Disadvantaged Business Enterprise Program

2019-21
TABLE OF CONTENTS

Policy Statement ............................................................................................................. Page 3
OKI Disadvantaged Business Enterprise Program .................................................. Page 4
OKI Small Business Development Program ........................................................... Page 8
Fiscal Year 2019-2021 Goal Calculation ........................................................................ Page 8
Attachment A – Organizational Chart – Organizational Management Band ..................... Page 22
Attachment B – Frequently Asked Questions ............................................................ Page 27
Attachment C – Affidavit of DBE Change ..................................................................... Page 30
Attachment D – Guidelines for Contractor Good Faith ............................................. Page 31
Attachment E – Demonstration of Good Faith Efforts .............................................. Page 32
Attachment E cont’d– Letter of Intent ........................................................................ Page 33
Policy Statement

Section 26.1, 26.23 Objectives

The Ohio-Kentucky-Indiana Regional Council of Governments (OKI) has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. OKI has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, OKI has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of OKI 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.

The OKI Public Involvement Specialist, Florence Parker, has been delegated as the DBE Liaison Officer. In that capacity, the Public Involvement Specialist is responsible for implementing all aspects of the DBE Program. Implementation of the DBE Program is accorded the same priority as compliance with all other legal obligations incurred by OKI in its financial assistance agreements with the Department of Transportation.

OKI has disseminated this policy statement to its Board of Directors and all of the components of our organization. We also distribute a copy of this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts. Distribution is accomplished via provision of copies of the DBE Program which is inclusive of the policy statement.

Mark R. Policinski, Chief Executive Officer

June 19, 2018
THE OKI REGIONAL COUNCIL OF GOVERNMENTS
DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

Background
The overall goal of a DBE Program is to ensure that firms owned and controlled by minorities, women and other socially and economically disadvantaged individuals have the maximum opportunity to grow and become self-sufficient so that they are able to compete on an equal basis with non-disadvantaged businesses for contracts administered by the Council.

Grant recipients of U.S. Department of Transportation funds are required to maintain a DBE program as specified in the 49 CFR, Part 26. Thus, the OKI Regional Council of Governments maintains its DBE program in accordance with 49 CFR as amended.

Non-Discrimination
The Ohio-Kentucky-Indiana Regional Council of Governments (OKI) will never exclude any person for 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, OKI 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.

DBE Program Updates
The Ohio-Kentucky-Indiana Regional Council of Governments will continue to carry out this program until all funds from the DOT financial assistance have been expended. OKI will provide to DOT updates representing significant changes in this program.

Quotas
The Ohio-Kentucky-Indiana Regional Council of Governments does not utilize quotas in any fashion in administration of this DBE Program.

DBE Liaison Officer (DBELO)
The Ohio-Kentucky-Indiana Regional Council of Governments designates the following individual as the DBE Liaison Officer:

Florence J. Parker
720 East Pete Rose Way, Suite 420
Cincinnati Ohio 45202
fparker@oki.org
Phone: (513) 619-7686
Fax: (513) 621-9325
In this capacity the DBE Liaison Officer (DBELO) is responsible for implementing all aspects of the DBE Program and ensuring that the Ohio-Kentucky-Indiana Regional Council of Governments complies with all provisions of 49 CFR, Part 26. DBE Liaison Officer will have direct, independent access to the Executive Officer concerning DBE Program matters. The DBELO is a staff of one with access to support staff as needed for the implementation of the DBE Program. An organizational chart displaying the DBELO’s position in the organization is found in Attachment A to this program.

The responsibilities include developing, implementing and monitoring the DBE Program, in coordination with other appropriate officials, including project managers. Duties and responsibilities are described as follows:

- Gathers reports, statistical data and other information as required by DOT.
- Works with appropriate departments to set overall annual goals.
- Ensures that bid notices and request for proposals are available to DBE’s in a timely manner.
- Verifies that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
- Analyzes OKI’s progress toward goal attainment and identifies ways to improve progress.
- Advises the Executive Director/OKI Board Director on DBE matters and achievement.
- Participates with project directors to determine contractor compliance with good faith efforts.
- Provides DBEs with information and assistance regarding DBE certification.
- Plans and participates in DBE training seminars.
- Provides outreach to DBEs and community organizations to advise them of opportunities.
- Maintains the OKI directory of certified DBEs.

**Federal Financial Assistance Agreement Assurance**

OKI has signed the following assurance, applicable to all DOT-assisted contracts and their administration. This language will appear in financial assistance agreements with sub-recipients.

OKI 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 non-discrimination 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 OKI of its failure to carry out its approved programs, the Department may impose sanctions as provided for under 49 CFR 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.).

**DBE Financial Institutions**

It is the policy of OKI 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 contracts to make use of these institutions. OKI has made a responsible effort to identify and use such institutions.

To date, OKI has not identified any qualified DBE financial institutions in the Cincinnati regional marketplace.

**Directory**

OKI also utilizes the Ohio Department of Transportation (ODOT), The Kentucky Transportation Cabinet (KYTC) and the Indiana Department of Transportation (INDOT) Directories of Certified DBE Companies. These directories are used as a resource for documentation when soliciting proposals for contracts.

**Over Concentration**

This does not apply because OKI has not identified that over concentration exists in the desired types of work for DBEs to perform.

**Required Contract Clause**

**Contract Assurance**

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

> The RECIPIENT agrees to comply with the DBE requirements contained within 49 CFR Part 26.

> The contractor, subrecipient, 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. Each contract signed with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include this provision.
**Prompt Payment Mechanisms**

OKI will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than ten (10) working days from the receipt of each payment the contractor receives from OKI. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractor’s work is satisfactorily completed. Any delay or postponement of such payment from the above referenced time frame may occur only for good cause following written approval by OKI. This clause applies to both DBE and non-DBE subcontractors. Failure to comply may result in said prime contractor being eliminated from future participation in OKI contract opportunities for a period of one year and until a written plan of remedy to avoid such occurrences in the future is submitted by the offending prime contractor for approval by OKI.

**Monitoring Payments to DBEs**

OKI 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 forthright representative of the Ohio-Kentucky-Indiana Regional Council of Governments or DOT. This reporting requirement also extends to any certified DBE subcontractor.

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

OKI will perform interim desk 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 amount stated in the schedule of DBE participation.

**Monitoring and Enforcement Mechanisms**

OKI staff will closely monitor the performance of the OKI DBE Program. For contracts held by OKI, staff will conduct a monthly review of contract performance. OKI will track payments to DBE firms for purpose of measuring goal performance as stated in the contract/scope of services. If the contractor does not fulfill the commitment made to the DBE firm due to an unexpected circumstance, the contractor must document the reason(s) for the non-performed work. OKI may grant a bonafide waiver and the contractor’s action will be accepted as a good faith effort. The contractor will be encouraged to offer the DBE firm other contracting opportunities to compensate for the shortfall as a result of the change order, and as a demonstration of good faith effort on behalf of the DBE firm. If a waiver is not granted the contractor will be eliminated from future participation in OKI contract opportunities for a period of one year and until a written plan of remedy to avoid such occurrences in the future is submitted by the offending contractor and approved by the OKI Chief Executive Officer.

For contracts not held by OKI, but utilizing OKI pass-through STP, CMAQ and TA funds, the local public agency (LPA) will be responsible for establishing and achieving their own agency DBE goals. The LPA will report DBE progress on a regular basis as prescribed by the state
DOT of record. OKI staff will coordinate with the state DOT and compile DBE performance on a quarterly basis.

OKI staff 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 49 CFR Part 26 Sections 107 and 109. OKI will also consider similar action under its own legal authorities, including responsibility determination in future contracts.

Attachments list the regulations, provisions, and contract remedies available to OKI in the event of non-compliance with the DBE regulation by a participant in OKI’s procurement activities.

**Small Business Development Program**
OKI has not established a business development program.

**Overall Goal**

**Amount of Goal**

OKI’s overall goal for FY 2019-2021 is the following: 3.67% of the Federal financial assistance it will expend in DOT-assisted contracts.

**Methodology and Calculation**

The first objective in establishing DBE goals for the upcoming fiscal years of 2019-2021 is to determine where contracting capabilities exist. The following is a list of identified areas of potential contracting. These areas have been identified by both review of historical procurement patterns and examination of the current budget plan for new or recurring patterns of opportunities.


<table>
<thead>
<tr>
<th>Category</th>
<th>NAICS Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office Supplies</td>
<td>45321</td>
</tr>
<tr>
<td>Printing</td>
<td>32311</td>
</tr>
<tr>
<td>Engineering Services</td>
<td>54133</td>
</tr>
<tr>
<td>CPAs</td>
<td>541211</td>
</tr>
<tr>
<td>Temporary Help Services</td>
<td>56132</td>
</tr>
<tr>
<td>Environmental Consulting Services</td>
<td>54162</td>
</tr>
<tr>
<td>Marketing Research Services</td>
<td>541910</td>
</tr>
<tr>
<td>Computer Programming Services, Custom</td>
<td>541511</td>
</tr>
</tbody>
</table>
The definition of each category is as follows:

453210 Office Supplies and Stationery Stores
This industry comprises establishments primarily engaged in one or more of the following: (1) retailing new stationery, school supplies, and office supplies; (2) retailing a combination of new office equipment, furniture, and supplies; and (3) retailing new office equipment, furniture, and supplies in combination with retailing new computers.

32311 Printing
This industry comprises establishments primarily engaged in printing on apparel and textile products, paper, metal, glass, plastics, and other materials, except fabric (grey goods). The printing processes employed include, but are not limited to, lithographic, gravure, screen, flexographic, digital, and letterpress. Establishments in this industry do not manufacture the stock that they print but may perform post-printing activities, such as folding, cutting, or laminating the materials they print, and mailing.

54133 Engineering Services
This industry comprises establishments primarily engaged in applying physical laws and principles of engineering in the design, development, and utilization of machines, materials, instruments, structures, processes, and systems. The assignments undertaken by these establishments may involve any of the following activities: provision of advice, preparation of feasibility studies, preparation of preliminary and final plans and designs, provision of technical services during the construction or installation phase, inspection and evaluation of engineering projects, and related services.

541211 Offices of Certified Public Accountants (CPAs)
This U.S. industry comprises establishments of accountants that are certified to audit the accounting records of public and private organizations and to attest to compliance with generally accepted accounting practices. Offices of certified public accountants (CPAs) may provide one or more of the following accounting services: (1) auditing financial statements; (2) designing
accounting systems; (3) preparing financial statements; (4) developing budgets; and (5) providing advice on matters related to accounting. These establishments may also provide related services, such as bookkeeping, tax return preparation, and payroll processing.

**56132 Temporary Help Services**
This industry comprises establishments primarily engaged in supplying workers to clients' businesses for limited periods of time to supplement the working force of the client. The individuals provided are employees of the temporary help service establishment. However, these establishments do not provide direct supervision of their employees at the clients' work sites.

**54162 Environmental Consulting Services**
This industry comprises establishments primarily engaged in providing advice and assistance to businesses and other organizations on environmental issues, such as the control of environmental contamination from pollutants, toxic substances, and hazardous materials. These establishments identify problems (e.g., inspect buildings for hazardous materials), measure and evaluate risks, and recommend solutions. They employ a multi-disciplined staff of scientists, engineers, and other technicians with expertise in areas such as air and water quality, asbestos contamination, remediation, and environmental law. Establishments providing sanitation or site remediation consulting services are included in this industry.

**541910 Marketing Research Services**
This industry comprises establishments primarily engaged in systemically gathering, recording, tabulating, and presenting marketing and public opinion data.

**541511 Computer Programming Services, Custom**
This U.S. industry comprises establishments primarily engaged in writing, modifying, testing, and supporting software to meet the needs of a particular customer.

**541513 Computer Facilities Management Services**
This U.S. industry comprises establishments primarily engaged in providing on-site management and operation of clients’ computer systems and/or data processing facilities. Establishments providing computer systems or data processing facilities support services are included in this industry.

**423430 Computer Merchant Wholesalers**
This U.S. industry comprises establishments primarily engaged in the merchant wholesale distribution of computers, computer peripheral equipment, loaded computer boards, and/or computer software.

**515112 Radio Stations**
This U.S. industry comprises establishments primarily engaged in broadcasting aural programs by radio to the public. Programming may originate in their own studio, from an affiliated network, or from external sources.
515120 Television Broadcasting
This industry comprises establishments primarily engaged in broadcasting images together with sound. These establishments operate television broadcasting studios and facilities for the programming and transmission of programs to the public. These establishments also produce or transmit visual programming to affiliated broadcast television stations, which in turn broadcast the programs to the public on a predetermined schedule. Programming may originate in their own studio, from an affiliated network, or from external sources.

511110 Newspaper Publishers / Advertising – Legal Notices
This industry comprises establishments known as newspaper publishers. Establishments in this industry carry out operations necessary for producing and distributing newspapers, including gathering news; writing news columns, feature stories, and editorials; and selling and preparing advertisements. These establishments may publish newspapers in print or electronic form.

541214 Payroll Services
This U.S. industry comprises establishments (except offices of CPAs) engaged in the following without also providing accounting, bookkeeping, or billing services: (1) collecting information on hours worked, pay rates, deductions, and other payroll-related data from their clients; and (2) using that information to generate paychecks, payroll reports, and tax filings. These establishments may use data processing and tabulating techniques as part of providing their services.

541110 Lawyers
This industry comprises offices of legal practitioners known as lawyers or attorneys (i.e., counselors-at-law) primarily engaged in the practice of law. Establishments in this industry may provide expertise in a range or in specific areas of law, such as criminal law, corporate law, family and estate law, patent law, real estate law, or tax law.

522110 Commercial Banking (Banks)
This industry comprises establishments primarily engaged in accepting demand and other deposits and making commercial, industrial, and consumer loans. Commercial banks and branches of foreign banks are included in this industry.

811212 Office Machine Repair and Maintenance Services
This U.S. industry comprises establishments primarily engaged in repairing and maintaining computers and office machines without retailing new computers and office machines, such as photocopying machines; computer terminals, storage devices, and printers; and CD-ROM drives.

493190 Off-Site Storage
This industry comprises establishments primarily engaged in operating warehousing and storage facilities (except general merchandise, refrigerated, and farm product warehousing and storage).

519130 Internet Publishing and Broadcasting and Web Search Portals
This industry comprises establishments primarily engaged in (1) publishing and/or broadcasting content on the Internet exclusively or (2) operating Web sites that use a search engine to generate and maintain extensive databases of Internet addresses and content in an easily searchable format (and known as Web search portals). The publishing and broadcasting establishments in this
industry do not provide traditional (non-Internet) versions of the content that they publish or broadcast. They provide textual, audio, and/or video content of general or specific interest on the Internet exclusively. Establishments known as Web search portals often provide additional internet services, such as e-mail, connections to other web sites, auctions, news, and other limited content, and serve as a home base for Internet users.

The source for the number of establishments in each category is the 2016 County Business Patterns, the most currently available data. The data was downloaded from the Census Bureau’s American Factfinder website in June 2018.

The total number of establishments in the eight-county OKI region for each category is as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>NAICS Code</th>
<th>Total Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office Supplies</td>
<td>45321</td>
<td>36</td>
</tr>
<tr>
<td>Printing</td>
<td>32311</td>
<td>227</td>
</tr>
<tr>
<td>Engineering Services</td>
<td>54133</td>
<td>360</td>
</tr>
<tr>
<td>CPAs</td>
<td>541211</td>
<td>328</td>
</tr>
<tr>
<td>Temporary Help Services</td>
<td>56132</td>
<td>296</td>
</tr>
<tr>
<td>Environmental Consulting Services</td>
<td>54162</td>
<td>52</td>
</tr>
<tr>
<td>Marketing Research Services</td>
<td>541910</td>
<td>67</td>
</tr>
<tr>
<td>Computer Programming Services, Custom</td>
<td>541511</td>
<td>417</td>
</tr>
<tr>
<td>Computer Facilities Management Services</td>
<td>541513</td>
<td>47</td>
</tr>
<tr>
<td>Computer Merchant Wholesalers</td>
<td>423430</td>
<td>91</td>
</tr>
<tr>
<td>Radio Stations</td>
<td>515112</td>
<td>16</td>
</tr>
<tr>
<td>Television Broadcasting</td>
<td>515120</td>
<td>10</td>
</tr>
<tr>
<td>Newspaper Publishers</td>
<td>511110</td>
<td>36</td>
</tr>
<tr>
<td>Payroll Services</td>
<td>541214</td>
<td>34</td>
</tr>
<tr>
<td>Lawyers</td>
<td>541110</td>
<td>798</td>
</tr>
<tr>
<td>Advertising – Legal Notices</td>
<td>511110</td>
<td>36</td>
</tr>
<tr>
<td>Banks</td>
<td>522110</td>
<td>704</td>
</tr>
<tr>
<td>Office Machine Repair and Maintenance</td>
<td>811212</td>
<td>46</td>
</tr>
<tr>
<td>Off-Site Storage</td>
<td>493190</td>
<td>22</td>
</tr>
<tr>
<td>Internet Publishing and Broadcasting and Web Search Portals</td>
<td>519130</td>
<td>0</td>
</tr>
</tbody>
</table>

Finance reviewed the fiscal year 2019 budget categories where there appeared to be DBE contracting opportunities. We reviewed Consultants (6110), Professional Services (6125), Printing (6210), Marketing (6250), Temporary Services (6310), Payroll Services (6350), Office Supplies (7110.00), Computers and Software (7110.03), Occupancy and Storage (7151), Repair and Maintenance (7250), Legal (7310), Auditing (7312), Legal Notices (7510), Banking (7653), and Capital (7910) categories of expense.
There were no identified DBE firms in the cost categories of TV, newsprint, office supplies or banks so we removed these budget categories from our calculations. There is a DBE radio station identified in the state of Ohio but it is outside of OKI’s broadcast area so radio marketing was removed from the DBE count and budget calculations. There was one off site storage vendor identified in the state of Ohio but outside of OKI’s region so it was removed from the calculations.

The Director of Finance and Deputy Executive Director reviewed possible contracting opportunities in FY20 and FY21. In the cost category for consultants we looked at existing contracts and added an estimate for a household study anticipated to begin in FY21. In the cost category of Computers and Software we removed expenses for software but left in hardware and peripherals. In the NAICS category of computer facilities management services we removed the budget amount for FY19 which has already been contracted to a non-DBE firm under a multi-year contract. All other cost categories were included in the calculations at the amounts budgeted for in FY19 and anticipated in FY20 and FY21 for Consolidated Planning Grant (CPG), Surface Transportation Planning (STP), Rideshare, Ozone, Federal Transit Administration (FTA) and their related share of the indirect budget for the same categories.

This became our total cost budgeted. Each category was calculated as a percentage of total direct cost for which DBE opportunities existed within the OKI region as well as within the states of Ohio, Kentucky and Indiana.

OKI’s Demographer provided the number of firms by NAICS code for the OKI region as well as for the entire states of Ohio, Kentucky, and Indiana. OKI’s Public Involvement Specialist provided the number of DBE firms by NAICS code for the same geographic areas. The percentage of DBE’s by cost category was calculated for both geographic areas. These percentages were multiplied by the budget percentages to arrive at the overall weighted percentage of DBE opportunities by cost categories for both geographic areas. The weighed percentages were added to arrive at two rates for FY19-21. The rate in the region is 2.14%. The rate for the three state area of Ohio, Kentucky, and Indiana is 3.67%.
From this computation OKI sets its FY 2019-2021 DBE Goal to be 3.67%.

OKI estimates 100% of the goal will be attained through race neutral measures.

**Process**

OKI is required to submit its goal for FY2019-2021 to DOT and FTA no later than August 1, 2018.

OKI will publish a Legal Notice announcing the proposed overall DBE Goal, informing the public that the goal and its rationale are available for inspection during regular business hours at the OKI office for (45) days following the date of the Notice. The Notice will state that OKI will accept comments on the DBE Goal and Program for a period of (45) days from the date of the Legal Notice. The Notice will be publicized in Cincinnati area major daily publications including the Cincinnati Enquirer, and in minority publications including the Cincinnati Herald and La Jornada Latina, the Spanish journal, and on OKI’s website. OKI staff will also provide copies of its DBE Program to its OKI Environmental Justice Advisory Committee, the Tristate Transportation Equitable Opportunity Team, the African American Chamber of Commerce of Greater Cincinnati/Northern Kentucky and the Hispanic Chamber Cincinnati USA. OKI has a membership in the African American and Hispanic Chambers and will continue to explore membership possibilities with the leadership of the Greater Cincinnati Chinese Chamber, the Indian American Chamber of Commerce and the Japan American Society of Greater Cincinnati.

The many attributes of Social Media will be beneficial to the process because the Legal Notice can be posted on Facebook; staff can Twitter the Legal Notice and the Notice can be posted on the wall of various minority-oriented organizations such as LULAC (League of United Latin American Citizens), multimedia publisher La Jornada Latina, minority-owned newspaper The Cincinnati Herald, Cincinnati NAACP, Urban League of Greater Cincinnati, etc. This notice will include OKI’s address, DBELO name, contact information and office hours along with a link to the DBE Program. The notice will clearly state that the DBE Program may be viewed at the OKI office.

OKI’s overall goal submission to DOT and FTA will include a summary of information and comments received during this public participation process and our responses.

OKI will begin using its overall goal on October 1 of each year, unless otherwise advised by instructions from DOT or its designee. (Or, if the goal is established on a project basis, by the time of the first solicitation for a DOT-assisted contract for the project.)

**Breakout of Estimated Race-Neutral and Race-Conscious Participation**

OKI will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. OKI uses the following race-neutral means to increase DBE participation:
• Provide assistance to overcome obstacles that would make it difficult or preclude a DBE from participating in contracting opportunities. This would include easing or not being overly burdensome in requirements of bonding and surety bonds.

• Establish equitable time constraints to permit the DBE to adequately participate in the process.

Typically OKI is a planning agency and most of its contracting opportunities with DOT-assisted funds received by OKI occur in technical consultant contracts, i.e., Architecture and Engineering Technical Studies (A&E). It is anticipated that DBEs will participate in these contract funds as members of a project team. It is anticipated that most of these project team affiliations will be race-conscious due to the nature of A&E work and a general shortage of certified DBE firms in the OKI region conducting such services. Therefore, the preponderance of the goal must also be of the race-conscious nature. OKI will strive to work with DBE contractors and general contractors of A&E firms to ensure maximum potential for race-neutral contracting for future contracts. In its function as a planning agency OKI is not a provider of transit vehicles and provides no construction or construction management services.

OKI will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation and 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 that a DBE obtains through customary competitive procurement procedures;

• DBE participation through a subcontract on a prime contract that does not carry DBE goals;

• 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.

**Contract Goals**

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

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

OKI will express its contract goals as a percentage of the total amount of DOT-assisted funds.
**Good Faith Efforts**

OKI will award contracts only to bidders who make a good faith effort to meet it.

OKI treats bidders’ compliance with good faith effort requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require the bidders to submit the following information. This must be submitted prior to execution of the contract.

- The names and addresses of DBE firms that will participate in the contract;
- A description of the work that each DBE will perform;
- The dollar amount of the participation of each DBE firm participant;
- Written and signed documentation of commitment to use a DBE subcontract whose participation it submits to meet a contract goal;
- Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor’s commitment; and
- If the contract goal is not met, evidence of 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. Examples of good faith efforts are found in Appendix E of this document.

The OKI DBELO is responsible for determining whether a bidder who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

OKI will ensure that all information is complete and accurate and adequately documents the bidder’s good faith efforts before it commits to the performance of the contract by the bidder.

**Administrative Reconsideration**

Within thirty (30) days of being informed by OKI that it is not responsive because it has not documented sufficient good faith efforts, a bidder may request administrative reconsideration. Bidder should make this request in writing to the following reconsideration official:

T.C. Rogers, President  
OKI Regional Council of Governments  
720 East Pete Rose Way – Suite 420  
Cincinnati OH 45202

The reconsideration official will not have played any role in the original determination that the bidder did not make sufficient good faith efforts.
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 goals or made adequate good faith efforts to do so. OKI 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 result of the reconsideration process is not administratively appealable to the Department of Transportation.

**Good Faith Efforts When a DBE Is Replaced On the Contract**
OKI 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 contract goal. OKI will require the prime contractor to notify the OKI DBELO immediately of the DBE’s inability or unwillingness to perform and provide reasonable documentation.

In this situation, OKI will require the prime contractor to obtain prior approval of the substitute DBE and to provide copies of new or amended subcontract, or documentation of good faith efforts. If the contractor fails or refuses to comply in the time specified, OKI’s contracting officer 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.

**Counting DBE participation**
OKI will count DBE participation toward overall contract goals as provided in 49 CFR Part 26.

**Certification**
OKI will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. OKI will make certification decisions based on the facts as a whole.

**Process**

**Unified Certification Program**
The Ohio Department of Transportation, the Kentucky Transportation Cabinet and the Indiana Department of Transportation have DBE programs in place. Contractors and bidders who have been qualified as DBEs by ODOT, KYTC or INDOT, or any other recognized certifying agency, will not need to replicate the certification/qualification process. In the determination of who is a “recognized” certifying agency, the decision of the OKI DBELO or DOT shall be used.

**Certification Appeals**
Any firm or complainant may appeal a decision in the certification matter to DOT. Such appeals may be sent to:
OKI will promptly implement any certification appeal decisions affecting the eligibility of DBEs for OKI DOT-assisted contracting.

Recertification
OKI will review the eligibility of DBEs which were certified under former Part 23, to make sure that they meet the standards of Subpart D of Part 26. OKI will complete this review no later than three years from the most recent certification date of each firm. OKI will rely upon recertification procedures implemented by “qualified” certifying agencies such as the ODOT, KYTC and INDOT.

“No Change” Affidavits and Notices of Change
OKI will require all DBEs to inform it, in a written affidavit, of any change to its circumstances affecting its ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR Part 26, or of any material changes in the information provided with such DBE’s application for certification.

Information Collection and Reporting

Bidders List

OKI will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidder’s list approach to calculating overall goals. The bidders list will include:

- The bidder name
- The bidder address
- The bidder DBE/non-DBE status
- The bidder age
- The bidder net worth

OKI will include as a part of its contracts, a clause requiring disclosure of names, addresses and other information pertaining to the DOT-assisted contract. Prime contractors must include such a clause in sub-contracting agreements.
**Reporting to DOT**

OKI will report DBE participation to DOT as follows:

- FAA Recipients - OKI will submit annually DOT Form 4630, as modified for use by FAA. (Does not apply)

- FTA Recipients - OKI will report DBE participation on a semi-annual basis, using DOT Form 4630. These reports will reflect payments actually made to DBEs on DOT-assisted contracts. (Does not apply)

- FHWA Recipients - OKI will report DBE participation on a semi-annual basis, using DOT Form 4630. (Applies)

**Confidentiality**

OKI 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, OKI will not release personal financial information submitted in response to the personal net worth requirements to third parties (other than DOT and its authorized state DOT agencies) without the written consent of the submitter.
Attachments and Filings

1. Attachment A – Organizational Chart – Organizational Management Band

2. Attachment B – Frequently Asked Questions

3. Attachment C – Affidavit of DBE Change

4. Attachment D – Guidelines for Contractor Good Faith

5. Attachment E – Form 1 & 2 for Demonstration of Good Faith Efforts

6. DOT Form 4630 – Already on file with ODOT

7. Certified DBE Listings – Refer to ODOT, KYTC and INDOT DBE Directories

8. 49 CFR Part 26 – Already on file with ODOT
## Broadband VI – Directors
Directors lead departments that have a major impact on the overall agency. Directors act as senior advisors to the Chief Executive Officer regarding OKI’s strategic goals, (i.e., business, financial, economic trends, legislative changes and legal issues.) Applies business methods and principles to direct the agency. Uses judgment and ingenuity to proactively identify problems and develop workable solutions. Directors use leadership skills to build relationships to gain consensus and commitment to execute plans that affect the entire agency. Requires significant involvement with Board members.

<table>
<thead>
<tr>
<th>Department</th>
<th>Director Title &amp; Name</th>
<th>Reports To</th>
<th>Department Mission</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Transportation</strong></td>
<td>Chief Executive Officer</td>
<td></td>
<td>Develop a plan that provides for a transportation system that moves people and goods in a safe and efficient manner while enhancing the economic vitality, environment and quality of life for its citizens. This plan addresses the region’s transportation needs; contains listing of projects and programs of regional significance, fiscal and air quality constrained, is consistent with federal planning regulations and is adopted by OKI Board. This department also coordinates OKI’s Ozone and Rideshare programs.</td>
</tr>
<tr>
<td>Deputy Executive Director</td>
<td>Robert Koehler</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Finance</strong></td>
<td>Chief Executive Officer</td>
<td></td>
<td>Responsible for the accounting and finance functions of the council. This includes AR and AP; payroll and leave management; UPWP budgets, Fringe and Indirect Cost Allocation Plans, and Overall Agency Budget; and periodic financial statements, reports to Budget Committee, Executive Committee, and Board of Trustees, and grants management reporting to department leaders and project coordinators. Finance also manages and monitors funding and consulting contracts.</td>
</tr>
<tr>
<td>Director of Finance</td>
<td>Purcy Nance</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Communications &amp; Legislative Affairs</strong></td>
<td>Chief Executive Officer</td>
<td></td>
<td>Responsible for coordinating internal and external communications and governmental activities for the Ohio-Kentucky-Indiana Regional Council of Governments (OKI). This involves media relations, event planning and working with federal, state, and local elected officials. The office also coordinates OKI’s Title VI Program and Environmental Justice activities.</td>
</tr>
<tr>
<td>Director of Communications &amp; Legislative Affairs</td>
<td>Lorrie Platt</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**Broadband V - Department Managers**

Department Managers lead, direct, train, evaluate and develop assigned staff. Sets goals and objectives for their department that support the agency’s mission. Requires effective leadership and relationships to gain consensus and commitment to execute plans of action. Requires moderate involvement with Board members.

<table>
<thead>
<tr>
<th>Department Manager Title &amp; Name</th>
<th>Reports To</th>
<th>Department Mission</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Transportation Modeling</strong></td>
<td>Deputy Executive Director</td>
<td>Collect / organize / process data, develop utility programs to prepare and validate the model input data files, design, develop, calibrate and validate travel demand / air quality model develop computer programs to execute travel demand / air quality model, develop utility programs to process, tabulate and plot model data and develop graphic user interface for computer model applications.</td>
</tr>
<tr>
<td>Transportation Modeling Manager</td>
<td>Andrew Rohne</td>
<td></td>
</tr>
<tr>
<td><strong>Regional Planning</strong></td>
<td>Chief Executive Officer</td>
<td>Responsible for monitoring regional planning goals, objectives, policies, priorities and progress for the efficient development, growth and revitalization of the urban, suburban environment and maintaining rural character to maximize quality of life for the community and its residents.</td>
</tr>
<tr>
<td>Regional Planning Manager</td>
<td>Travis Miller</td>
<td></td>
</tr>
<tr>
<td><strong>Geographic Information Systems</strong></td>
<td>Deputy Executive Director</td>
<td>Responsible for providing information services and support to all other OKI departments in support of the overall agency mission. Facilitates the coordination of geographically referenced data throughout the region; and performs a variety of technical tasks relative to GIS.</td>
</tr>
<tr>
<td>GIS Manager</td>
<td>David Shuey</td>
<td></td>
</tr>
<tr>
<td><strong>Human Resources</strong></td>
<td>Chief Executive Officer</td>
<td>Develops, recommends, establishes and communicates human resources services, programs and policies to the OKI management and staff. Advises managers regarding staff development, evaluation, disciplinary issues and other sensitive matters.</td>
</tr>
<tr>
<td>Human Resources Manager</td>
<td>Nicole Hartman</td>
<td></td>
</tr>
</tbody>
</table>
**Broadband IV - Project Managers**

Project Managers are responsible strategic projects that affect the overall agency. Project Managers lead committees and provide direction to others as routine part of the job. Requires independent planning and judgment and ability to use communication tools to influence or motivate on a strategic level (i.e., proposals, contracts, presentations, etc.). Requires some involvement with Board members.

<table>
<thead>
<tr>
<th>Position Title and Name</th>
<th>Department</th>
<th>Reports To</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Strategic Initiatives Manager</strong></td>
<td>Transportation</td>
<td>Deputy Executive Director</td>
</tr>
<tr>
<td>Robyn Bancroft</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Executive Advisor and Board Administrator</strong></td>
<td>Administration</td>
<td>Chief Executive Officer</td>
</tr>
<tr>
<td>Marilyn Osborne</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TIP Manager</strong></td>
<td>Transportation</td>
<td>Deputy Executive Director</td>
</tr>
<tr>
<td>Andrew Reser</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Broadband III

Senior Professionals develop and execute projects and plans within a department. Often required to lead internal and external project teams and committees. Occasionally direct other employees. Judgment and decision-making have a strong impact on the agency. Advises Department Manager and/or Directors on departmental and project goals. Works with little supervision.

<table>
<thead>
<tr>
<th>Position Title and Name</th>
<th>Department</th>
<th>Reports To</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Senior Planners</strong></td>
<td>Transportation and Regional Planning</td>
<td>Deputy Executive Director and Regional Planning Manager</td>
</tr>
<tr>
<td>Adam Evans</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Andy Meyer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Margaret Minzner</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brandon Rudd</td>
<td></td>
<td></td>
</tr>
<tr>
<td>David Rutter</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Senior Accountant</strong></td>
<td>Finance</td>
<td>Director of Finance</td>
</tr>
<tr>
<td>Katie Hannum</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Communications Specialist</strong></td>
<td>Communications &amp; Legislative Affairs</td>
<td>Director of Communications &amp; Legislative Affairs</td>
</tr>
<tr>
<td>Ashley Patrick</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Senior Programmer</strong></td>
<td>Transportation Modeling</td>
<td>Transportation Modeling Manager</td>
</tr>
<tr>
<td>Larry Buckler</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Senior Engineer / Senior Planner</strong></td>
<td>Transportation Modeling</td>
<td>Transportation Modeling Manager</td>
</tr>
<tr>
<td>Hui Xie</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Transportation Alternatives Coordinator</strong></td>
<td>Transportation</td>
<td>Deputy Executive Director</td>
</tr>
<tr>
<td>Summer Jones</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>New Media Strategist</strong></td>
<td>Communications &amp; Legislative Affairs</td>
<td>Director of Communications &amp; Legislative Affairs</td>
</tr>
<tr>
<td>Brad Mason</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>GIS Developer</strong></td>
<td>Geographic Information Systems</td>
<td>GIS Manager</td>
</tr>
<tr>
<td>Brandon Flessner</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**Broadband II – Professionals and Para-Professionals**

Professionals assist with projects and plans within a department. Serves on internal and external project teams. Facilitates team objectives; coordinates team’s action plans and data; helps team develop summaries and recommendations. Judgment and decision-making have a moderate impact on the agency. Works closely with Senior Professionals and/or Department Managers to achieve departmental objectives. Works under moderate supervision.

<table>
<thead>
<tr>
<th><strong>Position</strong></th>
<th><strong>Title and Name</strong></th>
<th><strong>Department</strong></th>
<th><strong>Reports To</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Involvement Specialist</td>
<td>Florence Parker</td>
<td>Communications &amp; Legislative Affairs</td>
<td>Director of Communications &amp; Legislative Affairs</td>
</tr>
<tr>
<td>Engineer / Planner</td>
<td>Nathan Ziegler</td>
<td>Transportation Modeling</td>
<td>Transportation Modeling Manager</td>
</tr>
<tr>
<td>GIS Technician</td>
<td>Tim Maltry</td>
<td>Geographic Information Systems</td>
<td>GIS Manager</td>
</tr>
<tr>
<td>Accountant</td>
<td>Toni Gleason</td>
<td>Finance</td>
<td>Director of Finance</td>
</tr>
<tr>
<td>GIS Analysts</td>
<td>Gabriela Waesch</td>
<td>Geographic Information Systems</td>
<td>GIS Manager</td>
</tr>
<tr>
<td>Project Administrators</td>
<td>Regina Brock, Karen Whitaker</td>
<td>Transportation</td>
<td>Deputy Executive Director</td>
</tr>
</tbody>
</table>
Appendix B

DBE PROGRAM INFORMATION
FREQUENTLY ASKED QUESTIONS

Who are DBE eligible Recipients?
Firms owned and controlled by minorities, women and other socially and economically disadvantaged individuals subject to the eligibility criteria specified in this program.

How does a vendor get DBE certification?
Contact the Ohio Department of Transportation or the Kentucky Transportation Cabinet or the Indiana Department of Transportation for the DBE certification package. It is more universal to apply to the state DOTs since their certification is recognized by a broader base than a local governmental unit.

How long does it take to get certified under the DBE program?
The turnaround time varies with the agency performing the application review and the backlog at the particular time. Once all required information is provided to the appropriate entity, certification can be expected to be completed in approximately 7-10 business days. Time requirements for state DOT agencies, may be directed to the office of equal opportunity of the state DOT agency.

What is the authority and purpose of the program?
The DBE program is a federal program operating under the guidance of the United States Department of Transportation (DOT). Authorization for the program comes from 49 Code of Federal Regulations, Part 26. The Ohio-Kentucky-Indiana Regional Council of Governments (OKI), as a grant recipient of Department of Transportation funds, must comply with the requirements of 49 CFR 26.

The overall goal of the DBE Program is to ensure that firms owned and controlled by minorities, women and other socially and economically disadvantaged individuals have the maximum opportunity to grow and become self-sufficient so that they are able to compete on equal basis with non-disadvantaged businesses, for contracts administered by the Council.

What type of contracting is available?
A variety of contracting opportunities are available to regional firms who participate in the DBE program ranging from procurement of office supplies, to professional services contracts. Other examples of contracting opportunities include:

- Office Supplies
- Printing
- Environmental Consulting Services
- Engineering Services
- CPAs
- Temporary Help Services
What type of contracting is available? – Continued

- Marketing Research Services
- Computer Programming Services, Custom
- Computer Facilities Management Services
- Computer Merchant Wholesalers
- Radio Stations
- Television Broadcasting
- Newspaper Publishers
- Payroll Services
- Lawyers
- Advertising – Legal Notices
- Banks
- Office Machine Repair and Maintenance
- Off-Site Storage
- Internet Publishing and Broadcasting and Web Search Portals

What are the requirements and how to qualify as a DBE?
To qualify for certification as a DBE, an applicant must meet the following eligibility standards as established in the 49 CFR 26.

Business Status
A firm must be in existence, operational and in a business for profit. The disadvantaged owners of that firm must possess the resources and the expertise to operate in the firm’s field of work. Firms must provide more than prima facie evidence that they do not exist just on paper and that they were not organized in an attempt to take advantage of project goals.

Small Business Size
A firm and its affiliates must qualify as a small-business as defined by the U.S. Small-Business Administration (SBA) Regulations 43 CFR 121, as amended. A firm and any affiliates are required to meet SBA size standards for the firm’s primary area of work and must fall within the overall limits established by the U.S. Department of Transportation’s regulations and guidance.

Social and Economic Disadvantaged Status
Individuals intended for this protected status will include the following:

1. Citizens and certain permanent residents who:
   - Are found to be socially and economically disadvantaged under the 8 (a) program of the small-business administration and granted an 8 (a) certification;

2. Women and member(s) of one of the minority groups as designated in CFR 26.62, including individuals who are African-American, Hispanic, Asian Pacific, Asian Indian, Native American; when such individuals are so regarded by that particular minority community;
(3) Or any individual(s) who although not a woman or a member of one of the minority groups, is so designated in 49 CFR 26, as socially and/or economically disadvantaged, based upon identification with another group.

Ownership

Ownership by a disadvantaged individual(s) must represent a minimum of 51 percent of the business interest. The DBE must be able to demonstrate that ownership is derived from individually owned real and substantial contributions of capital, expertise, personal services and other tangible assets.

Control

The disadvantaged owner(s) must demonstrate controllership traits of the organization and shall be able to demonstrate independent decision making in daily operations.

Independence

A DBE firm must not be inextricably associated with another firm, or individual for common ownership, affiliation, sharing of employees’ facilities, or profit and losses. This does not preclude the use of “project teams” in the contracting process; however, such concepts must be fully disclosed in the proposal to perform services.
Appendix C

OHIO-KENTUCKY-INDIANA REGIONAL COUNCIL OF GOVERNMENTS
AFFIDAVIT CONCERNING DBE CHANGE IN SIZE, OWNERSHIP, CONTROL, DISADVANTAGES STATUS OR OTHER MATERIAL CHANGE

OKI requires all DBE’s to inform us, in a written affidavit, of any change to its circumstances affecting its ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR Part 26, or of any material changes in the information provided with such DBE’s application for certification.

We also require all owners of DBE’s we have certified to submit, on the anniversary date of their certification, a “no change” affidavit meeting requirements of the paragraph 26.83 (j) Copies of the pertinent CFR is attached.

The text of this affidavit is as follows:

I swear (or reaffirm) 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 49 CFR Part 26. There have been no material changes in the information provided with [name of DBE] application for certification except for any changes about which you have provided written notice to the OKI Regional Council of Governments under paragraph 26.83(i). [Name of DBE firm] meets Small Business Administration (SBA) standards for being a small-business concern and annual gross receipts, as defined by SBA rules over the firm’s previous three fiscal years, do not exceed $22,410,000.

Signed [Name & Title]

Date Signed
Appendix D

OHIO-KENTUCKY-INDIANA REGIONAL COUNCIL OF GOVERNMENTS
GUIDELINES FOR CONTRACTOR GOOD FAITH EFFORTS

OKI treats bidders’ 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 to submit the following information. This must be submitted prior to execution of the contract; or in the event of existing contracts at the time of this policy, within 45 days of OKI’s request.

- The names and addresses of DBE firms that will participate in the contract;
- A description of the work that each DBE will perform;
- The dollar amount of the participation of each DBE firm;
- Written and signed documentation of commitment to use a DBE subcontract whose participation it submits to meet a contract goal;
- Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor’s commitment; and
- If the contract goal is not met, evidence of good faith efforts.

This must be submitted prior to execution of the contract; or in the event of existing contracts at the time of this policy, within 45 days of receipt

Submit to:

Florence J. Parker
OKI DBE Liaison Officer
720 East Pete Rose Way, Suite 420
Cincinnati, Ohio 45202
Appendix E

OHIO-KENTUCKY-INDIANA REGIONAL COUNCIL OF GOVERNMENTS
Form 1 & 2 for Demonstration of Good Faith Efforts

[Form 1 and 2 should be provided as part of the solicitation documents.]

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

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

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

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

Name of bidder/offeror’s firm: ________________________________________________

State Registration No. ______________________________________________________

By ____________________________________________________________

[Signature] [Title]


Appendix E - Continued

FORM 2: LETTER OF INTENT

Name of bidder/offeror’s firm: __________________________________________________

Address: ___________________________________________________________________

City __________________________ State _________ Zip: ____________

Name of DBE firm: ___________________________________________________________

Address: ___________________________________________________________________

City: __________________________ State _________ Zip: ____________

Telephone: __________________________

Description of work to be performed by DBE firm:

____________________________________________________________________________

____________________________________________________________________________

____________________________________________________________________________

____________________________________________________________________________

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

Affirmation

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

By ____________________________________________ [Signature] [Title]

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

(Submit this page for each DBE contractor)