

DISADVANTAGED BUSINESS PROGRAMS

THIS RFP () WILL () WILL NOT USE FHWA FUNDS

DBE REQUIREMENTS WHEN FEDERAL HIGHWAY (FHWA) FUNDS ARE INVOLVED

Disadvantaged business enterprises are encouraged to respond to this Request for Proposals/Quotes. MetroPlan Orlando has two different DBE/MBE programs. For contracts using Federal Highway Administration (FHWA) planning funds, the Florida Department of Transportation (FDOT) DBE policy must be followed. The FDOT DBE Plan can be found at:

<http://www.dot.state.fl.us/equalopportunityoffice/Files/dbepplan.pdf>
(Control click on this link to see a copy of the FDOT DBE plan.)

1. All bids with PL (or other FHWA) funds as the payment source will not have DBE as part of the evaluation scoring process, i.e. evaluation and award will be race and revenue neutral. The evaluation scoring sheets should not have points on it.
2. The DBE goal is 8.60%. This goal changes annually in October as set by FDOT.
3. All Bids will require submission in a separate envelope (i.e., not bound in the proposal book or document) of the following forms:
 - DBE Participation Statement Form 375-030-21 (form located on the MetroPlan Orlando Web site)
 - Bid Opportunity List Form 275-030-10 (form located on the MetroPlan Orlando Web site)
 - Copy of the UCP certification certificates (these can be found at <https://www3.dot.state.fl.us/EqualOpportunityOffice/biznet/mainmenu.asp>)
**NOTE - ONLY UCP DBE certifications are accepted for FHWA funded contracts. Certifications by local governments who are not UCP certifying members are not acceptable on these contracts.*

ALL OTHER CONTRACTS NOT INVOLVING FEDERAL HIGHWAY FUNDS

MetroPlan Orlando has an overall goal of 20% percent of the dollar value of work awarded to go to MBEs in contracting opportunities for goods and services that are bid in accordance with our procurement policy. Please include MBE Certification in your proposal if applicable.

MetroPlan Orlando’s Internal Operating Procedures Section XI MINORITY BUSINESS ENTERPRISE PROGRAM shall be followed. (Policy located on the MetroPlan Orlando website) All the above will be followed with the EXCEPTION that in the evaluation criteria MBE participation shall be a separate criterion and shall carry the weight of at least 15 points out of 100. Points shall be awarded as follows:

MBE PARTICIPATION PERCENTAGE	EVALUATION POINTS EARNED
0%	0
1% - 10%	5
11% - 19%	10
20% OR GREATER	15

MetroPlan Orlando shall include the DBE Program language provided below in all contract agreements with their primes.

Participation by Disadvantaged Business Enterprises: The Consultant shall agree to abide by the statements in Paragraph (1) and (2) which follow. These statements shall be included in all subsequent agreements between the Consultant and any subconsultant or contractor.

- 1. Policy: It is the policy of MetroPlan Orlando that disadvantaged businesses, as defined by 49 Code of Federal Regulations, Part 26, shall have an opportunity to participate in the performance of MetroPlan Orlando contracts in a non-discriminatory environment. The objectives of the Disadvantaged Business Enterprise program are to ensure non-discrimination in the award and administration of contracts, ensure firms fully meet eligibility standards, help remove barriers to participation, create a level playing field, assist in development of a firm so it can compete successfully outside of the program, provide flexibility, and ensure narrow tailoring of the program.*
- 2. MetroPlan Orlando, its contractors, suppliers, and consultants shall take all necessary and reasonable steps to ensure that disadvantaged businesses have an opportunity to compete for and perform the contract work of MetroPlan Orlando in a non-discriminatory environment.*

MetroPlan Orlando shall require its contractors, suppliers, and consultants to not discriminate on the basis of race, color, national origin, religion, gender, age, or disability in the award and performance of its contracts/subcontracts.

This policy covers in part the applicable Federal regulations and the applicable statutory references contained therein for the Disadvantaged Business Enterprise Program Plan, Chapters 337 and 339, Florida Statutes, and Rule Chapter 14-78, Florida Administrative Code.

It is understood and agreed that if the Consultant at any time learns that the certification it provided MetroPlan Orlando in compliance with 49 CFR, Section 23.51, was erroneous when submitted or has become erroneous by reason of changed circumstances, the Consultant shall provide immediate written notice to MetroPlan Orlando. It is further agreed that the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction" as set forth in 49 CFR, Section 29.510, shall be included by the Consultant in all lower tier covered transactions and in all aforementioned Federal Regulation.

REQUIRED USDOT ASSISTED CONTRACT LANGUAGE

CONTRACT ASSURANCE

The Organization will ensure that the following clause is placed in every USDOT-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 USDOT assisted contracts. Failure by the contractor to carryout 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.

PROMPT PAYMENT

The Organization will ensure that the following requirements will be placed in every USDOT-assisted contract and subcontract:

(A) Every contract let by the MPO for the performance of work shall contain a provision requiring the prime contractor, before receipt of any progress payment under the provisions of such contract, to certify that the prime contractor has disbursed to all subcontractors and suppliers having an interest in the contract their pro rata shares of the payment out of previous progress payments received by the prime contractor for all work completed and materials furnished in the previous period, less any retainage withheld by the prime contractor pursuant to an agreement with a subcontractor, as approved by the MPO for payment. The MPO shall not make any such progress payment before receipt of such certification, unless the contractor demonstrates good cause for not making any such required payment and furnishes written notification of any such good cause to both the MPO and the affected subcontractors and suppliers.

(B) Every contract let by the MPO for the performance of work shall contain a provision requiring the prime Contractor, within 30 days of receipt of the final progress payment or any other payments received thereafter except the final payment, to pay all subcontractors and suppliers having an interest in the contract their pro rata shares of the payment for all work completed and materials furnished, unless the Contractor demonstrates good cause for not making any such required payment and furnishes written notification of any such good cause to both the MPO and the affected subcontractors or suppliers within such 30-day period.

Each invoice on a contract with DBE participation will be required to be submitted on our standard invoice format requiring DBE breakout and the above Prompt Payment statement attached to it.