

Center City District

Disadvantaged Business Enterprise Program Plan

Per 49 CFR Part 26

July 2011

Introduction

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

This program has been developed based on the scope of the Dilworth Plaza Renovation Project, currently the only project receiving USDOT financial assistance. Addition of other projects receiving USDOT financial assistance may require revisions to the program.

Definitions of Terms

The terms used in the CCD's DBE program have the meanings defined in 49 CFR 26.5.

Center City District Policy Statement

(26.1, 26.23)

The Center City District (CCD) opposes unlawful discrimination of any kind. The CCD is an Equal Employment Opportunity Employer, and is firmly committed to providing equal employment and business opportunities for all persons.

The CCD receives Federal financial assistance from the United States Department of Transportation (USDOT), Federal Transit Administration (FTA), and as a condition of receiving this assistance, the CCD has signed an assurance that it will comply with 49 CFR Part 26. Accordingly, the CCD has established a Disadvantaged Business Enterprise program in accordance with regulations of the USDOT, 49 CFR Part 26.

Anthony Pipitone, Vice President Administration at the CCD, has been delegated to serve as the Disadvantaged Business Enterprise Liaison Officer (DBELO) for the CCD. As the DBELO, Mr. Pipitone is responsible for implementing all aspects of the CCD's DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the CCD in its financial assistance agreements with the Department of Transportation.

The CCD has disseminated this policy statement to its Board of Directors and all appropriate departments throughout the organization. The CCD will distribute its policy statement to the DBE and non-DBE business communities that perform work or who may have an interest in performing work for the CCD in the future on DOT-assisted contracts. The CCD will include the statement in all bid and proposal documents, and also distribute copies of it to the bidders and proposers at all pre-bid/pre-proposal meetings for FTA assisted projects. The statement can be found on CCD's website. Information about CCD's DBE program may also be obtained by contacting the CCD at (215) 440-5500.

Nondiscrimination

(26.7)

The CCD is an Equal Employment Opportunity Employer/Contractor, and will not 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. In administering its DBE program, the CCD 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.

DBE Program Updates

(26.21)

The CCD will continue to carry out this program until all funds from USDOT financial assistance have been expended. Significant changes in CCD's DBE Program will be submitted to USDOT for approval.

Quotas

(26.43)

Under no circumstances will the CCD use quotas in the administration of its DBE program. It is not the practice of the CCD to set contracts aside for bid or proposal by DBEs only.

Responsibility

Chief Executive Officer

The CCD's President and Chief Executive Officer has the overall responsibility for directing the development and implementation of the CCD's Disadvantaged Business Enterprise (DBE) program.

Disadvantaged Business Enterprise Liaison Officer - DBELO – (26.25)

The position of Disadvantaged Business Enterprise Liaison Office (DBELO) shall have direct, independent access to the President and Chief Executive Officer. The CCD has designated the following individual to serve as the authority's DBE Liaison Officer (DBELO):

Anthony Pipitone
Disadvantaged Business Enterprise Liaison Officer
Center City District
660 Chestnut St.
Philadelphia, PA 19106
Phone: (215) 440-5500
Fax: (215) 922-7276
E-Mail Address: tonyp@centercityphila.org

An organization chart displaying the DBELO's position in the organization is found at **Attachment A** to this program document.

The DBELO is responsible for implementing all aspects of the DBE program and ensuring that the CCD complies with all provisions of 49 CFR Part 26. The DBELO is supported by administrative support staff to provide technical assistance and other supportive services to DBEs and other small business concerns. The CCD may also engage professional services support to monitor contractor compliance.

Duties and responsibilities of the DBELO include:

1. developing, monitoring, and evaluating the CCD's DBE Program;
2. reporting periodically to the Chief Executive Officer on issues pertaining to the DBE program and recommending appropriate program modifications;
3. maintaining accurate records demonstrating DBE efforts and progress;
4. submitting timely reports on DBE awards and commitments as required by the USDOT/FTA;
5. tracking, on a monthly basis, payments made by prime contractors/consultants to DBEs;
6. publicizing the CCD's proposed annual DBE program goal for public comment;
7. gathering and reporting statistical data and other information as required by the USDOT;
8. checking that requests for bids/proposals are available to DBEs in a timely manner;

9. checking that all advertisements for bids/proposals include nondiscrimination language, and are published on the CCD's website;
10. identifying potential business opportunities with the CCD and notifying DBEs of such opportunities;
11. participating in pre-bid and pre-proposal meetings to explain DBE requirements;
12. participating in pre-construction and kick-off meetings to explain compliance requirements;
13. monitoring prime contractor/consultant's compliance with DBE commitments and program requirements throughout the life of the contract;
14. monitoring contractor compliance with good faith efforts;
15. providing DBEs with information about external Pennsylvania Unified Certification Program (UCP) certification resources;
16. providing in-kind technical assistance and other supportive services to assist DBEs to prepare competitive bids;
17. attending workshops/seminars to keep abreast of DOT/FTA rules, regulations, updates and other developments applicable to the DBELO function;

Federal Financial Assistance Agreement Assurance

(26.13)

CCD has signed the following assurance, applicable to all USDOT assisted contracts and their administration:

"The Center City District 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 Center City District of its failure to carry out its approved program, the Department may impose sanctions 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.)"

Disadvantaged Business Enterprise Directory

(26.25)

The Pennsylvania Unified Certification Program (PA UCP) directory identify DBEs by firm name, contact person, address, telephone number, fax number, website, e-mail address, date of most recent certification, certifying agency, the type of work the firm has been certified to perform as a DBE. The PA UCP Directory can be accessed at www.paucp.com.

DBE Financial Institutions

(26.27)

It is the policy of the CCD to determine carefully the extent of financial and related services that may be available from financial institutions owned and controlled by socially and economically disadvantaged individuals in the community. The CCD makes efforts to use such institutions wherever possible and consistent with the requirements of the CCD's obligations under its existing Bond Covenants, and the laws applicable to the CCD.

Required Contract Clauses

(26.13, 26.29)

3. "Contract Assurance" Clause

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

"The contractor 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 (the Center City District) deems appropriate".

4. "Prompt Payment" Clause

The CCD will ensure that language to the following effect is placed in every DOT-assisted contract and subcontract:

"The prime contractor agrees to pay each subcontractor/supplier (DBE and non-DBE alike) under this prime contract for satisfactory performance of its contract no later than ten (10) calendar days from the receipt of each payment related to the said subcontract the prime contractor receives from Center City District. The prime contractor agrees further to return retainage payments to each subcontractor/supplier within thirty (30) calendar days of the date the Center City District approves the subcontractor/supplier's work as satisfactorily completed, even if the prime contract has not yet been completed. Any delay or postponement of payment from the above-referenced time frame may occur only for good cause following written approval of the Center City District. The Center City District may withhold payments to prime contractors for work performed by prime contractors unless and until the prime contractor ensures that the subcontractors are promptly paid for work they have performed. The Center City District may also employ other mechanisms consistent with 49 CFR Part 26 and applicable state and local law, to ensure that DBEs and other contractors are fully and promptly paid.

Over-Concentration

(26.33)

To date, the CCD has not identified any area of overconcentration of DBEs in certain types of work on FTA-assisted contracts. The CCD, through its DBELO, will review all FTA-assisted contracts on a quarterly basis (March 31st; June 30th; September 30th; and December 31st) to determine whether any areas of over-concentration are developing.

In the event the CCD identifies any areas of over-concentration, which unduly burden non-DBE firms, the CCD will review each situation on a case-by-case basis and devise appropriate narrowly-tailored race neutral and/or race conscious measures to address the problem. In keeping with Section 26.33 of the DBE rule, the CCD understands that possible means of dealing with future problems of overconcentration could include assisting prime contractors to locate DBEs in non-traditional fields or varying the use of contract goals to lessen any burden on particular types of non-DBE specialty contractors, among other means. The CCD understands that if it identifies a potential area of over-concentration, it will have to obtain USDOT approval of determinations of over-concentration and measures for dealing with them.

Monitoring and Enforcement Mechanisms

(26.37)

The CCD will bring to the attention of the USDOT any false, fraudulent, or dishonest conduct in connection with the program, so that USDOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the USDOT Inspector General, action under Suspension and Debarment of Program Fraud and Civil Penalties rules) provided in 26.109. The CCD also will consider similar action under its own legal authorities, including responsibility determinations in future contracts.

At bid time, bidders will be required to submit evidence of the firms from whom quotes were actually solicited. The solicitation information for DBE and non-DBE firms alike is to be recorded on the "DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION SCHEDULE." (See **Attachment B**). Failure to submit the completed form at bid time may result in rejection of the bid as non-responsive.

At bid time, bidders also are required to submit documentary evidence of the firms who have been contacted and who will be used as subcontractors or suppliers. The commitment information for DBE and firms is to be recorded on the "DBE Subcontractor/Supplier Commitment Sheet." Failure to submit the completed commitment and any other supporting documentation, at bid time, may result in rejection of the bid as non-responsive.

Prior to the project start date, the prime contractor shall submit to the DBELO a copy of all fully executed subcontracts between the prime contractor and all DBE subcontractors / suppliers the prime contractor intends to use on the project. Each month, the prime contractor shall submit to the DBELO a "Monthly Payment Status Report" which tracks payments made by the prime contractor to all subcontractors and suppliers. The payment information for DBE firms is to be recorded on the "Monthly Subcontractor/Supplier Payment Status Report".

When necessary, the CCD may conduct onsite reviews of the prime contractor/prime consultant's compliance with the provisions of the DBE Program and federal equal employment opportunity laws and regulations. At any time, the CCD may require such other information as it deems necessary to ascertain whether the prime contractor, subcontractor and suppliers all are in compliance with the letter and spirit of the DBE Program. Unreasonable delays by or failure of the prime contractor to cooperate fully with a compliance review may result in the withholding of contract payments and may also be deemed a breach of contract.

Public Participation - Goals

(26.45)

The purpose of the DBE Program is to achieve a "level playing field" for DBEs seeking to participate in federal-aid transportation contracting. To reach a level playing field, the DBE rule requires recipients to examine their programs and determine the number of ready, willing and able DBEs in the relevant local market. In establishing an annual DBE goal, recipients must determine the amount of participation they would likely expect DBEs to achieve in the absence of discrimination and the effects of past discrimination.

The CCD will publish the notice of its proposed DBE goal for federal fiscal years 2012, 2013, and 2014, in local newspapers and on its website at www.centercityphila.org at least one month prior to the start of the 2012 fiscal year. A description of the proposed DBE goal and the analysis used to reach the goal will be available for inspection at the CCD for 30 days. Comments on the proposed goal will be accepted for 45 days. The CCD will respond to all comments received.

Overall Goals

(26.45)

Amount of Overall Goal

The CCD's proposed overall DBE goal for federal fiscal years 2012, 2013, and 2014 is: 13.5% of the Federal financial assistance the CCD expends in USDOT-assisted contracts.

Method of Calculation

In calculating its overall DBE goal for federal fiscal years 2012, 2013, and 2014, the CCD considered the availability of ready, willing and able DBEs relative to the overall number of ready, willing and able businesses in the Philadelphia region.

The following is a summary of the methodology that the CCD used to calculate the DBE goal the CCD is proposing for fiscal years 2012, 2013, and 2014.

1. In determining the number of ready, willing and able DBEs capable of performing work in certain NAICS codes related to the Dilworth Plaza project, the CCD relied upon data maintained by the Southeastern Pennsylvania Transportation Authority (SEPTA). These three directories yielded 202 DBEs in the relevant NAICS code fields.
2. The CCD also searched SEPTA's database for the number of businesses (DBEs and non-DBEs alike) capable of performing work in the same NAICS codes noted in 1, above.
3. The CCD then determined the DBE business and total businesses by NAICS code pertinent to the Dilworth Plaza project. Those codes are: 236220, 237110, 237130, 238110, 238120, 238140, 238150, 238210, 238220, 238290, 238320, 238330, 238390, 238910, 238990, 334290, 561730.
4. With the numbers in place, the CCD then performed a calculation to arrive at a "DBE Dollars" by NAICS code. The estimated cost of each NAICS category was multiplied by the number of available DBE business in that NAICS code, and the result was divided by the total number of businesses in that code.
5. The total "DBE Dollars" was then divided by the total estimated cost to arrive at the proposed goal percentage.

Public Participation and Outreach Efforts

(26.45; 26.51)

The CCD will solicit public input on its proposed DBE goal for FY 2012, 2013, and 2014 in the following area newspapers: The Philadelphia Inquirer, Philadelphia Daily News and Tribune. The Authority's DBE Program Document will be available for review and inspection for 30 days following the date of the advertisement at CCD's offices. Comments will be accepted from the public for 45 days.

Contract Goals

(26.51)

CCD will use contract goals to meet any portion of the overall goals CCD 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 the CCD's overall goal that is not projected to be met through the use of race-neutral means.

The CCD will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. The CCD may not always establish a contract goal on every contract, and the size of contract goals may be higher or lower than the percentage level of the overall goal, depending on such factors as the type of work involved, the location of the work, and the availability of DBEs for the work of the particular contract.

The CCD will express its contract goals as a percentage of the total amount of a USDOT-assisted contract. If, during the course of the year in which the CCD is using contract goals, the CCD determines that the CCD will exceed its overall goal, the CCD will reduce or eliminate the use of contract goals to the extent necessary to ensure that the use of contract goals does not result in exceeding the overall goal. If the CCD determines that the CCD will fall short of its overall goal, then the CCD will make appropriate modifications in its use of race-neutral and/or race conscious measures to allow us to meet the overall goal.

Good Faith Efforts

(26.53)

Information to be Submitted

CCD 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/offers to submit the following information at bid time.

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 (subcontractor or supplier);
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and
6. If the contract goal is not met, evidence of the bidder's good faith efforts.

Demonstration of Good Faith Efforts

The obligation of the bidder is to make good faith efforts. The bidder can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. The CCD will ensure that all information is complete and accurate and adequately documents the bidder's good faith efforts before the CCD commits to the performance of the contract by the bidder.

Administrative Reconsideration

If the CCD determines that the bidder has not sufficiently documented its good faith efforts it will inform the bidder of its determination and the bidder will have one (1) working day from the date of notification to request administrative reconsideration. Bidders should make this request in writing to the CCD's reconsideration official. The reconsideration official will not have played any role in the original determination that the bidder did not document sufficient good faith efforts. The bidder shall have all supporting data available for review, and shall be prepared to meet with the reconsideration official within three (3) working days of the day he made his request for administrative reconsideration. As part of this reconsideration, the bidder 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 will have the opportunity to meet in person with CCD's reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. The CCD will send the bidder 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 reconsideration official will be selected by the CCD's Chief Executive Officer based on which parties were involved in the original determination.

Good Faith Efforts When a DBE is Replaced on a Contract

The CCD will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. The CCD will require the prime contractor to notify the DBELO immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation. In this situation, the CCD will require the prime contractor to obtain the CCD's prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. If the contractor fails or refuses to comply in the time specified, the Chief Executive Officer, in consultation with the DBELO, 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 CCD may issue a termination for default proceeding.

Counting DBE Participation

(26.55)

The CCD will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. 25 Policy Certification (26.61 – 26.91) Firms that are certified as being owned and controlled by socially and economically disadvantaged persons may be counted toward the CCD's annual DBE goal. The CCD does not certify firms as DBEs. It does, however, recognize DBE certifications performed in compliance with the standards established in Subpart 0 of part 26 and the certification procedures of Subpart E of part 26 DOT-assisted contracts. The CCD will accept DBE certifications performed by the Pennsylvania Unified Certification Program (PA UCP) and any other US DOT-approved UCPs.

Certification Resources

As the CCD does not certify firms as Disadvantaged Business Enterprises (DBEs), the CCD's DBELO will direct anyone seeking DBE certification to the Pennsylvania Unified Certification Programs.

Jocelyn I. Harper
Director Bureau of Equal Opportunity
Pennsylvania Department of Transportation
P.O. Box 3251 Harrisburg, PA 17105-3251
jocharper@state.pa.us
Tel: (717) 787-5891/Fax: (717) 772-4026

Lillie A. Claitt
Director DBE Program Office
Southeastern Pennsylvania Transportation Authority (SEPTA)
1234 Market Street, 11th Floor Philadelphia, PA 19107-3780
lclaitt@septa.org
Tel: (215) 580-371 O/Fax: (215) 580-7261

Ruth Byrd-Smith
Director Allegheny County
Department Minority Women & Disadvantaged Business Enterprise Allegheny County
204 County Office Building 542 Forbes Avenue
Pittsburgh, PA 15219
ruth.byrd-smith@alleghenycounty.us
Tel: (412) 350-4309/Fax: (412) 350-4915

Edward Greene
DBE Contract Compliance Coordinator
Office of Equal Opportunity

Port Authority of Allegheny County
345 Sixth Avenue, 5th Floor
Pittsburgh, PA 15222
egreene@portauthority.org
Tel: (412) 566-5257/Fax: (412) 566-5434

Nathan Heitzman
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Cheyney University of Pennsylvania
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nheitzman@cheyney.edu
Tel: (610) 399-2387/Fax: (610) 399-2345

Process

When firms present DBE certifications performed by other agencies, the DBELO will confirm that the certification process was compliant with the provisions of 49 CFR Part 26. The DBELO will review the Certificate of DBE Certification to confirm that it has not expired. Specific questions regarding the firm's purposed DBE Certification will be directed to the certifying entity or the appropriate state's Unified Certification entity(ies).

The CCD is not required to accept a general allegation that a firm is ineligible or an anonymous complaint. However, in the event any person files a written complaint alleging that a currently certified firm is ineligible, and includes information or arguments supporting the assertion, the parties will be referred back to agency from which the DBE certification originated. The DBELO will request, in writing, that the certifying official (a) review all agency records concerning the firm, any material provided by the DBE firm and the complainant, and other available information, (b) request additional information from the DBE firm, and (c) conduct any other investigation deemed necessary under the circumstances.

If, based on notification by the firm of a change in its circumstances or other information that comes to the attention of CCD's DBELO, the CCD determines that there is reasonable cause to believe that a currently certified firm is ineligible, the DBELO will provide the firm with written notice of that the CCD proposes to request that the certifying agency of origin investigate the DBE eligibility of the firm.

In the event the certifying agency concludes, based on guidance found at 49 CFR 26.61- 26.91, that there is reasonable cause to believe that the firm is ineligible as a DBE, the DBELO will request that the certifying official provide the CCD with written notice that the agency proposes to find the firm ineligible, setting forth the reasons for the proposed determination. If the certifying agency concludes that such reasonable cause does not exist, the DBELO will request that the certifying official notify her in writing of this determination and the reasons for it. The DBELO will request that all statements of reasons for findings on the issue of reasonable cause specifically reference the evidence in the record on which each reason is based.

Effects of DBELO's Receipt of a Notice of Removal of Eligibility

Pursuant to 49 CFR 26.87 (h), a firm shall remain an eligible DBE during the pendency of the reviewing agency's proceeding to remove its eligibility. The firm shall not become an ineligible firm until the DBELO receives a notice of ineligibility from the hearing officer at the certifying agency. When the DBELO receives a notice of ineligibility, the following action will be taken:

1. When a prime contractor has made a commitment to use the ineligible firm, or the CCD has made a commitment to use a DBE prime contractor, but a contract or subcontract has not been executed before the decertification notice is issued, the ineligible firm will not count toward the contract goal or the overall goal. The DBELO will direct the prime contractor to meet the contract goal with an eligible DBE firm or demonstrate to the CCD that it has made a good faith effort to do so. Section 26.87(i)(1).
2. If a prime contractor has executed a subcontract with the firm before the CCD has notified the prime contractor about the firm's ineligibility, the prime contractor may continue to use the firm on the contract and may continue to receive credit toward its DBE goal for the firm's work. In this case, or in a case where the CCD has already let a prime contract to the DBE that was later ruled ineligible, the portion of the ineligible firm's performance of the contract remaining after the notice of ineligibility is issued shall not count toward the CCD's overall goal, but may count toward the contract goal. Section 26.87(i)(2).
3. If the DBEs ineligibility is caused solely by its having exceeded the size standard during the performance of the contract, pursuant to Section 26.87(i)(3), the CCD may continue to count the ineligible firm's participation on that contract toward overall and contract goals.

Certification Appeals

Any firm which is denied certification or other complainant, may appeal the removal decision to the USDOT. Appeals may be sent to:

Department of Transportation
Office of Civil Rights
Certification Appeals Branch
400 7th Street, SW, Room 2401
Washington, DC 20590

Pending the USDOT's decision in the matter, the decision made by the hearing officer at the reviewing certifying agency shall remain in effect. Appeals must be filed within 90 days of the firm's receipt of the Notice of Removal of Eligibility.

The CCD will promptly implement any USDOT certification appeal decisions affecting the eligibility of DBEs for its USDOT-assisted contracting (e.g., certify a firm if USDOT has determined that the hearing officer at the reviewing agency's denial of its application was erroneous).

"No Change" Affidavits and Notices of Change

Prior to a contract notice to proceed date, the CCD will require all owners of DBE firms (primes contractors, subcontractors and suppliers) who are scheduled to work on CCD's FTA-assisted contracts to submit to the DBELO a "no change" affidavit meeting the substantive requirements of 29 CFR part 26.830). The text of this affidavit is the following:

"I affirm that there have been no changes in the circumstances of [name of DBE firm] affecting its ability to meet the size, disadvantage status, ownership, or control requirements of 29 CFR part 26. There have been no material changes in the information provided with [name of DBE]' s application for certification, except for any changes about which the firm has provided written notice to the Center City District under 26.83 (i). [Name of DBE firm] meets Small Business Administration (SBA) criteria for being a small business concern and its average annual gross receipts (as defined by SBA rules) over the firm's previous three fiscal years do not exceed \$17,420,000 million"

Prior to a contract notice to proceed date, the DBELO will notify in writing a firm's owner who knows or should know that he or she, or the firm, fails to meet a part 26 eligibility requirement (e.g., personal net worth), of the obligation to submit a notice of change.

Monitoring Payments to DBEs

The CCD 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 CCD or USDOT. This reporting requirement also extends to any certified DBE subcontractor. The CCD will keep a running tally of actual payments made by primes to DBE firms for work committed to them at the time of contract award. Each month the DBELO shall perform monthly audits of contract payments to DBEs. The DBELO's audit will include a review of payments to DBE subcontractors/suppliers to ensure that the actual amount paid to DBE subcontractors/suppliers equals or exceeds the dollar amounts stated in the schedule of DBE participation submitted by the prime contractor/consultant.

Report to USDOT

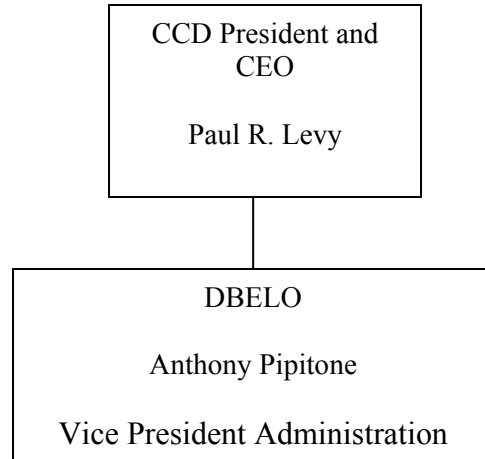
The CCD will report DBE participation to USDOT on a semi-annual basis, using USDOT's "Uniform Report of DBE Awards or Commitments and Payments." These reports will reflect payments actually made to DBEs on DOT-assisted contracts.

Confidentiality

The CCD 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, the CCD 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 A

Organization Chart



ATTACHMENT B

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION SCHEDULE

As specified in the DBE Participation Section included in the Instructions to Bidders, the Bidder shall furnish to CCD's satisfaction the details of disadvantaged business enterprise participation.

TABLE I – ALL WORK EXCEPT MATERIAL TO BE PURCHASED FROM "REGULAR DEALERS"

| 1 | 2 | 3 | 4 |
|------------------|---|-------------------------------------|--|
| NAME OF DBE FIRM | CONTACT PERSON (Business Address & Telephone Number) | DESCRIPTION OF WORK TO BE PERFORMED | TOTAL DBE AGREED PRICE TO BE CREDITED TO DBE GOAL ¹ |
| | | | |
| | | | |
| | | | |
| | | | |

TABLE II - MATERIAL TO BE PURCHASED FROM "REGULAR DEALERS"

| 1 | 2 | 3 | 4 | 5 |
|------------------|--|--|------------------------|---|
| NAME OF DBE FIRM | CONTACT PERSON (Business Address & Telephone Number) | DESCRIPTION OF MATERIAL TO BE SUPPLIED | TOTAL DBE AGREED PRICE | PORTION OF TOTAL DBE AGREED PRICE TO BE CREDITED TO DBE GOAL (COLUMN 4 x 0.6) |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Sum of Table I, Column 4 and Table II, Column 5 = DBE Participation _____

Project Name: _____

Name (Type or Print): _____

Title: _____

Signature: _____

Firm or Corporation: _____

Date: _____

Bidders are hereby notified that the information contained herein will be verified with the designated DBE firm. Additionally, when the award of a contract is made, all DBE firms listed herein will be notified of the award.

¹ This may be expressed in dollars or as a percentage of the Bidder's Contract Price

