contracts with contract goals should include a list of DBE subcontractors they intend to hire, along with contact information for these subcontractors, and at minimum a breakdown of contracting opportunities for small businesses.

Timelines for Goal Development & Submission

The Naugatuck Valley Council of Governments will submit its overall goal to DOT/FTA on August 1st once every three (3) years using the same method stated above. Methodologies for annual, project specific and contract specific goals will be based upon projected contracting opportunities, availability of eligible DBE's, past contracting results and anticipated FTA assistance. In addition, before establishing the overall goal each year, NVCOG will consult with area agencies advocating for DBEs to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBE's, and the Naugatuck Valley Council of Government's efforts to establish a level playing field for the participation of DBE's.

Following this consultation, the agency 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 Naugatuck Valley Council of Governments and The Valley Transit District for thirty (30) days following the date of the notice, and informing the public that NVCOG will accept comments on the goals for thirty (30) days from the date of the notice. These goals will be published in general circulation media and minority-focused media, and will be submitted to area agencies advocating for disadvantaged business enterprises. Normally this public notice will be issued by July 1st of each year. The notice will include addresses to which comments may be sent and addresses where the proposal may be reviewed. Our overall goal submission to DOT/FTA will include a summary of information and comments received during this public participation process and our responses. The agency will begin using our overall goal on October 1st of each year, unless we have received other instructions from DOT/FTA.

Attachment B: Organizational Chart



Instructions for Completion of Quarterly DBE/SBE Status Report

General Information

Report No: Indicate the Report Number. Report numbers are sequential starting with "1".

Final: This box should only be checked if this is the final quarterly report for the contract.

Reporting Quarter: Indicate the quarter the reporting period covers.

Reporting Year: Indicate the year the reporting period covers.

Contract Information

1. For each active contract (which contains federal funds) you must complete the following:
 - a. **CONTRACT NUMBER:** Indicate the contract number assigned by the Department.
 - b. **TOWN:** Indicate the Town where the contract or project will be performed. If the contract is not specific to a particular Town, leave blank.
 - c. **PROJECT NUMBER:** If a project number is assigned by NVCOG, which is different from the contract number noted above, list that here.
 - d. **FEDERAL NUMBER:** Indicate the federal project number for the contract, if applicable.
 - e. **PRIME CONTRACTOR:** Indicate the firm name of the vendor awarded the contract (prime).
 - f. **DBE GOAL:** List the DBE Goal percentage assigned to the contract. If no DBE goal is assigned, list 0%.
 - g. **ORIGINAL CONTRACT AMOUNT:** Provide the total dollar amount of the prime contract at time of award.
 - h. **CURRENT CONTRACT AMOUNT:** Provide the current total dollar amount of the prime contract. This should take into account work or change orders issued since the original contract was awarded.
2. The remainder of the report should reflect the utilization of all DBE and SBE firms during the reporting period. Even if no DBEs or SBEs were utilized during the reporting month, you must still submit a report indicating no activity and any progress made from previous reporting periods.
 - a. **DBE/SBE FIRM NAME:** Indicate the name of the DBE/SBE firm being used on the contract.
 - b. **DBE OR SBE:** Indicate whether the firm is a DBE or an SBE. (While all DBEs also qualify as SBEs, for the sake of this report they should be considered DBEs.)
 - c. **WHETHER LISTED ON DBE COMMITMENT:** If a DBE firm is being used to meet the contract's DBE goal, mark 'Yes'. If not mark 'No'. For SBE firms leave this field blank or mark 'N/A'.
 - d. **AMOUNT AS LISTED ON DBE COMMITMENT:** Provide the dollar amount the prime contractor committed to the DBE firm to meet the DBE goal. If the DBE firms was not listed on the DBE commitment leave the field blank or mark 'N/A'. For SBE firms leave this field blank or mark 'N/A'.
 - e. **DATE OF EXECUTED SUBCONTRACT:** State the date a subcontract was executed between the prime contractor and the DBE or SBE firm.
 - f. **DOLLAR AMOUNT OF EXECUTED SUBCONTRACT:** Provide the dollar amount of the executed subcontract between the prime contractor and the DBE or SBE firm.
 - g. **DOLLAR AMOUNT PAID THIS MONTH:** Provide the dollar amount paid during the reporting quarter to the DBE or SBE firm in support of the prime contract.
 - h. **CHECK NUMBER:** Provide the check number(s) for payments made to a DBE or SBE firm during the reporting quarter in support of the prime contract.
 - i. **DOLLAR AMOUNT PAID TO DATE:** Provide the total dollar amount paid to date to DBE or SBE firms in support of the prime contract.

3. Once the report is complete the individual responsible should complete the following:
 - a. **COMPANY OFFICIAL'S SIGNATURE:** The completed report should be printed and signed by an official of the prime contractor certifying that the information on subcontracts and amounts paid to DBE and SBE firms are accurate and in accordance with contractual obligations.
 - b. **DATE:** State the date the report was completed and signed by the official of
 - c. **TELEPHONE NUMBER:** Provide a telephone number where the company official can be reached should questions arise regarding the completed report.

Should you have any questions or concerns in completing this report you may contact the Civil Rights Officer at bmuller@nvcoogct.org, or by phone at 203-489-0368.

Attachment D: Public Participation

[FILL OUT WITH ACTUAL STEPS TAKEN]

The Naugatuck Valley Council of Governments posted its proposed fiscal years 2016-2018 DBE program plan on its website for thirty (30) days to solicit comments and feedback from the public.

In addition the following agencies were contacted directly and copies of the plan and attachments (excepting Attachment B) were made available to:

- Connecticut Minority Supplier Development Council, Inc.
4133 Whitney Ave, Bldg. 4 Box 2
Hamden, CT 06518
(203)-288-9744
- Connecticut Construction Industries Association
912 Silas Deane Highway - Wethersfield, CT 06109
(860) 529-6855
- NAACP Bridgeport CT Branch
PO box 9180
Bridgeport, CT 06601
(203)-576-8473
- National Association of Woman in Construction CT Chapter
101 CenterPoint Drive, Suite 201
Middletown, CT 06457
(860) 632-5122

A copy of the legal notice is on the following page

NAUGATUCK VALLEY COUNCIL OF GOVERNMENTS

PUBLIC NOTICE

DBE PROGRAM—DBE GOAL ESTABLISHMENT

The Naugatuck Valley Council of Governments (NVCOG), as the designated recipient of Federal and State funding for transportation planning and program administration for the Valley Transit District, has prepared a Disadvantaged Business Enterprise (DBE) Program and established a DBE Goal. NVCOG, In accordance with US Department of Transportation Regulations 49 CFR Part 26, announces a proposed Federal Transit Administration (FTA) Disadvantaged Business Enterprise (DBE) goal of 8 percent for Federal Fiscal Years 2016, 2017 and 2018.

The DBE Program and Goal is designed to: (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) assist the development of firms that can compete successfully in the marketplace outside the DBE Program.

The public is welcome and encouraged to review and comment on the Draft Plan. The Draft Plan is available online at www.nvcogct.org and www.valleytransit.org and at the Naugatuck Valley Council of Governments offices located at the 49 Leavenworth Street, 3rd Floor, Waterbury, Connecticut 06702 and at the Valley Transit District (VTD) located at 41 Main Street, Derby, Connecticut 06418.

The proposed goal and its rationale are available for public review for the next 30 days during normal business hours from 8:30 a.m. to 4:30 p.m., Monday through Friday. During this period, the Draft Plan will be available for public inspection during normal business hours at the NVCOG offices and Valley Transit District offices. Written comments should be sent to Mark Pandolfi, Transit Capital Administrator, Valley Transit District, 41 Main Street, Derby, Connecticut 06418 (203) 735-6824 or FAX (203) 735-0277, or via email at mpandolfi@valleytransit.org