



BEXAR COUNTY ADMINISTRATIVE POLICY

ADMINISTRATIVE POLICY NO. 8.2

TITLE: Disadvantaged Business Enterprise (DBE) Program
for Federally Funded Transportation Projects

DATE APPROVED: June 21, 2007

EFFECTIVE DATE: June 21, 2007

PURPOSE

Section 26.1, 26.23 Objectives/Policy Statement

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

Bexar County has adopted the Texas Department of Transportation (TXDOT) Local Area Management Agreement and the Memorandum of Understanding (MOU) regarding the Disadvantaged Business Enterprise Program as defined in the MOU ATTACHMENT C – Comprehensive Development Agreement (CDA) DBE Provisions.

It is the policy of Bexar County 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 is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

Small, Minority, Women and Disadvantaged Owned Business Enterprise Program (SMWDBE) Manager has been delegated as the DBE Liaison Officer. In that capacity, the SMWDBE Program Manager 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 Bexar County in its financial assistance agreements with the Department of Transportation.

Bexar County has disseminated this policy statement to Commissioners Court and all of the components of our organization. Bexar County has distributed this statement to DBE and non-DBE business communities that perform work for the County on DOT-assisted contracts.

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

Bexar County 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.

Section 26.5 Definitions

Bexar County will adopt the definitions contained in the CDA, 49 CFR Part 26.5 for this program.

Section 26.7 Non-discrimination Requirements

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

In administering its DBE program, Bexar County will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

Section 26.11 Record Keeping Requirements

Bexar County will adopt the requirements contained in the CDA, 49 CFR Part 26.11 for this program.

Section 26.13 Federal Financial Assistance Agreement

Bexar County will adopt the definitions contained in CDA, 49 CFR Part 26.13 for this program.

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

Bexar County will provide TXDOT with updates representing significant changes in the program as they occur. Bexar County understands that all changes must be approved by TXDOT, FHWA, FTA, and FAA prior to implementation.

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

Bexar County has designated the following individual as our DBE Liaison Officer:

SMWDBE Program Manager
Bexar County Community & Development Programs Department
Bexar County Justice Center
300 Dolorosa, Suite B012
San Antonio, TX 78205
(210) 335-2478 Office
(210) 335-0673 Facsimile

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

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has a staff of two (2) to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT from the appropriate officials and staff.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Coordinates participation by all departments to set overall annual and project 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.
6. Analyzes Bexar County's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings and bid-openings.
8. Advises the CEO/governing body 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. Monitors the certification process for DBEs according to the criteria set by DOT as contracted with the South Central Texas Regional Certification Agency (SCTRCA) and acts as liaison to the Uniform Certification Process in Texas.
12. Provides outreach to DBEs and community organizations to advise them of opportunities.
13. Maintains Bexar County's updated directory on certified DBEs.

Section 26.27 DBE Financial Institutions

Bexar County will adopt the requirements contained in the CDA, 49 CFR Part 26.27 for this program.

Section 26.29 Prompt Payment Mechanisms

Bexar County will adopt the requirements contained in the CDA, 49 CFR Part 26.29 for this program.

Section 26.31 Directory

Bexar County will adopt the requirements contained in the CDA, 49 CFR Part 26.31 for this program.

Section 26.33 Overconcentration

Bexar County will adopt the requirements contained in the CDA, 49 CFR Part 26.33 for this program.

Section 26.35 Business Development Programs

Bexar County SMWDBE Program has a very aggressive business development program through its partnership with over 100 area public and private sector organizations. Bexar County is a founding and board member of the South Central Texas Regional Certification Agency (SCTRCA), established in 1998 and a member of the Texas Unified Certification Program. Bexar County in partnership with the City of San Antonio hosts an annual conference for disadvantaged businesses.

Section 26.37 Monitoring and Enforcement Mechanisms

Bexar County will adopt the requirements contained in the CDA, 49 CFR Part 26.37 for this program.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

Bexar County does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

Bexar County will adopt the requirements contained in the CDA, 49 CFR Part 26.45 for this program.

Section 26.49 Transit Vehicle Manufacturers Goals

Not applicable

Section 26.51(d-g) Contract Goals

Bexar County will adopt the requirements contained in the CDA, 49 CFR Part 26.51(d-g) for this program.

Section 26.53 Good Faith Efforts Procedures

Bexar County will adopt the requirements contained in the CDA, 49 CFR Part 26.53 for this program.

Section 26.55 Counting DBE Participation

Bexar County will adopt the requirements contained in the CDA, 49 CFR Part 26.55 for this program.

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

Bexar County will adopt the requirements contained in the CDA, 49 CFR SUBPART D for this program.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81- 26.89 Unified Certification Programs

Bexar County will adopt the requirements contained in the CDA, 49 CFR SUBPART E for this program.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

Bexar County will adopt the requirements contained in the CDA, 49 CFR SUBPART F for this program.

ATTACHMENTS

- Attachment 1 Bexar County Organizational Chart

- Attachment 2 Texas Department of Transportation (TXDOT) Local Area Management Agreement and the Memorandum of Understanding (MOU) regarding the Disadvantaged Business Enterprise (DBE) Program

Reference: Texas Department of Transportation Disadvantage Business Enterprise Program
www.dot.state.tx.us

Attachment 1

Bexar County Organizational Chart

Attachment 2

Texas Department of Transportation (TXDOT) Local Area Management Agreement and the Memorandum of Understanding (MOU) regarding the Disadvantaged Business Enterprise (DBE) Program