

Disadvantaged Business Enterprise (DBE) Program

UDOT 08B-110

Effective: October 17, 1980

Revised: February 6, 2014

Purpose

To establish a policy for the Utah Department of Transportation (Department) Disadvantaged Business Enterprise (DBE) program.

Policy

Policy Statement from the Executive Director

The Department will take all necessary and reasonable actions to ensure DBEs as defined in this policy reasonable opportunity to participate in the performance of contracts financed in whole or in part with U.S. Department of Transportation (DOT) funds under this agreement as modified by this policy.

Objectives (49 CFR 26.1)

The objectives of this policy are to:

1. Ensure nondiscrimination in the award and administration of DOT assisted contracts;
2. Create a level playing field on which DBEs can compete fairly for DOT assisted contracts;
3. Ensure that the DBE program is narrowly tailored in accordance with applicable law;
4. Ensure that only firms that fully meet eligibility standards are permitted to participate as DBEs;
5. Remove barriers to the participation of DBEs in Federal aid contracts;
6. Assist the development of firms that can compete successfully in the marketplace outside the DBE program; and
7. Provide appropriate flexibility in establishing and providing opportunities for DBEs.

Implementation of the DBE Program is given the same priority as compliance with all other legal obligations incurred by the Department in financial assistance agreements with DOT.

The Department Civil Rights Office is the DBE Liaison and is responsible for implementing all aspects of the DBE program.

The Resident Engineer or Consultant Resident Engineer is responsible for supervision of the DBE participation covered by the Contract.

Background

The Department receives Federal-aid highway funds, Federal transit funds, and Airport funds under the authorizations listed in The Code of Federal Regulations, 49 CFR Part 26.3, subparts (a) (1), (2), and (3). The Department has the important responsibility of ensuring that firms competing for DOT - assisted contracts are not disadvantaged by unlawful discrimination. The Department's most important tool for meeting this responsibility is its DBE program.

Procedures

DBE Program

UDOT 08B-110.1

Responsibility: Department Central Civil Rights Office

Actions

1. Ensure DBEs have a maximum opportunity to compete for and perform on contracts that are financed completely or in part by Federal funds.
2. Encourage the Department and contractors to use banks owned and controlled by socially and economically disadvantaged individuals.
3. Publish a DBE Directory and make available on the Department's Web site.
4. Ensure the DBE program benefits only firms that are owned and controlled by women or socially and economically disadvantaged individuals.
 - a. 49 CFR 26 mandates that all obligations of DBE certification are performed by the Utah Unified Certification Program (UUCP).
 - b. The UUCP is a collaborative program between the Department, Utah Transit Authority (UTA), and the Salt Lake City Department of Airports (SLCDA).
5. Establish an overall annual DBE goal calculated in terms of a percentage of Federal-aid highway and Federal Transit Administration funds expended in DOT assisted contracts.
6. Establish individual project goals to ensure that the overall annual DBE goal is met.
7. Establish bidding, award, and contract administrative procedures that will ensure the DBE goals are met.
8. Provide training and technical Supportive Services assistance to DBEs, contract compliance (Labor/EEO/DBE) and electronic bidding procedures for example.

Responsibility: Resident Engineer or Consultant Resident Engineer

9. Cooperate fully with the Civil Rights office to ensure the objectives of the DBE program are met.

10. Monitor the DBE's commercially useful function (CUF) performance while the DBE works on DOT assisted projects.