

**CITY OF MIRAMAR, FLORIDA
DISADVANTAGE BUSINESS ENTERPRISE (DBE)
PROGRAM
and
2013-2015 TRIENNIAL DBE GOAL**

POLICY STATEMENT

Objectives/Policy Statement – Section 26.1, 26.23

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

It is the policy of the City of Miramar to ensure that DBEs are 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 Director of Procurement has been delegated as the DBE Liaison Officer. In that capacity, the DBELO 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 the City of Miramar in its financial assistance agreements with the Department of Transportation.

The City of Miramar has disseminated this policy statement to the City Council and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts. This statement is included in all DOT-funded solicitation packages and has been communicated to local business groups and governments, chambers, and community organizations.

Robert Payton
City Manager

Date

GENERAL REQUIREMENTS

Objectives – Section 26.1

The objectives are found in the policy statement on the first page of this program.

Applicability – Section 26.3

The City of Miramar is the recipient of federal –aid highway funds authorized under Titles I (Highways), III (Public Transportation) and V (Research) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act – Legacy for Users of 2004 (SAFETEA-LU), Pub. L. 109-59.

Definitions – Section 26.5

The City of Miramar will adopt the definitions contained in 49 CFR Section 26.5 for this program.

Non-discrimination Requirements – Section 26.7

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

In administering its DBE program, the City of Miramar 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.

Record Keeping Requirements – Section 26.1

Reporting to DOT: 26.11(b)

The City of Miramar will report DBE participation to DOT as follows:

The City of Miramar will report DBE participation on a semi-annual basis, using the Uniform Report of DBE Awards or Commitments of Payments which is now required by FTA to be electronically submitted in TEAM. These reports will reflect payments actually made to DBEs on DOT-assisted contracts.

Bidders List: 26.11(c)

The City of Miramar 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 bidders list approach to calculating overall goals. The bidder list will include the name, address, DBE non-DBE status, age, and annual gross receipts of firms.

The City will collect this information in the following ways:

The City will require prime bidders to report the names, addresses, DBE or non-DBE status, age, and annual gross recipients of all firms who quote to them on subcontracts.

The City will require prime contractors to maintain records and documents of payments to DBEs for three (3) years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the City or DOT. This reporting requirement also extends to any certified DBE subcontractor.

The City may perform interim 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 amounts stated in the schedule of DBE participation.

Federal Financial Assistance Agreement – Section 26.13

The City of Miramar has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13(a)

The City of Miramar 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 City'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 City of Miramar of its failure to carry out its approved program, the Department may impose sanction 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.*).

This language will appear in financial assistance agreements with sub-recipients.
[*Note: This language is to be used verbatim, as it is stated in 26.13(a).*]

Contract Assurance: 26.13b

The City of Miramar insures that the following clause is placed in every DOT-assisted contract and subcontract:

The contractor, sub-recipient, 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.

[*Note: This language is to be used verbatim, as it is stated in 26.13(b)*]

ADMINISTRATIVE REQUIREMENTS

DBE Program Updates – Section 26.21

Since the City of Miramar has received a grant of \$250,000 or more in FTA planning capital, and or operating assistance, the City will continue to carry out this program until all funds from DOT financial assistance have been expended. The City will provide to DOT updates representing significant changes in the program.

Policy Statement – Section 26.23

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

DBE Liaison Officer (DBELO) – Section 26.25

The City of Miramar has designated the following individual as the DBE Liaison Officer:

Randy Cross
Procurement Director
2300 Civic Center Place
Miramar, FL 33025
(954) 602-3054
rmcross@ci.miramar.fl.us

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

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

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment and identifies ways to improve progress.
6. Analyzes the City's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO/governing body on DBE matters and achievement.
9. Responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts.
10. Participates in pre-bid and pre-construction meetings.
11. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
12. Plans and participates in DBE training seminars.
13. Provides outreach to DBEs and community organizations to advise them of opportunities.
14. Maintains the City's updated directory on certified DBEs.

DBE Financial Institutions – Section 26.27

It is the policy of the City of Miramar 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 contract to make use of these institutions.

The City researches the availability of DBE owned financial institutions at <http://www.federalreserve.gov/releases/mob> .

Prompt Payment Mechanisms – Section 26.29

The City of Miramar will include the following clause in each DOT-assisted prime contract:

The "Local Government Prompt Payment Act" (Ch. 218.71 et seq, Laws of Fla.) and as it may in the future be amended, is hereby incorporated into and is made a part of this agreement.

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contract receives from [Recipient]. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the [Recipient]. This clause applies to both DBE and non-DBE subcontracts.

Directory – Section 26.31

The City of Miramar provides instructions to potential bidders to access the State of Florida's online Uniform Certification Program Directory and Broward County's online Certified Firm Directory, which identify all firms eligible to participate as DBEs. These directories list the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE.

The State of Florida's Uniform Certification Program Directory is included in Attachment B.

Overconcentration – Section 26.33

The City of Miramar has not identified that overconcentration exists in the types of work that DBEs perform.

Business Development Programs – Section 26.35

The City of Miramar has two business development programs. The rationale for the programs is the extent to which small businesses create job growth in the region. The first is the Small Business Center located in the City's Economic Development Department offices. This program is a joint venture among the City, The Chamber of Commerce, and SCORE. It offers Miramar small business owners, or potential owners, free one-on-one professional counseling and includes: Training and technical assistance in all aspects of small business management; Assistance with financial, marketing, production, organizational, and technical counseling; and, Assistance with creating a business plan, feasibility study and loan packages. The second program is Miramar's Micro-Enterprise Program for businesses with five or fewer employees. This program offers Grants in Aid of up to \$10,000 for professional services such as legal,

accounting, and marketing; and to subsidize job creation. The programs are marketed through the Chamber, the City's web site, access cable channel, newspaper ads and mailings.

Monitoring and Enforcement Mechanisms – Section 26.37

The City of Miramar will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. The City 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 26.109.
2. The City will consider similar action under the City's own legal authorities, including responsibility determinations in future contracts. Attachment C lists the regulation, provisions, and contract remedies available to the City in the events of non-compliance with the DBE regulation by a participant in the City's procurement activities.
3. The City will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by auditing the DBE contractor or subcontractor to verify that the firm is performing a commercially useful function that may include: performing, managing and supervising the work; negotiating price, determining quality and quantity, ordering, installing and paying for material and supplies; evaluating the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract or subcontract is commensurate with the work actually performed and the DBE credit claimed for its performance of the work; and other relevant factors.
4. The City will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

Small Business Provision – Section 26.39 (Update February 2012)

City of Miramar will foster small business participation when reasonable in the following ways:

- Host vendor fairs targeting small businesses
- Partner with the Chamber of Commerce and provide membership incentives to first time member businesses
- Partner in Small Business Assistance Programs including business counseling and micro enterprise job creation.

GOALS, GOOD FAITH EFFORTS, AND COUNTING

Set-asides or Quotas – Section 26.43

The City of Miramar does not use quotas in any way in the administration of this DBE program.

Overall Goals – Section 26.45

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment D to this program. This section of the program will be updated every three years.

In accordance with Section 26.45(f) the City of Miramar will submit its overall goal to DOT on August 1 of every three years. Before establishing the overall goal each year, the City will consult with the Miramar City Commission, Miramar-Pembroke Pines Chamber of Commerce, Broward County Transit, and the Broward County Board of Commissioners to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the City's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, the City will publish a notice of the proposed overall goals in a daily newspaper of general circulation, on the City's website, and on the City's public access cable channel, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the City's principal office for 30 days following the date of the notice, and informing the public that the City and DOT will accept comments on the goals for 45 days from the date of the notice. Normally, the City will issue this notice by June 1 the year the goal is due. The notice must include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

The City's overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses.

The City will begin using our overall three year goal on October 1 of the first year updated goal, unless the City has received other instructions from DOT. If the City establishes a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

Transit Vehicle Manufacturers Goals – Section 26.49

The City of Miramar will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, the City may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

Breakout of Estimated Race-Neutral & Race-Conscious Participation – Section 26.51(a-c)

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment E to this program. When the DBE Goal is updated every three years, the breakout of estimated race-neutral and race-conscious participation (Attachment E) will be updated as well.

Contract Goals – Section 26.51(d-g)

The City of Miramar will use contract goals to meet any portion of the overall goal the City does not project being able to meet using race-neutral means. Contract goals are established so that, over the three-year period to which the overall goal applies, they will cumulatively result in

meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

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

The City will express our contract goals as a percentage of the Federal share of a DOT-assisted contract.

If the City fails to meet their overall three year goal in any one fiscal year we will evaluate the shortfall and determine why it occurred, and then develop/implement a plan to address any problems identified.

Good Faith Efforts Procedures – Section 26.53

Demonstration of good faith efforts (26.53(a) & (c))

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts.

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

The DBELO will ensure that all information is complete and accurate and adequately documents the bidder/offer's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

Information to be submitted (26.53(b))

The City of Miramar 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/offerors to submit the following information:

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 participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal (Attachment F, Form 1);
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment (Attachment F, Form 2) and
6. If the contract goal is not met, evidence of good faith efforts.

Administrative reconsideration (26.53(d))

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

Vernon Hargray
2300 Civic Center Place

Miramar, Fl. 33025
(954) 602-3119
vehargray@ci.miramar.fl.us

The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror 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/offeror will have the opportunity to meet in person with the City's reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. The City will send the bidder/offeror 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 a contract (26.53(f))

The City of Miramar will not allow for termination for convenience. Prime contractors may not terminate DBE subcontractors from projects without "good cause" and written approval from City of Miramar.

The City of Miramar 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 City will require the prime contractor to notify the DBE Liaison officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, the City will require the prime contractor to obtain the City'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, our contracting office 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.

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the City of Miramar to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of ___ percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 1), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the

commitment made under (4); and (5) if the contract goal is not met, evidence of good faith efforts.

Counting DBE Participation – Section 26.55

The City of Miramar will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

CERTIFICATION STANDARDS

Certification Process – Section 26.61 – 26.73

The State of Florida's Unified Certification Program (FUCP) is a one-stop certification process for the DBE Program. The FUCP follows Federal Regulation 49 CFR, Part 26. Under the FUCP, the City of Miramar is a participant and not a certifying agency. The City's signed agreement was submitted to the Florida Department of Transportation on February 11, 2008 with an effective date of February 6, 2008.

All certification activities should be submitted to the certifying entity that services the Florida county in which the business' home or corporate headquarters is located. The appropriate addresses are listed below:

Broward County Small Business Development Division
115 South Andrews Avenue - A640
Fort Lauderdale, FL 33301
Phone: 954-357-6400
FAX: 954-357-6010

COMPLIANCE AND ENFORCEMENT

Information, Confidentiality, Cooperation – Section 26.109

The City of Miramar will safeguard from disclose to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law.

The City of Miramar will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. Pursuant to Section 339.0805, Florida Statutes, all information submitted by applicant firms with their applications for certifications and affidavits of continued eligibility, including their personal net worth statements, are confidential and exempt from the requirements of Florida's public records laws. Notwithstanding any contrary provisions of state or local law, the City 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.

Monitoring Payments to DBEs

The City of Miramar 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 make available for inspection upon request by any authorized representative of the City of Miramar or DOT. This reporting requirement also extends to any certified DBE subcontractor.

The City will perform interim 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 amounts states in the schedule of DBE participation.

ATTACHMENTS

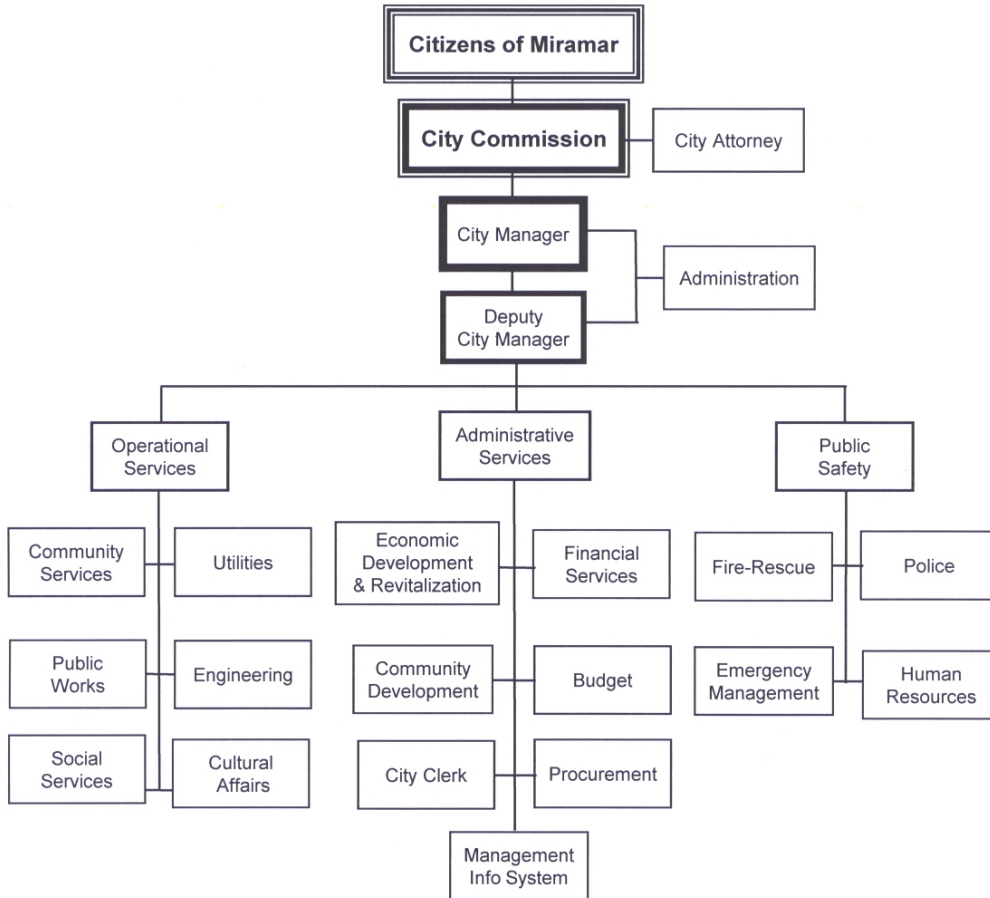
Attachment A	Organizational Chart
Attachment B	DBE Directory
Attachment C	Monitoring and Enforcement Mechanisms
Attachment D	Overall Goal Calculation
Attachment E	Breakout of Estimated Race-Neutral & Race-Conscious Participation
Attachment F	Form 1 & 2 for Demonstration of Good Faith Efforts
Attachment G	Regulations: 49 CRR part 26

Attachment A

Organizational Chart



City of Miramar Organization Structure



The City of Miramar is structured into three (3) organizations units which group operating departments providing similar services. Each department is further broken down by programs and accounting divisions. Programs summarize the key statistics involving dedicated revenues, number of employees and program appropriations needed to perform the function.

Attachment B

DBE Directory

A copy of the Florida Unified Certification Program DBE Information Directory can be obtained on the world-wide web at <http://www.bipincwebapps.com/biznetflorida/> or a copy can be requested from the City of Miramar DBE Liaison Officer.

Attachment C

Monitoring and Enforcement Mechanisms

The City of Miramar will monitor and provide written certification for every contract/project on which DBEs are participating, ensuring the identified DBEs are in fact performing the work. The City of Miramar has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

1. The suspension of any payment or part thereof until such time as the issues concerning compliance are resolved; and/or
2. Work stoppage; and/or
3. Termination, suspension, or cancellation of the contract in whole or in part; and/or
4. In the event that a bidder fails to achieve the DBE goals of this program, after contract completion, the bidder's eligibility to receive any future City of Miramar contract will be conditioned upon the bidder making up the deficit in DBE participation in such future contracts by having DBEs perform equal to double the dollar value of the deficiency in the DBE requirement in the prior contract.

In addition, the federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE problem, including, but not limited to, the following:

1. Suspension or debarment proceedings pursuant to 49 CFR part 26
2. Enforcement action pursuant to 49 CFR part 31
3. Prosecution pursuant to 18 USC 1001.

Attachment D

2013 - 2015 DBE Goal Update

Overall Goal Calculation

Amount of Goal

The City's overall goal for FY 2013–2015 is that: 8.65% of the Federal Financial assistance the City will expend will be in DOT-assisted contracts, which is exclusive of FTA funds to be used for the purchase of transit vehicles.

Methodology used to Calculate Overall Goal

Step 1:

Determine the base figure for the relative availability of DBEs.

The base figure for the relative availability of DBE's was calculated as follows:

$$\text{Base figure} = \frac{\text{Ready, willing, and able DBEs (1,450)}}{\text{All firms ready, willing and able (16,761)}}$$

The data source or demonstrable evidence used to derive the numerator was: All DBE firms listed for Broward, Miami-Dade, and Palm Beach Counties as provided by Florida Unified Certification Program (FUCP) DBE Category Listing.

The data source or demonstrable evidence used to derive the denominator was: U.S. Census Bureau North American Industry Classification System (NAICS) 2009 County Business Patterns.

When the City divided the numerator by the denominator it arrived at the base figure for its overall goal and that number was 8.65%.

Base Figure Analysis

Market Area:

The City selected the South Florida area (Broward, Miami-Dade, and Palm Beach), i.e., the counties contiguous to Broward County, as the market area for this analysis.

Sources of Data:

The data source for identifying all firms ready, willing and able is the U.S. Census Bureau North American Industry Classification System (NAICS) 2009 County Business Patterns. The web address is:

<http://censtats.census.gov/cbpnaic/cbpnaic.shtml>

The data source for identifying ready, willing and able DBEs is the Florida Unified Certification Program (FUCP) DBE Category Listing. The web address is:

<http://www.bipincwebapps.com/biznetflorida/>

Applicable North American Industry Classification System (NAICS) Codes:

The Federal funds will be used to construct an intermodal transit and parking facility. Based on the nature of the work required to construct a transit and parking facility, the City selected the following NAICS codes for identifying the data required to calculate the overall goal base figure. The data compiled for the market area as defined above includes ready, willing and able DBEs and all firms ready, willing and able to perform.

236220 Commercial and Institutional Building Construction

This industry comprises establishments primarily responsible for the construction (including new work, additions, alterations, maintenance, and repairs) of commercial and institutional buildings and related structures, such as stadiums, grain elevators, and indoor swimming pools. This industry includes establishments responsible for on-site assembly of modular or prefabricated commercial and institutional buildings. Included in this industry are commercial and institutional building general contractors, commercial and institutional building operative builders, commercial and institutional building design-build firms, and commercial and institutional building project construction management firms.

South Florida Ready, Willing and Able – DBEs

Broward – 34
Miami-Dade – 222
Palm Beach – 15
Total for 236220 – 271

South Florida Ready, Willing and Able – All Firms

Broward – 250
Miami-Dade – 273
Palm Beach – 183
Total for 236220 – 706

237310 Highway, Street, and Bridge Construction

This industry comprises establishments primarily engaged in the construction of highways (including elevated), streets, roads, airport runways, public sidewalks, or bridges. The work performed may include new work, reconstruction, rehabilitation, and repairs. Specialty trade contractors are included in this group if they are engaged in activities primarily related to highway, street, and bridge construction (e.g., installing guardrails on highways).

South Florida Ready, Willing and Able – DBEs

Broward – 34
Miami-Dade – 70
Palm Beach – 14
Total for 237310 – 118

South Florida Ready, Willing and Able – All Firms

Broward – 34
Miami-Dade – 53 and 117 Nonemployers – 170 All Firms
Palm Beach – 36
Total for 237310 – 240

237990 Other Heavy and Civil Engineering

This industry comprises establishments primarily engaged in heavy and engineering construction projects (excluding highway, street, bridge, and distribution line construction). The work performed may include new work, reconstruction, rehabilitation,

and repairs. Specialty trade contractors are included in this group if they are engaged in activities primarily related to engineering construction projects (excluding highway, street, bridge, distribution line, oil and gas structure, and utilities building and structure construction). Construction projects involving water resources (e.g., dredging and land drainage), development of marine facilities, and projects involving open space improvement (e.g., parks and trails) are included in this industry.

South Florida Ready, Willing and Able – DBEs

Broward – 8
Miami-Dade – 31
Palm Beach – 3
Total for 237990 – 42

South Florida Ready, Willing and Able – All Firms

Broward – 47
Miami-Dade – 25 and 260 Nonemployers – 285 All Firms
Palm Beach – 39
Total for 237990 – 371

2381 Foundation, Structure, and Building Exterior Contractors
This industry group comprises establishments primarily engaged in the specialty trades needed to complete the basic structure (i.e., foundation, frame, and shell) of buildings. The work performed may include new work, additions, alterations, maintenance, and repairs.

The Census Business Patterns lists Nonemployer firms separately and often for the higher level 4-digit NAICS Code only. Since the FDOT EEO FUCP DBE Directory shows a higher number of DBEs than the Census shows for All Firms. The total number of Nonemployer firms for this 4-digit NAICS Code is being added to the Base Goal Calculation for Miami-Dade County.

South Florida Ready Willing and Able – 2381 Nonemployer Firms 3,158

238110 Poured Concrete Foundation and Structure Contractors

This industry comprises establishments primarily engaged in pouring and finishing concrete foundations and structural elements. This industry also includes establishments performing grout and shotcrete work. The work performed may include new work, additions, alterations, maintenance, and repairs.

South Florida Ready, Willing and Able – DBEs

Broward – 9
Miami-Dade – 177
Palm Beach – 2
Total for 238110 – 188

South Florida Ready, Willing and Able – All Firms

Broward – 77
Miami-Dade – 85
Palm Beach – 72
Total for 238110 – 234

238120 Structural Steel and Precast Concrete Contractors

This industry comprises establishments primarily engaged in: (1) erecting and assembling structural parts made from steel or precast concrete (e.g., steel beams, structural steel components, and similar products of precast concrete); and/or (2) assembling and installing other steel construction products (e.g., steel rods, bars, rebar, mesh, and cages) to reinforce poured-in-place concrete. The work performed may include new work, additions, alterations, maintenance, and repairs.

South Florida Ready, Willing and Able – DBEs

Broward – 6
Miami-Dade – 182
Palm Beach – 4
Total for 238120 – 192

South Florida Ready, Willing and Able – All Firms

Broward – 22
Miami-Dade – 24
Palm Beach – 8
Total for 238120 - 54

238130 Framing Contractors

This industry comprises establishments primarily engaged in structural framing and sheathing using materials other than structural steel or concrete. The work performed may include new work, additions, alterations, maintenance, and repairs

South Florida Ready, Willing and Able – DBEs

Broward – 3
Miami-Dade – 1
Palm Beach – 0
Total for 238130 – 4

South Florida Ready, Willing and Able – All Firms

Broward – 40
Miami-Dade – 28
Palm Beach – 31
Total for 238130 – 99

238140 Masonry Contractors

This industry comprises establishments primarily engaged in masonry work, stone setting, brick laying, and other stone work. The work performed may include new work, additions, alterations, maintenance, and repairs.

South Florida Ready, Willing and Able – DBEs

Broward – 3
Miami-Dade – 6
Palm Beach – 2
Total for 238140 – 11

South Florida Ready, Willing and Able – All Firms

Broward – 83
Miami-Dade – 74
Palm Beach – 105
Total for 238140 – 262

238150 Glass and Glazing Contractors

This industry comprises establishments primarily engaged in installing glass panes in prepared openings (i.e., glazing work) and other glass work for buildings. The work performed may include new work, additions, alterations, maintenance, and repairs.

South Florida Ready, Willing and Able – DBEs

Broward – 2
Miami-Dade – 6
Palm Beach – 1
Total for 238150 – 9

South Florida Ready, Willing and Able – All Firms

Broward – 54
Miami-Dade – 59
Palm Beach – 37
Total for 238150 – 150

238160 Roofing Contractors

This industry comprises establishments primarily engaged in roofing. This industry also includes establishments treating roofs (i.e., spraying, painting, or coating) and installing skylights. The work performed may include new work, additions, alterations, maintenance, and repairs.

South Florida Ready, Willing and Able – DBEs

Broward – 2
Miami-Dade – 33
Palm Beach – 0
Total for 238160 – 35

South Florida Ready, Willing and Able – All Firms

Broward – 139
Miami-Dade – 104
Palm Beach – 90
Total for 238160 – 333

238170 Siding Contractors

This industry comprises establishments primarily engaged in installing siding of wood, aluminum, vinyl, or other exterior finish material (except brick, stone, stucco, or curtain wall). This industry also includes establishments installing gutters and downspouts. The work performed may include new work, additions, alterations, maintenance, and repairs.

South Florida Ready, Willing and Able – DBEs

Broward – 0
Miami-Dade – 5
Palm Beach – 0
Total for 238170 – 5

South Florida Ready, Willing and Able – All Firms

Broward – 14
Miami-Dade – 9
Palm Beach – 13
Total for 238170 – 36

238190 Other Foundation, Structure, and Building Exterior Contractors

This industry comprises establishments primarily engaged in building foundation and structure trades work (except poured concrete, structural steel, precast concrete, framing, masonry, glass, and glazing, roofing, and siding). The work performed may include new work, additions, alterations, maintenance, and repairs.

South Florida Ready, Willing and Able – DBEs

Broward – 6
Miami-Dade – 6
Palm Beach – 2
Total for 238190 – 14

South Florida Ready, Willing and Able – All Firms

Broward – 54
Miami-Dade – 62
Palm Beach – 49
Total for 238190 – 165

238210 Electrical Contractors

This industry comprises establishments primarily engaged in installing and servicing electrical wiring and equipment. Electrical contractors included in this industry may include both the parts and labor when performing work. Electrical contractors may perform new work, additions, alterations, maintenance, and repairs.

South Florida Ready, Willing and Able – DBEs

Broward – 8
Miami-Dade – 72
Palm Beach – 4
Total for 238210 – 84

South Florida Ready, Willing and Able – All Firms

Broward – 555
Miami-Dade – 564
Palm Beach – 392
Total for 238210 – 1,511

238220 Plumbing, Heating, and Air-Conditioning Contractors

This industry comprises establishments primarily engaged in installing and servicing plumbing, heating, and air-conditioning equipment. Contractors in this industry may provide both parts and labor when performing work. The work performed may include new work, additions, alterations, maintenance, and repairs.

South Florida Ready, Willing and Able – DBEs

Broward – 8
Miami-Dade – 45
Palm Beach – 4
Total for 236220 – 57

South Florida Ready, Willing and Able – All Firms

Broward – 630
Miami-Dade – 609
Palm Beach – 549
Total for 238210 – 1,788

2389 Other Specialty Trade Contractors

The Census Business Patterns lists Nonemployer firms separately and often for the higher level 4-digit NAICS Code only. Since the FDOT EEO FUCP DBE Directory shows a higher number of DBEs than the Census shows for All Firms. The total number of Nonemployer firms for this 4-digit NAICS Code is being added to the Base Goal Calculation for Miami-Dade County.

South Florida Ready Willing and Able – 2389 Nonemployer Firms 6,902

238910 Site Preparation Contractors

This industry comprises establishments primarily engaged in site preparation activities, such as excavating and grading, demolition of buildings and other structures, septic system installation, and house moving. Earth moving and land clearing for all types of sites (e.g., building, nonbuilding, mining) is included in this industry. Establishments primarily engaged in construction equipment rental with operator (except cranes) are also included.

South Florida Ready, Willing and Able – DBEs

Broward – 22
Miami-Dade – 213
Palm Beach – 11
Total for 238910 – 246

South Florida Ready, Willing and Able – All Firms

Broward – 97
Miami-Dade – 100
Palm Beach – 114
Total for 238910 – 311

238990 All Other Specialty Trade Contractors

This industry comprises establishments primarily engaged in specialized trades (except foundation, structure, and building exterior contractors; building equipment contractors; building finishing contractors; and site preparation contractors). The specialty trade work performed includes new work, additions, alterations, maintenance, and repairs.

South Florida Ready, Willing and Able – DBEs

Broward – 31
Miami-Dade – 81
Palm Beach – 10
Total for 238990 – 122

South Florida Ready, Willing and Able – All Firms

Broward – 245
Miami-Dade – 181
Palm Beach – 224
Total for 238990 – 650

541618 Other management consulting services

This U.S. industry comprises establishments primarily engaged in providing management consulting services (except administrative and general management consulting; human resources consulting; marketing consulting; or process, physical distribution, and logistics consulting). Establishments providing telecommunications or utilities management consulting services are included in this industry.

South Florida Ready, Willing and Able – DBEs
Broward – 13
Miami-Dade – 24
Palm Beach – 8
Total for 541618– 45

South Florida Ready, Willing and Able – All Firms
Broward – 187
Miami-Dade – 166
Palm Beach – 124
Total for 541618– 477

561621 Security systems services (except locksmiths)
This U.S. industry comprises establishments primarily engaged in (1) selling security alarm systems, such as burglar and fire alarms, along with installation, repair, or monitoring services or (2) remote monitoring of electronic security alarm systems.

South Florida Ready, Willing and Able – DBEs
Broward – 2
Miami-Dade – 4
Palm Beach – 1
Total for 561621– 7

South Florida Ready, Willing and Able – DBEs
Broward – 72
Miami-Dade – 79
Palm Beach – 58
Total for 561621– 209

Overall Goal Base Figure Calculations for 3 Counties

Total for South Florida Ready, Willing and Able DBEs (numerator) – 1,450

Total for Firms Ready, Willing and Able (denominator) – 16,761

Base Figure – 8.65%

Step 2:

The City will use the base figure of 8.65% as the overall goal.

The higher 8.65% overall goal was set by the City of Miramar Commission primarily due to the area minority demographics and to keep in line with area governmental entities which often have even higher goals for non transportation work.

Public Participation

We published our goal information in these publications:

- Miami Herald in English
- El Nuevo Herald in Spanish
- West Gazette in English

Media Affidavits accompany the Triennial Goal as separate pdf attachments.

We received comments from these individuals or organizations:

In Public Comment Period

Summaries of these comments are as follows:

Our responses to these comments are:

Attachment E

Breakout of Estimated Race-Neutral & Race Conscious Participation

The City will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation.

The City estimates that, in meeting our overall goal of 8.65%, we will obtain 4.75% (55% of the total 8.65%) from race-neutral participation and 3.89% (45% of the total 8.65%) through race-conscious measures. 4.75% race-neutral and 3.89% race-conscious combined come to the overall goal of 8.65%.

In order to ensure that the City's DBE Program will be narrowly tailored to overcome the effects of discrimination, if the City uses contract goals it will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)) 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 a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal; 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.

The City will maintain data separately on DBE achievements in those contracts with and without contract goals, respectively.

Attachment F

Forms 1 & 2 for Demonstration of Good Faith Efforts

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 a submits documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: _____

State Registration No. _____

By _____ Title _____
(Signature)

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 subcontractor.)

Attachment G

Regulations: 49 CFR Part 26

A copy of Title 49 Code of Federal Regulation, Part 26, Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs, can be viewed on the world-wide web at the following URL:

http://www.access.gpo.gov/nara/cfr/waisidx_06/49cfr26_06.html

Insert Regulation, 49 CFR Part 26, in its entirety on final publication of the DBE Program.