

Disadvantaged Business Enterprise

Northeastern Illinois
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Objectives and Policy Statement

The Regional Transportation Authority (RTA) has established this Disadvantaged Business Enterprise (DBE) Program (the Program) in accordance with regulations of the U.S. Department of Transportation (DOT), namely 49 CFR Part 26 (Part 26). The RTA has received federal financial assistance from the DOT, and as a condition of receiving this assistance, the RTA has signed an assurance that it will comply with Part 26. The RTA is a Tier II recipient of funds for the Federal Transit Administration. It is policy of the RTA 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 non-discrimination 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; and
6. To assist the development of firms that can compete successfully in the marketplace outside the DBE program.
7. To promote the use of DBEs in all types of federally assisted contracts and procurement activities.
8. To provide appropriate flexibility in establishing and providing opportunities for DBEs.

The RTA's Regulatory Compliance Officer acts as the DBE Liaison Officer. In that capacity, the Regulatory Compliance Officer is responsible for implementing all aspects of the DBE Program. Implementation of the DBE Program is accorded the same priority as compliance with all legal obligations incurred by the RTA in its financial assistance agreements with the DOT.

The RTA has disseminated this Policy Statement to its Board of Directors, all the component of its organization, and the general public. It has also distributed this statement to DBE and non-DBE business communities that perform work for the RTA on DOT-assisted contracts by posting it on the RTA website (www.rtachicago.com) and incorporating it into our procurement processes.

Leanne P. Redden
Executive Director



Applicability to the RTA (Part 26.3)

Part 26 applies to the RTA as a recipient of federal transit funds authorized by Titles I, III, V and VI of ISTEA, Pub. L. 102-240 or by federal transit laws in Title 49, U.S. Code, or Titles I, III, and V of the TEA-21, Pub. L. 105-178.

Definitions (Part 26.5)

The terms used in this Program have the meanings ascribed to them in Part 26.5.

Nondiscrimination (Part 26.7)

The RTA will never exclude any person from participation in, deny any person the benefits, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by part 26 on the basis of race, color, religion, sex or national origin. In administering its DBE Program, the RTA 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, religion, sex or national origin.

Record Keeping Requirements (Part 26.11)

The RTA will report DBE participation on an annual basis, using the DOT Uniform Report of DBE Awards and Commitments and payments Form, or any successor form(s) prescribed by the DOT. These reports will reflect payments actually made to DBEs on DOT-assisted contracts.

Additionally, the RTA will maintain a Bidders List for DOT assisted contracts, pursuant to 49 C.F.R. § 26.11, which will include for each firm the name; address, including zip code; DBE or non-DBE status; the race and gender information for the firm's majority owner; the six-digit NAICS code applicable to each scope of work the firm seeks to perform on the contract; the age of the firm; and the firm's annual gross receipts. The RTA collects this information by requiring all of its prime contractors to complete and submit a Bidders' List with its response to the RTA's request for bids or proposals.

RTA and Contractor Assurances (Part 26.13)

The RTA has signed the following assurances, applicable to all DOT-assisted contracts:

The RTA 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 RTA 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 RTA's DBE Program, as required by 49 CFR Part 26 and as approved by the DOT, is incorporated by reference into all RTA contracts. Implementation of this Program is a legal obligation and failure to carry out its terms shall be treated as a violation of this contract. Upon notification to the RTA of its failure to carry out its approved Program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).



Additionally, the RTA ensures that the following clause is placed in every DOT-assisted contract and subcontract:

Disadvantaged Business Enterprise Assurance.

In accordance with 49 CFR Part 26.13(a), as amended, the Contractor assures the Authority that it shall not discriminate on the basis of race, color, national origin or sex in the performance of this Agreement or the award and performance of any subcontract hereunder. Furthermore, 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 Agreement, which may result in its termination or such other remedy as the Authority deems appropriate.

DBE Program Updates (Part 26.21)

As authorized and required, the RTA will continue to carry out this Program until all funds from DOT financial assistance have been expended and will provide updates to the DOT regarding any significant changes to the Program.

DBE Policy Statement (part 26.23)

The RTA will issue a dated and signed policy statement that expresses the agency's commitment to its DBE program; states its objectives; and outlines responsibilities for its implementation. The RTA will disseminate the statement throughout the organization and to the DBE and non-DBE business communities that perform work on the RTA's FTA assisted contracts.

DBE Liaison Officer (DBELO) (Part 26.25)

The RTA has designated the following individual as its DBE Liaison Officer (DBELO):

Latoya Redd, Regulatory Compliance Officer/DBE Coordinator

175 West Jackson Boulevard, Suite 1650

Chicago, IL 60604

312-913-3212 (Telephone)

latoya.redd@rtachicago.org

In the event that Ms. Redd no longer serves in the capacity of Regulatory Compliance Officer, her successor will assume the role of DBELO.

In this capacity, the Regulatory Compliance Officer is responsible for implementing all aspects of the DBE Program and ensuring that the RTA complies with all provisions of Part 26. The Regulatory Compliance Officer has direct, independent access to the Executive Director concerning DBE Program matters. The current organization chart displaying the Regulatory Compliance Officer's position in the agency is found in Attachment A.

The Regulatory Compliance Officer or his/her designee is responsible for developing, implementing, and monitoring the DBE Program, in coordination with other appropriate RTA officials. The duties and responsibilities include the following:

1. Gather and report statistical data and other information as required by the DOT.
2. Work with the DOT's Office of Civil Rights, as necessary, to review and ensure compliance with this program.
3. Review third party contracts and purchase requisitions for compliance with this Program.



4. Work with all departments to set and foster achievement of the RTA's overall annual goal.
5. Ensure that bid notices and requests for proposals are available to DBEs in a timely manner.
6. Identify contracts and procurements so that DBE goals are included in solicitations.
7. Analyze the RTA's progress toward attainment and identifies ways to improve progress.
8. Participate in pre-bid meetings.
9. Advise the Executive Director and the Board of Directors on DBE matters and achievement.
10. Chair any applicable DBE advisory committee.
11. Provide DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
12. Plan and participate in DBE training seminars.
13. Act as liaison to the Illinois Uniform Certification Program; and
14. Provide outreach to DBEs and community organizations to advise them of opportunities.

Additionally, the **Procurement Division** plays a major role in ensuring that this Program and policy are successful. All purchasing and procurement activity is performed in a manner consistent with this Program and this commitment extends to every member of the Procurement Division.

Procurement staff shall provide timely and complete information to the DBE staff on all requests for proposals, requests for qualifications and bid solicitations. Additionally, project managers are required to obtain the approval of procurement staff and the Regulatory Compliance Officer prior to undertaking a procurement, and the project manager must provide the contact information of DBE and small businesses as a necessary part of receiving this approval.

The RTA's **Finance Department** staff maintains records of contract expenditures and commitments and, within that, DBE specific expenditures and commitments, which can be utilized to generate real-time DBE-specific contract reports. These reports are used to measure DBE goal attainment and to provide required reports to the Board of Directors, Executive Director and the relevant federal and state regulatory bodies.

DBE Financial Institutions (Part 26.27)

It is the policy of the RTA 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. The Board of Directors has adopted an RTA Investment Policy that provides that the RTA will ensure significant participation by female and minority owned businesses with such institutions within its service area; however, the level actually maintained will be determined by the RTA's liquidity needs. More specifically, the RTA will ensure significant participation by qualified DBE financial institutions to the extent available and possible. Information on the availability of such institutions can be obtained from the DBELO.

The RTA currently utilizes the following DBE financial institutions:

1. American Metro Bank
2. Millennium Bank
3. GN Bank
4. International Bank of Chicago



Prompt Payment Mechanisms (Part 26.29)

Prompt Payment 26.29(a)

The RTA ensures that the following clause is placed in every DOT-assisted contract and subcontract:

Prompt Payment. The Contractor agrees to pay each Contractor Related Party under this Agreement for satisfactory performance of its subcontract no later than fourteen (14) calendar days from the receipt of each payment the Contractor receives from the Authority. A delay in or postponement of payment to the Subcontractor requires good cause and prior written approval of the Authority. Failure to comply with these prompt payment requirements is a breach of this Agreement which may lead to any remedies permitted under law, including, but not limited to, Contractor debarment. In addition, Contractor's failure to promptly pay its Contractor Related Parties is subject to the provisions Section 9 of the Local Government Prompt Payment Act (50 ILCS 505/9).

Retainage 26.29(b)

The prime contractor agrees to return retainage payments to each subcontractor within fourteen (14) 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 RTA. This clause applies to both DBE and non-DBE subcontracts.

Monitoring and Enforcement 26.29 (d)

If the RTA determines that the prime contractor has failed to comply with the prompt payment provisions set forth in the contract, the RTA shall give written notice to the Contractor that if the default is not remedied within a specified period of time (at least 5 days), the contract may be terminated. The Contract may be terminated for cause in accordance with the Contract Article entitled EVENTS OF DEFAULT, REMEDIES, STOP WORK ORDER, TERMINATION FOR DEFAULT. The RTA shall also impose penalties and sanctions for non-compliance with the prompt payment clause contained in Section 26.37, MONITORING AND ENFORCEMENT MECHANISMS, and as contained in the Contract Compliance Manual (Federal) and other requirements of State law.



Directory (Part 26.31)

The RTA utilizes the Illinois Unified Certification Program DBE Directory, a joint project of the Illinois Department of Transportation, the City of Chicago, the Chicago Transit Authority, Metra Commuter Rail, and Pace Suburban Bus. Interested persons may obtain a copy of the Directory and program information at the following address:

<http://www.dot.state.il.us/ucp/UCP%20Directory%20By%20Name.pdf>

Overconcentration (Part 26.33)

The RTA has not identified that over concentration exists in the types of work that DBEs perform, though it periodically reviews for overconcentration through the reports submitted by its Procurement Division to the Regulatory Compliance Officer. Should the RTA identify an area of overconcentration, it will proactively seek to remedy the situation by, among other courses of action: (a) discussing the issue with the DOT for possible remedial strategies; (b) continuing to monitor and develop new reports to help quantify the areas of overconcentration; (c) discussing the issue with the RTA's contractor community to voluntarily reduce the overconcentration; and (d) utilizing incentives that could redirect the overconcentration, were other strategies to prove unsuccessful.

Business Development Programs (Part 26.35)

The RTA has not established a business development program. We will re-evaluate the need for such a program regularly.

Monitoring and Enforcement Mechanisms (Part 26.37)

The RTA will engage in the following monitoring and enforcement mechanisms to ensure compliance with Part 26:

1. Bring to the attention of the DOT any false, fraudulent, or dishonest conduct in connection with the Program, so that the 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 Part 26.109.
2. Consider similar actions under Illinois legal authorities, including negative responsibility determinations on future contracts, removal of firms from certain qualified lists, and recommending firms' DBE or small business certifications be revoked.
3. Require prime contractors to maintain records and documents of payments to DBE and small business subcontractors for seven years following the performance of any contract, and further require that these records and documents will be made available for inspection upon request by any authorized representative of the RTA or the DOT.
4. Monitor compliance and verify that work committed to DBEs and small businesses at contract award is actually performed by those DBEs and small businesses, including that the DBE is performing a commercially useful function on the contract. This will be accomplished by reviewing and tracking all invoices received and keeping records of all



payments made to DBEs and small businesses, through the electronic diversity management system.

5. Perform interim audits of contract payments to DBEs and small businesses, which will review payments to subcontractors to ensure that the amount actually paid to those subcontractors (a) equals or exceeds the dollar amounts stated in the schedule of participation and (b) are made in a timely manner.
6. Provide staff in-house training and approve professional development activities, as necessary, to ensure that the RTA maintains competent compliance professionals.

Fostering Small Business Participation (Part 26.39)

The RTA's contracting processes and requirements are structured to facilitate competition by small businesses; provide more opportunities and support for small business; and foster their move from subcontractors and subconsultants to prime contractor and consultant roles. Rather than directly certify firms as small businesses, the RTA accepts the following as verification of a firm's status as a small business:

1. Where participation by a small business as a prime contractor or subcontractor is required for a contract (e.g., as part of a small business set-aside), proof of small business certification under the State of Illinois' Small Business Set-Aside program is required. Program information is located at:
<http://www.illinois.gov/dceo/SmallBizAssistance/BeginHere/Pages/SBDC.aspx>
2. Where participation by a small business as a prime contractor or subcontractor is not required for a contract award, a notarized affidavit attesting to meeting the definition of a small business as defined by 49 CFR Part 26.65 is also acceptable.

Specific actions undertaken to foster small business participation will include the following:

1. Each year, the DBELO will establish a race-neutral small business participation goal.
2. The RTA will annually provide a reasonable number of prime contracts available for small business, and as part of the procurement process, RTA project managers will be required to identify whether their contract can be performed by a small business as the prime contractor. The contract may then be set aside solely for performance by small businesses.
3. As part of the procurement process, RTA project managers are required to provide a list of small businesses that could work on their project as either a prime contractor or subcontractor.
4. Perform outreach to certified small businesses active in the Illinois Small Business Set Aside Program.
5. When possible, the Procurement Division will relax liability insurance requirements for small businesses.
6. The RTA will educate project managers on the importance of small business participation and encouraging the use of small businesses on RTA contracts.
7. The Regulatory Compliance Officer and the Procurement Division will provide regular updates on the progress of the program to the Executive Director.



Overall Goal and Public Participation (Part 26.45)

In accordance with Section 26.45, if the RTA determines that it will set DBE contract goals, the RTA will submit its triennial overall DBE goal to the FTA on August 1 of the year specified by the FTA Group A schedule posted on FTA Civil Rights website. The RTA will also request use of project-specific DBE goals as appropriate and/or will establish project specific DBE goals, as directed by FTA when applicable.

The process generally used by the RTA to establish its overall DBE goal is as follows:

The overall DBE goal represents the amount of FTA-assisted funds the RTA anticipates expending over three Federal Fiscal Years (FFYs). The two-step goal setting process required by 26.45 will be used to determine the RTA's triennial DBE goal. The two steps for setting an overall goal are:

- Establish a base figure for the relative availability of DBEs
- Determine the base figure adjustment, if necessary

First, the RTA will examine the FTA-Funded projects expected to be awarded during the FFYs the goal will cover. Next, the RTA will establish the base figure which is intended to be a measurement of the current ready, willing, and able DBEs as a percentage of all ready, willing and able businesses to perform work on the anticipated FTA assisted contracts in the RTA's market area. The RTA will perform an analysis using information from its most recent Disparity Study.

In the Step Two base figure adjustment, the RTA will examine relevant and reliable data in the RTA's market area to determine if an adjustment to the base figure is warranted. The consideration of an adjustment is intended to account for any impact the relevant factors may have on DBEs' contracting opportunities with the RTA.

As required by 26.45(g), the RTA will conduct a public consultation with the DBE assist agencies listed in Attachment E and other small business resource organizations about the draft triennial DBE goal, to obtain information concerning the availability of DBEs and non-DBEs, the effects of discrimination on opportunities for DBEs, and the RTA's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, the RTA will publish a notice of the proposed overall DBE goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at its principal office for 30 days following the date of the notice, and informing the public that the RTA and FTA will accept comments on the goals for 45 days from the date of the notice. The notice will include addresses (including offices and websites) to which comments may be sent and business location where the proposed goal may be reviewed. The public notice will be published in general circulation newspapers, which may include the Chicago Sun-Times, Real Times Media, and La Raza, through electronic notifications, and will be posted on the RTA's website.

Once established, the RTA's overall goal submission to the DOT will include a summary of information and comments received during this public participation process and the RTA's responses. The RTA will begin using the established overall goal on October 1, unless the RTA has received other instructions from the DOT. If we establish 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. Our goal will remain effective for the duration of the three-year period established and approved by FTA.



Goal Setting and Accountability (Part 26.47)

If the awards and commitments shown on the RTA's Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall applicable to that fiscal year, we will:

1. Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments.
2. Establish specific steps and milestones to correct the problems identified in the analysis; and
3. Submit the plan to the FTA within 90 days of the end of the affected fiscal year.

Transit Vehicle Manufacturers (Part 26.49)

All Transit Vehicle Manufacturers (TVM), as a condition of being authorized to bid or propose on RTA-FTA assisted transit vehicle procurements, shall certify that it has complied with the requirements of 49 CFR Section 26.49, including the establishment of an annual overall DBE participation goal that has been submitted to the FTA for concurrence. Each TVM shall complete and submit in its bid or proposal a DBE Certification form acknowledging it has complied with this section and a concurred overall DBE goal on file with the FTA. The RTA shall not include the amount of FTA assistance used in transit vehicle procurements in the base amount from which the RTA's overall goal is established.

Meeting Overall Goals/Contract Goals (Part 26.51)

The RTA will use contract goals to meet any portion of the overall DBE goal that it does not anticipate being able to meet through the use of race-neutral means. These contract goals will only be utilized on contracts that have subcontracting possibilities, and the size of any particular contract goals, if any, will be adapted to the circumstances of each contract (*i.e.*, type and location of work, availability of DBEs to perform the particular type of work). When utilized, the RTA will express contract goals as a percentage of the total amount of the contract.

The RTA will implement the following race-neutral measures which are aimed at increasing DBE and other small business participation:

- Providing information at trade events and meetings.
- Promoting the awareness of DBE and small business opportunities.
- Providing information on specific contracting opportunities.
- Arranging solicitations, specifications, and delivery schedules in ways that facilitate participation by DBEs, and making contracts more accessible to small businesses.
- Developing a reasonable number of prime contracts that are of a size that DBEs and small businesses can perform.
- Encouraging prime contractors to provide subcontracting opportunities to small businesses, rather than self-performing all the work.



- Identifying alternative acquisition strategies and structuring procurements to facilitate the ability of consortia or joint ventures consisting of small businesses, including DBEs, to compete for and perform prime contracts.
- Encouraging prime contractors to offer mentorship and training for DBE and small businesses.
- Providing technical assistance and other services.
- Utilization of the Illinois Uniform Certification Program Directory and other local assist agencies directories to communicate opportunities.

The RTA's DBELO and staff will attend conferences and networking events to provide information on how to do business with the RTA and to provide information on upcoming contracting opportunities.

In addition, the RTA's DBELO and staff will host pre-proposal conferences and outreach events designed to target firms specifically interested in doing business with the RTA and highlighting upcoming projects to encourage collaboration between large and small companies prepared to provide the needed services.

Good Faith Efforts Procedures (Part 26.53)

Any bidder on an RTA contract for which a contract goal is set must make good faith efforts to comply with such goal, and the RTA treats the bidder's compliance with good faith efforts requirements as a matter of both responsiveness and responsibility. The bidder can demonstrate its compliance either by documenting that it has secured sufficient DBE participation or documenting that it made sufficient good faith efforts to meet the DBE contract goal or a combination of the two. Determination of the sufficiency of good faith efforts shall be determined by the guidance found in Appendix A to Part 26.

The Procurement Division, with assistance from the DBELO, is responsible for determining whether a bidder who has not met a contract goal has documented sufficient good faith efforts to meet the contract goal. In each case in which the RTA determines the bidder has documented good faith efforts, the RTA will have ensured that all information submitted by the bidder was complete, accurate, and clearly sufficient to document the bidder's good faith efforts. Furthermore, the RTA will only award contracts funded in whole or in part with federal dollars to bidders that have been shown to have made good faith efforts to meet the DBE contract goal.

Each procurement for which a contract goal has been established will require the bidders to submit the following documentation at the time of submission:

1. The names and addresses of DBEs that will participate in the contract.
2. A description of the work that each DB-E will perform.
3. The dollar amount of the participation of each DBE's participation.
4. Written and signed documentation of a commitment to use any DBE contractor it submits to meet a contract goal; and
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the bidder's commitment.

Or, if the contract goal will not be entirely met through participation, sufficient evidence of good faith efforts made by the bidder made to meet the contract DBE goal.

Prior to the execution of a contract, if any of the information called for in the paragraph above has changed, the RTA will require the bidder to submit updated documentation establishing compliance with the contract goal.



A bidder may request administrative reconsideration of a determination that it has not shown good faith efforts to meet the contract goal within five business days of being informed of the determination. The bidder must make this request in writing to the reconsideration official: Audit Department, Regional Transportation Authority, 175 West Jackson Boulevard, Suite 1650, Chicago, Illinois, 60604, 312-913-3200. The Chief Auditor is the Reconsideration Official for the Agency. If the Chief Auditor played any role in the original determination that the bidder did not document sufficient good faith efforts, the Reconsideration Official for that procurement shall be a member from the RTA's Capital Program division.

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 contract goal through participation, good faith efforts, or both. Any written documentation or argument must explain the good faith efforts made by the bidder at the time of submission and evidence of efforts made subsequent to submission will not be considered. Upon request, the bidder will have the opportunity to meet in person with the Reconsideration Official to discuss the issue of whether it made good faith efforts to meet the contract goal. Upon reaching a determination, the Reconsideration Official will send the bidder a written determination on reconsideration within five business days of the request for administrative reconsideration, explaining the basis for finding that the bidder did or did not exercise good faith efforts meet the contract goal. This determination shall be final, and the reconsideration process is not presently administratively appealable to the DOT.

The bidder will be required to submit the following information: (1) the names and addresses of the DBEs that will participate in the contract; (2) a description of the work that each DBE will perform. To count toward meeting a goal, each DBE must be certified in a six-digit NAICS code applicable to the kind of work the firm would perform on the contract; (3) the dollar amount of the participation of each DBE; (4) written documentation of the bidder'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.

If a DBE is terminated or has otherwise failed to complete its work on a contract, the RTA will require the contractor to replace it with another certified DBE to the extent needed to meet the contract goal or make good faith efforts to do so. The contractor must not terminate a DBE's contract or any portion of the work without the RTA's written consent, unless the RTA caused the termination or reduction. A termination includes any reduction or underrun in work listed for a DBE not caused by a material change to the prime contract by the RTA. This requirement applies to instances what include, but are not limited to, when a prime contractor seeks to perform, work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE, or with another DBE.

The RTA will include in each prime contract a provision stating that the contractor must utilize the specific DBEs listed to perform the work and supply materials for which each is listed unless the contractor obtains the RTA's written consent, and that unless that consent is provided, the contractor will not be entitled to any payment for work or materials unless it is performed or supplied by the listed DBE.

The contractor must establish that it has good cause to terminate the listed DBE or any portion of its work. Good cause does not exist if the contractor seeks to terminate a DBE or any portion of its work that it relied upon to obtain the contract so that the contractor may self-perform the work for which the DBE contractor was engaged, or so that the contractor can substitute another DBE or non-DBE after contract award. Good cause includes the following circumstances:

1. The listed DBE subcontractor fails or refuses to execute a written Subcontract.
2. The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Good cause does not exist, however, if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the contractor.



3. The listed DBE subcontractor fails or refuses to meet the contractor's reasonable, nondiscriminatory bond requirements.
4. The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness.
5. The listed DBE subcontractor is ineligible to work on contract because of suspension and debarment or applicable federal or state law.
6. The RTA has determined that the listed DBE subcontractor is not a responsible subcontractor.
7. The listed DBE subcontractor voluntarily withdraws from the project and provides written notice to the RTA of its withdrawal.
8. The listed DBE subcontractor is ineligible to receive DBE credit for the type of work required.
9. DBE owner dies or becomes disabled with the result that the listed DBE subcontractor is unable to complete its work on the contract.
10. Other documented good cause that the RTA determine compels the termination of the DBE subcontractor.

Before requesting to terminate and/or substitute a DBE Subcontractor or any portion of its work, the contractor must give notice in writing to the DBE subcontractor, with a copy to the RTA sent concurrently, of its intent to request to terminate and the reason for the request. The contractor's written notice must give the DBE five business days to respond and advise the RTA and the contractor of the reasons, if any, why the DBE objects to the proposed termination of its subcontract/or portion thereof and why the RTA should not approve the request. If required in a particular case as a matter of public necessity (*e.g.*, safety), the RTA may require a response period shorter than five business days. In addition to post-award terminations, the provisions of this section apply to pre-award deletions or changes to DBEs or their listed work put forward by offerors in negotiated procurement.

When a DBE subcontractor or any portion of its work is terminated by the contractor, or the DBE fails to complete its work on the Contract for any reason, including when work committed to a DBE is not countable or reduced due to overestimations made prior to award, the contractor must make good faith efforts to include additional DBE participation to the extent needed to meet the contract goal. The contractor must submit a DBE subcontractor's Letter of Intent for each proposed new DBE subcontractor. The good faith efforts shall be documented by the contractor. If the contractor is not successful in substituting another DBE, then its documented good faith Efforts to do so must be submitted within 7 calendar days of the approved request. The RTA shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

Failure to abide by these procedures shall be viewed as a breach of contract and the contractor will be subject to such sanctions and penalties as are allowed by the contract and law.

The contractor must make available upon request a copy of all DBE subcontracts. The subcontractor shall ensure that all subcontracts or an agreement with DBEs to supply labor or materials require that the subcontract and all lower tier subcontractors be performed in accordance with these provisions.



Counting DBE Participation (Part 26.55)

The RTA will count DBE participation toward overall and contract goals as provided in Part 26.55.

Certification (Parts 26.61-26.91)

The RTA relies upon the DBE certifications issued pursuant to the Illinois Unified Certification Program, as discussed in 26.31.

Any firm or complainant may appeal an Illinois UCP's decision in a certification matter to the DOT. Such appeals may be sent to:

U.S. Department of Transportation
Office of Civil Rights Certification Appeals Branch
1200 New Jersey Avenue. SE
West Building, 7th Floor
Washington, D.C. 20590

Information. Confidentiality. Cooperation (Part 26.109)

The RTA follows procedures to safeguard from disclosure to third-parties information that is confidential, consistent with federal, state, and local law, including the Illinois Freedom of Information Act, 5 ILCS 140/1*et seq.*

Notwithstanding any contrary provisions of federal, state, or local law, the RTA will not release personal or business financial information without the written consent of the submitter or unless required by law or regulation.



Attachments

Attachment A	RTA Organizational Chart
Attachment B	DBE Commitment Forms Submitted by RTA Vendors
Attachment C	RTA's Internal Procurement Checklist
Attachment D	List of Assist Agencies
Attachment E	Monitoring and Enforcement Mechanisms
Attachment F	DBE Directory
Attachment G	Regulations 49 CFR Part 26



Attachment A

RTA Organizational Chart

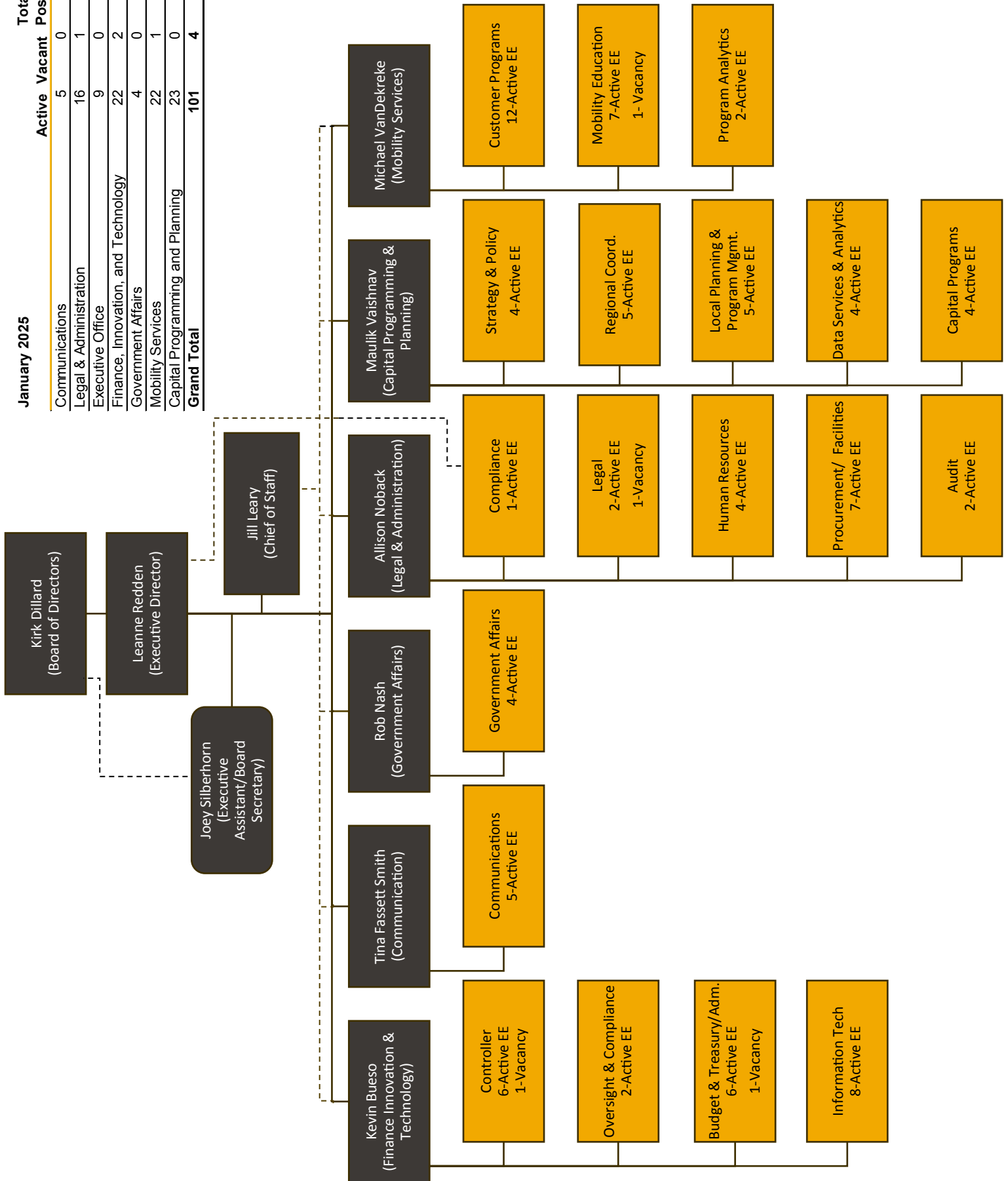




January 2025

Total

	Active	Vacant	Positions
Communications	5	0	5
Legal & Administration	16	1	17
Executive Office	9	0	9
Finance, Innovation, and Technology	22	2	24
Government Affairs	4	0	4
Mobility Services	22	1	23
Capital Programming and Planning	23	0	23
Grand Total	101	4	105



Attachment B

DBE Commitment Forms Submitted by RTA Vendors

[Following pages]



Disadvantaged Business Enterprise (DBE) Compliance Plan

Project name:

Vendor name:

Instructions for Completing the DBE Compliance Plan

It is the objective of the RTA to promote the full and fair participation of DBEs in the performance of contracts that receive funding from the U.S. Department of Transportation (DOT). To promote this objective, the RTA has established a DBE program in conformance with DOT regulations set forth at 49 CFR Part 26 (Part 26). Additional information and guidance about the regulations is available at www.dot.gov/osdbu/. Additional information on the RTA's DBE Program is available at www.rtachicago.org/about-rta/doing-business. Proposers or bidders and all subcontractors and suppliers involved in the performance of work on this DOT-assisted contract shall comply with this DBE Compliance Plan (Plan) and Part 26.

A proposer or bidder for this RTA project (referred to herein as "Vendor") must either document that it met the established DBE contract goal for this project or document its good faith efforts to meet the DBE goal.

For purposes of this Plan, a DBE is a business certified through the Illinois Unified Certification Program (IL UCP). The Vendor must be certified as a DBE by the IL UCP at the time of bid, quote, or proposal submittal in order to be counted as a DBE on the project. The RTA will not accept other certifications, and dollars paid to Vendors or subcontractors that are not certified as a DBE will not be counted towards achieving the DBE contract goal for this project. Information on DBE certification through the IL UCP, including a listing of certified DBEs, is available at webapps.dot.illinois.gov/UCP/ExternalSearch. All DBE certifications must be final before the project due date for bids, quotes, or proposals as required by 49 CFR 26.81(c). **DBE certification letter(s) must be included with the vendor's submitted DBE Compliance Plan.**

All Vendors must submit the Plan to the RTA at the time specified in its procurement documents to be considered responsive to the solicitation. A Vendor that is itself a DBE must still submit the Plan to the RTA. Specific instructions for completing the Plan are included for each Section. The Plan must be signed and dated by a duly authorized representative of the Vendor. **If the Plan is not submitted at the time specified by the RTA, the Vendor shall be deemed nonresponsive and its bid, quote, or proposal rejected.**



The RTA-approved Plan will be incorporated into any contract relating to this project and will be attached as an exhibit to such contract. Sections I – VII contain the Plan and supporting forms.

Questions about this Plan or other DBE requirements may be directed to the RTA's Regulatory Compliance Officer by email at redl@rtachicago.org or by telephone at 312-913-3212.

DBE Compliance Plan Check List

Please complete the following steps:

- Review Section I, DBE Program Provisions and DBE Compliance Plan Instructions.
- Complete and sign Section II, DBE Participation Commitment, even if no DBEs will be utilized. Submit it with your bid, quote, or proposal.
 - Designate the Vendor's DBE contact person for the project.
 - List all DBE subconsultants, subcontractors, suppliers, and joint venture partners.
 - Describe the area of specialty and type of work to be performed by the DBE subconsultant, subcontractor, supplier, and joint venture partner.
 - List the dollar amount of DBE participation commitment.
 - List the total proposal/contract price.

Include copies of DBE certification letter(s) for the Vendor, if it is itself a DBE, and all DBE subcontractors and joint venture partners listed to perform work on the project.

- If the DBE contract goal was not fully achieved through participation, complete Section III, Documentation of Good Faith Efforts to Achieve the DBE Contract Goal and submit it with your bid, quote, or proposal.
 - Complete the Good Faith Efforts checklist and attach relevant documents.
 - Complete Good Faith Efforts Contacts Log.
- If the Vendor proposes to achieve the DBE contract goal by entering into a joint venture arrangement with a DBE, complete Section IV, DBE Joint Venture Agreement. Submit a copy of the joint venture agreement with your bid/proposal.
- Complete Section V, Letter of Intent, for each DBE proposed to be utilized on the project as a subconsultant, subcontractor, or supplier (but not as a joint venture partner) and submit it with your bid/proposal.
- Have an authorized officer of the Vendor sign Section VII, Attestation. This officer shall certify that the listed DBEs will be used on this contract as indicated and that he/she will made good faith efforts to meet the DBE goal established for the contract during performance of the contract.
- Submit entire Plan to the RTA with your bid, quote, or proposal.



Section I

DBE Program Provisions and DBE Compliance Plan Instructions

The Plan must list all DBE firms that will participate on the project as subconsultants, subcontractors, suppliers or joint venture partners for the Vendor. By listing a subconsultant, subcontractor, supplier, or joint venture partner on the Plan, the Vendor indicates that it agrees to the price and scope of work proposed. In the event the Vendor is awarded a contract (or, in the case of a task order contract, task orders are awarded), the Vendor agrees to contract with the firms listed in the Plan for the scope and price disclosed. These provisions and instructions will be incorporated by reference into the contract.

Counting DBE Participation Towards the DBE Contract Goal

All DBEs must be certified at the time the bid, quote, or proposal is submitted to the RTA. The value of the work actually performed by the DBE, including supplies purchased or equipment leased by the DBE, will be counted toward the DBE contract goal established by the RTA in the manner set forth in 49 CFR §26.55. All DBEs identified to participate in the contract to meet the DBE goal must be certified in the North American Industry Classification System (“NAICS”) code applicable to the types of work the DBE intends to perform. A directory of eligible certified DBEs and their assigned NAICS codes for the types of work they are certified to perform as DBEs is available at <https://webapps.dot.illinois.gov/UCP/ExternalSearch>.

If a DBE subconsultant, subcontractor, supplier, or joint venture partner elects to subcontract part of the work to another firm (i.e., to a second-tier subcontractor), the value of the second-tier work may be counted toward the DBE contract goal only if the second-tier subcontractor is itself a DBE. Work that a DBE subcontracts to a second-tier non-DBE will not count towards the goal.

After contract award, when evaluating compliance with DBE requirements, the RTA will not credit the participation of a DBE subconsultant, subcontractor, or supplier towards the DBE contract goal until that amount has been paid to the DBE.

In accordance with 49 CFR §26.87, a certifier can decertify a DBE by following the decertification proceedings requirements and issuing a notice of decision (NOD). When a Vendor has made a commitment to use a DBE, but a subcontract has not been executed before the certifier issues the NOD, the committed DBE does not count toward the contract goal. In such event, the Vendor must meet the contract goal with an eligible DBE or demonstrate to RTA that it has made a good faith effort to do so.

If a Vendor has executed a subcontract with a DBE before the certifier issues the NOD, the Vendor may continue to receive credit toward the contract goal for the DBE’s work. However, the Vendor may not extend or add work to the contract without the prior written consent of RTA. However, the portion of the decertified DBE’s continued performance of the contract must not count toward the DBE contract goal.

When RTA has awarded a contract to a Vendor that is a DBE prime contractor, but the contract has not been executed before the certifier issues the NOD, the decertified Vendor’s does not count toward the DBE goal. The Vendor must meet the DBE goal with an eligible DBE to the extent needed to meet the DBE goal or must document that it made good faith efforts to do so.

When RTA has executed a prime contract with a DBE Vendor that is subsequently decertified, the portion of the decertified Vendor’s performance of the contract remaining after the certifier issued the NOD must not count toward an overall goal, but the DBE Vendor’s performance of the contract may continue to count toward satisfying the DBE contract goal.



The following exceptions apply to the statements above regarding decertification:

1. If a certifier decertifies a DBE solely because it exceeds the business size standard during the performance of the contract, RTA will continue to count the portion of the decertified DBE's performance of the contract remaining after the certifier issued the NOD toward the DBE contract goal.
2. If a certifier decertifies the DBE because it was acquired by or merged with a non-DBE, the RTA will not continue to count the portion of the decertified DBE's performance on the contract remaining after the certifier issued a NOD toward the contract goal, even if the Vendor has executed a subcontract with the DBE or the RTA has executed a prime contract with the DBA that was subsequently decertified. If eliminating the credit of the decertified DBE firm will affect the Vendor's ability to meet the DBE contract goal, the Vendor must subcontract to an eligible DBE to the extent needed to meet the DBE goal or must demonstrate that it has made a good faith effort to do so.

No credit toward the DBE goal will be allowed for contract payments or expenditures to a DBE that does not perform a "Commercially Useful Function" ("CUF") on the contract. CUF means assuming responsibility for the execution of a distinct element of the work on the project and carrying out its responsibilities by actually performing, managing, and supervising the work involved. To determine whether a DBE is performing a CUF, the RTA will evaluate the amount of work subcontracted, whether the amount the DBE is to be paid under the contract is commensurate with the work it is actually performing and the credit claimed for its performance of the work, industry practices, and other relevant factors. The "area of specialty" means the description of a DBE's activity most reflective of the firm's claimed specialty or expertise, as listed on its IL UCP letter of certification. The RTA does not make any representations concerning the ability of any DBE to perform work within its Area of Specialty or the quality of any DBE's work. It is the responsibility of all Vendors to determine the capability and capacity of DBEs to perform the proposed work.

Demonstrating and Documenting Good Faith Efforts to Achieve the DBE Contract Goal

If a Vendor cannot achieve the DBE contract goal through DBE participation on the contract (or, in the case of a task order contract, on the relevant task order), it must document adequate "good faith efforts" to do so in Section III of this Plan, including providing any supporting documentation requested by the RTA in order to be found responsive. A Vendor must show that it took all necessary and reasonable steps to achieve the DBE goal. The fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a Vendor's failure to achieve the DBE contract goal, as long as such costs are reasonable. Also, the ability or desire of a Vendor to perform the work on the project with its own forces or organization does not relieve the Vendor of the responsibility to achieve the DBE contract goal through participation or to make good faith efforts to do so. A Vendor is not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.

The RTA, in its sole discretion, will determine whether a Vendor has made adequate good faith efforts to achieve the DBE contract goal. In evaluating a Vendor's good faith efforts, the DBE participation and/or good faith efforts of other vendors on this project or projects of a similar nature may be considered for comparative purposes.

If the RTA determines that the apparent successful Vendor has made good faith efforts to achieve the DBE contract goal, the Vendor will be eligible for contract award (provided that it is otherwise eligible for award).

If the RTA determines that the apparent successful Vendor has not documented adequate good faith efforts to achieve the DBE contract goal, the RTA will notify the Vendor of that determination and will provide it an opportunity for administrative reconsideration prior to



contract award as set forth in 49 CFR §26.53(d). As part of this reconsideration, the Vendor may provide written documentation or argument regarding whether it made adequate good faith efforts to meet the contract goal. Additionally, the RTA may request written clarification of items on the Plan; however, such clarification does not provide an opportunity to augment listed DBE participation commitments or good faith efforts. Changes to the DBE Compliance Plan are permitted only pursuant to the procedures established in Section VI of this document.

Only those Vendors who make adequate good faith efforts to meet a contract DBE goal on a contract funded in whole or in part with DOT funds will be eligible for contract award.

Joint Ventures with DBEs

Joint venture(s) that the Vendor enters into with DBEs may be counted toward the DBE contract goal. For purposes of this Plan, a joint venture is an association between a DBE and one or more other firms proposing to perform a for-profit business enterprise in which each joint venture partner contributes property, capital, effort, skill, and knowledge, and in which the DBE joint venturer is responsible for a distinct, clearly defined portion of the work on the project and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest. Joint venturers must have an agreement in writing specifying the terms and conditions of their relationships and their risks and responsibility. The joint venturers must complete Section VI of this Plan, submit a copy of their joint venture agreement at the time of submitting their Plan, and must each provide the attestation to the Plan in Section VII of this document.

Changes to the DBE Compliance Plan or Substitutions of Subconsultants, Subcontractors, or Suppliers

The Vendor may not make changes to its Plan or its contractual DBE commitments or substitute a subconsultant, subcontractor, or supplier after a contract has been executed with the RTA without the prior express written approval of the RTA. Requests for changes or substitutions must be made on the form provided in Section VI of this Plan. **Unauthorized changes or substitutions, including the performance by the Vendor's own forces of the work designated for a subconsultant, subcontractor, or supplier may render the Vendor ineligible for contract award or, if a contract has already been established, will be considered a material breach of the contract.** The facts supporting the request for changes or substitutions must not have been known, or could not reasonably have been known, by the Vendor prior to submitting the Plan to the RTA.

Section VI, Request for Change of the Plan or Substitution of Subconsultants, Subcontractors, Suppliers, or Joint Venture Partners, should be submitted only if and when the Vendor seeks to change its DBE participation commitments as contained in Section II of this Plan or make any other changes to its previously submitted Plan. Changes or substitutions requested by the Vendor shall not be considered approved until such approval is given to the Vendor by the RTA in writing.

In the event that a Vendor's request for change(s) to its Plan or substitution(s) will result in a change in the Vendor's DBE participation, and the revised participation does not achieve the DBE commitment in the Plan, the Vendor will be required to submit an updated Section III of the Plan to demonstrate that it made good faith efforts to achieve the DBE contract goal.

If a Vendor's request for change(s) involves adding a new DBE subconsultant, subcontractor, or supplier, the Vendor must submit with the form in Section VI a signed letter of intent (Section V of this Plan), from the DBE identified in the revised Plan.

The RTA will evaluate the Vendor's request for change(s) and, in its sole discretion, may approve or reject the request. The written request for a change or substitution must state



specific reasons for the proposed change or substitution. Acceptable reasons for changes may include, but are not limited to, the following:

- Unavailability of the subconsultant, subcontractor, or supplier after the initial submission of the Plan;
- Failure of the subconsultant, subcontractor, or supplier to perform the agreed upon scope(s) of work;
- Financial incapacity of the subconsultant, subcontractor, or supplier;
- Failure of the subconsultant, subcontractor, or supplier to honor the proposal price;
- Mistake of fact or law about the scope(s) of work where a reasonable price cannot be agreed upon;
- Failure of the subconsultant, subcontractor, or supplier to meet bonding, insurance, or licensing requirements specified in the solicitation; or
- Withdrawal of the bid, quote, or proposal by the subconsultant, subcontractor, or supplier.

A statement from the DBE to be substituted stating why it cannot perform on the project may be submitted to support the request. Where the reason for the requested change is a valid mistake or disagreement between the Vendor and the subconsultant, subcontractor, or supplier on the scope of work, the Vendor must document all efforts made by the parties to reach an agreement for a reasonable price for the corrected scope of work.

Records Retention

The Vendor must maintain a record of all relevant data with respect to the utilization of DBEs, including but without limitation, payroll records, invoices, canceled checks, sworn statements, and books of account for a period of at least seven years after the RTA's final acceptance of the work. Full access to these records shall be granted to the RTA, or to any municipal, state, or federal authority by the Vendor upon 48 hours written demand by the RTA. The RTA shall have the right to obtain from the Vendor any additional data reasonably related or necessary to verify any representations by the Vendor in its Plan or documents regarding the Vendor's compliance with its Plan or the DBE program provisions.

Sanctions

The RTA reserves the right to withhold payment to the Vendor to enforce the provisions of the Vendor's Plan and the RTA's DBE program. Final payment shall not be made on the contract until the Vendor demonstrates, to the reasonable satisfaction of the RTA, achievement of the DBE contract goal or its good faith efforts to achieve the DBE contract goal pursuant to its Plan.

The RTA will periodically review the Vendor's compliance with its Plan and the terms of its contract. Without limitation, the Vendor's failure to comply with its Plan or cooperate in providing information regarding its compliance or provision of false or misleading information or statements concerning compliance; certification status of subconsultants, subcontractors, suppliers, or joint venture partners; good faith efforts, or any other material fact or representation shall constitute a material breach of contract and entitle the RTA to declare a default, terminate the contract, or exercise those remedies provided for in the contract, at law, or in equity. In appropriate cases, the RTA will inform DOT of any appearance of false, fraudulent, or dishonest information or statements in connection with a Vendor's Plan, so that DOT can take appropriate actions (i.e. referral to the DOT Office of Inspector General).



Section II

DBE Participation Commitment

This form must be completed and submitted by the Vendor with its bid, quote, or proposal (or at the time otherwise specified by the RTA) even if no DBE subcontractors will be utilized. Failure to do so may render the Vendor nonresponsive and cause its bid, quote, or proposal to be rejected and/or render the Vendor ineligible for contract award, at the RTA's sole discretion. To count toward the DBE goal, a DBE must be certified through the ILUCP in the NAICS codes applicable to the kind of work it performs at the time the Vendor submits its bid, quote, or proposal.

Project Name:

Vendor Name:

RTA's DBE contract goal for the project: %

The undersigned agrees that Vendor will enter into complete subcontracts, purchase orders, or other appropriate agreements or joint venture agreements with all listed DBEs for work as described in this Section II, DBE Participation Commitment, within five business days after the date of final execution of the contract with the RTA (or, in the case of a task order contract, five business days after final execution of the relevant task order to which the DBE participation commitments apply). Copies of each signed subcontract, purchase order, or other agreement with a DBE must be submitted to the RTA within 10 business days after execution.

The Vendor designates the following as its DBE contact person.

Name:

Full legal name of Vendor's authorized officer (Please print or type)

Address:

City:

State:

Zip:

Telephone:

Email:

If the DBE contract goal is achieved, in whole or in part, through a joint venture with a DBE, you must also complete Section IV, DBE Joint Venture Agreement, and submit it along with a copy of the joint venture agreement with your bid, quote, or proposal (or as otherwise specified by the RTA).

All DBE subconsultants, subcontractors, suppliers, or joint venture partners must be listed on the following form.

By:

Signature

Title

Date



Prime Vendor, Subconsultant, Subcontractor, Manufacturer, Hauler, Regular Dealer, Distributor, or Joint Venture Partner Participation Commitments:

Name of Prime Vendor, Subconsultant, Subcontractor, Manufacturer, Hauler, Regular Dealer, Distributor, or Joint Venture Partner	Is firm IL UCP DBE certified (yes or no)?	If DBE certified, list DBE Area of Specialty (6-digit NAICS code)	Description of Work to be Performed	Dollar amount of subcontract	Dollar Amount of DBE Credit Claimed (Subcontractor: 100% Manufacturer: 100% Hauler: 100%, excluding value of materials Regular dealer: 60% of subcontract value Distributor: 40% of subcontract value)
				\$	
				\$	
				\$	
				\$	
			Total DBE participation: (Total dollar amount of all credit claimed for all DBE subcontracts)	\$	
			Total proposal / contract price:	\$	



Section III

Documentation of Good Faith Efforts to Achieve DBE Contract Goal

If the DBE contract goal was not achieved, the Good Faith Efforts Checklist (Section III A) and contacts log (Section III B) must be submitted with your bid, quote, or proposal (or as otherwise specified by the RTA). Failure to do so may render the Vendor nonresponsive and cause its bid, quote, or proposal to be rejected and/or render the Vendor ineligible for contract award, at the RTA's sole discretion. The Vendor must provide documentation in support of its good faith efforts to the RTA at the time it submits its bid, quote, or proposal. The RTA also reserves the right to independently verify that these efforts have been made.

Section III A

Good Faith Efforts Checklist

A representative of the Vendor should insert his/her initials on the line before each of the efforts described below that have been undertaken by the Vendor. Documentation evidencing those activities undertaken by the Vendor should be attached to this form. **If any of the items below were not completed, attach a detailed written explanation why such effort was not completed.** If any other efforts were made to obtain DBE participation in addition to the items listed below, attach a detailed written explanation of those efforts. The amount of effort that a Vendor must undertake to meet the DBE contract goal varies from contract to contract but includes a number of distinct activities geared to actually finding DBE subcontractors. Examples of the types of documentation that may be attached to support good faith efforts are listed below. These are examples only and are not intended to serve as the only type of documentation that Vendors can submit. The Vendor should use its own business judgment when determining which documentation in its possession best evidences the good faith efforts it has made.

- Identified portions of the project work which could be performed by available DBEs, including, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation.
Ex: A clear summary of the work the Vendor intends to perform with its own employees and a clear summary of the work the Vendor identified as available for subcontracting.
- Solicited through reasonable and available means (e.g., written notices and advertisements) DBEs to perform the types of work that could be subcontracted on this project with sufficient time to allow them to respond. (The IL UCP directory is available at <https://webapps.dot.illinois.gov/UCP/ExternalSearch>.)
Ex: Copies of all advertisements, notices, and solicitation letters placed in newspapers, trade magazines, or small business media posted in any public place or sent directly to DBEs.
- Provided timely and adequate information about the plans, specifications, and requirements of the project. Followed up initial solicitations to answer questions and encourage DBEs to submit proposals or bids.
Ex: Completion of the below Good Faith Efforts Contacts Log including information on dates of initial contact and all follow-up contacts with DBEs. If contact was written, copies of solicitation letter and any other written information could be attached.



- Negotiated in good faith with interested DBEs that submitted proposals or bids and thoroughly investigated their capabilities.
Ex: Explain thoroughly why you were not able to reach an agreement with each DBE listed on the Good Faith Efforts Contacts Log and attach copy of bids, if any, submitted by those DBEs.
- Made efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as may be required for performance of the contract (if applicable).
Ex: A brief written description of the assistance provided to DBEs.
- Utilized resources available to identify available DBEs, including but not limited to DBE assistance groups; local, state, and federal minority or women business assistance offices; and other organizations that aid in the recruitment and placement of DBEs.
Ex: Copies of letters, facsimiles, and email messages sent to organizations, and responses received, and name and phone number of person(s) contacted.

Section III B

Good Faith Efforts Contacts Log for Soliciting DBE Subconsultant, Subcontractor, or Supplier Participation

Use this form to document all contacts and responses (telephone, e-mail, fax, etc.) regarding the solicitation of DBE subconsultants, subcontractors, and suppliers. Duplicate as needed. (It is not necessary to show contacts with DBEs with which the Vendor reached an agreement to participate on this project, as shown on Section II of this document.)

Name of DBE	Date and method of contact	Scope of work solicited	Reason agreement was not reached



Name of DBE	Date and method of contact	Scope of work solicited	Reason agreement was not reached
-------------	----------------------------	-------------------------	----------------------------------



Section IV

DBE Joint Venture Agreement

If Vendor proposes to utilize a joint venture arrangement for this project to meet the DBE contract goal, this form must be submitted with the bid, quote, or proposal (or as otherwise specified by the RTA). Failure to do so may render the Vendor nonresponsive and cause its bid or proposal to be rejected and/or render the Vendor ineligible for contract award, at the RTA's sole discretion. (Attach additional sheets as necessary for additional joint venture partners.)

Attach a copy of the joint venture agreement(s). The agreement(s) must describe each partner's roles and responsibilities and demonstrate that the DBE partner's share in the capital contribution, control, management, risks, costs, and profits of the joint venture is equal to its ownership interest.

If there is any change in the information submitted below or to the joint venture agreement after this form is submitted to the RTA, you must immediately inform the RTA.

Name of joint venture:

Address:

City:

State:

Zip:

Telephone:

Fax:

Email:

Contact person:

Name of non-DBE partner:

Address:

City:

State:

Zip:

Telephone:

Fax:

Email:

Contact person:

Name of DBE partner:

Address:

City:

State:

Zip:

Telephone:

Fax:

Email:

Contact person:



Section V

Letter(s) of Intent between Vendor and DBE Subconsultant, Subcontractor, or Supplier

A separate Letter of Intent must be provided for each DBE subconsultant, subcontractor, or supplier. Failure to provide a Letter of Intent may result in that DBE firm's participation not being counted for purposes of achieving the DBE contract goal. The Letter of Intent must match the description of services or products and the amount stated in Section II, DBE Participation Commitment. (Duplicate this form as needed.)

Project name:

Name of Vendor:

Address:

City: State: Zip:

Telephone: Fax: Email:

Name of DBE subconsultant, subcontractor or supplier:

Address:

City: State: Zip:

Telephone: Fax: Email:

Proposed subcontract amount: \$:

Specific description of work to be performed by DBE, including the relevant NAICS code, quantity (if applicable), DBE's price or percentage and dollar amount of DBE credit claimed:

The Vendor and the DBE listed above hereby agree that upon the execution of a contract for the above-named project with the RTA, the DBE will perform the scope of work described above for the price indicated above.

Vendor:

Name of Firm

By:

Signature

Name:

Print Name

Title:

Date:

DBE:

Name of Firm

By:

Signature

Name:

Print Name

Title:

Date:



Section VI

Request for Change of Compliance Plan or Substitution of Subconsultants, Subcontractors, Suppliers, or Joint Venture Partners

This form should be submitted only if and when the Vendor seeks to change its previously submitted and approved Plan or to substitute a previously approved subconsultant, subcontractor, supplier or joint venture partner. **Failure to obtain the express, prior written approval from the RTA before making the change may render the Vendor ineligible for contract award, at the RTA's sole discretion, or, if a contract has already been established, will be a material breach of the contract.**

Vendor Name:

Project Name:

Current total contract price: \$

DBE goal established by RTA for the project: %

DBE participation prior to proposed change: % \$

DBE participation after proposed change: % \$

Complete the following with this request for change:

- Revised Section II, DBE Participation Commitment form.
- Updated Section III, Good Faith Efforts form (if applicable).
- Section V, Letter(s) of Intent between Vendor and DBE (if applicable).
- Section VII, Attestation and Affidavit

Detailed explanation of reasons for requesting change (attach additional pages and supporting documentation as necessary):



Proposed Deletion:

Name of subconsultant, subcontractor or supplier:

Contact Person:

Telephone:

Email:

Amount of subcontract / joint venture: \$ (% of Vendor's contract)

Description of work:

Proposed Addition:

Name of subconsultant, subcontractor or supplier:

Contact Person:

Telephone:

Email:

Amount of subcontract / joint venture: \$ (% of Vendor's contract)

Description of work:

Is the firm IL UCP DBE certified?:

If yes, area of specialty (NAICS code):



Section VII

Attestation and Affidavit

This form must be submitted with your bid, quote, or proposal (or as otherwise specified by the RTA). Failure to do so may render the Vendor nonresponsive and cause its bid, quote, or proposal to be rejected and/or render the Vendor ineligible for contract award, at the RTA's sole discretion.

I DO SOLEMNLY DECLARE AND AFFIRM UNDER PENALTY OF PERJURY THAT THE CONTENTS OF THIS PLAN ARE TRUE AND CORRECT, THAT I HAVE READ THE PLAN INSTRUCTIONS, AND THAT I AM AUTHORIZED ON BEHALF OF THE VENDOR TO MAKE THIS ATTESTATION.

Name of Vendor

Name and Title of Vendor's Authorized Representative

Signature

Date



Attachment C

RTA's Internal Procurement Checklist

[Following pages]



Procurement Request Form for Equipment, Supplies, or Services

Requester is required to submit the completed Procurement Request Form in the ERP **REQUISITION SELF-SERVICE** for processing. Refer to the [Procurement Quick Guide](#) for procurement procedures.

Part 1: Request Details

1. Request Type

- New Contract/PO
- Contract Modification
- Other

2. Contract or PO Number (if applicable)

3. Project/Request Title

4. Project Manager & Department

5. Recommended Contract Term

- 12 Mo.
- 24 Mo.
- Other

6. Independent Cost Estimate (ICE, required for requests greater than \$40,000)

7. Vendor Name (if applicable)

8a. CONTRACT TYPE (Select one of the following)

- Fixed Price
- Cost Plus Fixed Fee
- Task Order
- Lump Sum (IFB) Only

8b. FUNDING SOURCE (Select all that applies)

- RTA ____%
- IDOT ____%
- FTA ____%
- Other ____%

8c. PROCUREMENT TYPE (Select one of the following as applicable for a new contract)

Refer to page 4 below for Request Package List of additional document requirements

- Micro Purchase
One or more quotes for \$10K or less
- Quotes
Up to 100K
- IFB
- Lump Sum (IFB) Only
- RFP
Greater than \$100K
- RFQu
Greater than \$100K
- Piggyback
- Task Order
- Non-Compete

9. General Scope of Services (Item details must be provided in requisition)

10a. DBE: For new procurements \$40,000 or greater, the requester is required to complete and submit the [DBE Opportunities Form](#).

10b. DBE Goal for contract modification:

Has the Project Manager (PM) confirmed with the Regulatory Compliance Officer (RCO) that sufficient progress towards the contract DBE goal is in good standing and reporting? Yes No



Part 2: Request for Waiver of Competitive Bidding (if applicable)

Complete this section (Part 2) for procurements *not requiring* competitive bidding.
Per Article 6: "Procurements Not Requiring Competitive Bidding" of the [RTA Procurement Rules and Regulations](#)

-
- | | | | |
|--------------------------------------------------------------------------------|------------------------------------------------------------|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| <input type="checkbox"/> One source (Board approval required if over \$10,000) | <input type="checkbox"/> Intergovernmental Agreement (IGA) | <input type="checkbox"/> Radio, television or online advertising | <input type="checkbox"/> Employee and Board travel expenses |
| <input type="checkbox"/> Expert witnesses, law firms, attorneys | <input type="checkbox"/> Governmental Joint Purchasing Act | <input type="checkbox"/> Celebrity spokesperson, musical performer, model or host of ceremonies | <input type="checkbox"/> Space leased for RTA events |
| <input type="checkbox"/> Lobbyist and legislative consultants | <input type="checkbox"/> Valued below \$10,000 | <input type="checkbox"/> Insurance brokerage services | <input type="checkbox"/> Contract amendment |
| <input type="checkbox"/> Disadvantageous | <input type="checkbox"/> Bond Trustee | <input type="checkbox"/> Subscriptions | |
| <input type="checkbox"/> Utility services | <input type="checkbox"/> Training courses or seminars | <input checked="" type="checkbox"/> Industry membership dues or professional licensing fees | |

Detailed Justification (required):

Part 3: Independent Cost Estimate (ICE)

This section is required for **requests greater than \$40,000**. The relevant supporting information can be developed from (1) current or past contracts with similar scopes of service, (2) similar contracts from other agencies, or (3) estimates from available market pricing information (e.g. online pricing, or published industry pricing catalogs). This worksheet is a sample that can be used to develop the ICE. This specific worksheet does not need to be used. The format can change, so long as the information that supports the development of the ICE is provided to the Procurement and Contracting Division.

3a. Consultant Services

Position(s) Required	Hourly Rate	Hours Needed	Extended Total Cost
Profit/Fee			
Other Indirect Costs			
Other Direct Costs			Consultant Services Total: \$

3b. Goods and/or Equipment

Item Name	Model/Brand Name/Number	Cost Per Unit	Total Units Needed	Warranty Cost	Extended Total Cost
On-Going Support:					
Maintenance:					
Other:				Goods and/or Equipment Total \$	

ICE Total: \$



Procurement Request and Required Supporting Documentation List

Requester is required to submit the completed Procurement Request Form and supporting documentation in the **ERP REQUISITION SELF-SERVICE** for processing. Refer to the [Procurement Quick Guide](#) for procurement procedures.

RFP / RFQ (Formal) (greater than \$100,000)	IFB (Formal) (greater than \$100,000)
Approved Requisition	Approved Requisition
Complete Procurement Request Form	Complete Procurement Request Form
Scope of Work / Services / Specifications	Scope of Work / Specifications
Deliverables (if applicable)	Drawings (if applicable)
Firm/Key Personnel Requirements & Qualifications	Technical Specifications (if applicable)
Proposal Requirements/ Additional Criteria	Independent Cost Estimate (ICE)
Proposal Evaluation Criteria & Point Scale	Suggested Vendor List
Oral Presentation Evaluation Criteria & Point Scale	Any Attachments/Exhibits/Supporting documents
Price Proposal Form (RFP only)	DBE Opportunities Form
Recommended Evaluation Committee Members	Small Purchase (Informal) (Greater than \$10,000 To \$100,000)
Independent Cost Estimate (ICE)	Approved Requisition
Suggested Vendor List	Complete Procurement Request Form
Any Attachments/Exhibits/Supporting Documents	Scope of Work / Services
DBE Opportunities Form	Technical Specifications (if applicable)
Amendment	Independent Cost Estimate (ICE)
Approved Requisition	Suggested Vendor List
Complete Procurement Request Form	Any Attachments/Exhibits/Supporting documents
Independent Cost Estimate (ICE)	
Any Attachments/Exhibits/Supporting documents	



Approved Requisition & Complete Procurement Request Form	Approved Requisition
NOTE: RTA Legal must review terms and conditions on quotes/proposals	Complete Procurement Request Form
	Any Additional Supporting Documents
MICRO (less than \$10,000)	DBE Opportunities Form (required for \$40,000 or more)
Approved Requisition	Intergovernmental Contract
Complete Procurement Request Form	Government Agency Contract & Any Amendments
Vendor quote(s)	Approved Requisition
Any Additional Supporting Documents	Solicitation Released by the Government Agency
	Cost/Price Analysis
	Complete Procurement Request Form

Attachment D

Assist Agencies

51st Street Business Association

220 E. 51st Street
Chicago, IL 60615
Contact: Sandra Bivens, Executive Director
Phone: 773-285-3401
Email: the51ststreetbusinessassociation@yahoo.com
Web: www.51stStreetChicago.com

Association of Asian Construction Enterprises

5677 W. Howard Street
Niles, IL 60714
Contact: Perry Nakachi
Phone: 847-673-7377
Email: nakmancorp@aol.com

Black Contractors Owners and Executives

7811 S. Stony Island Ave.
Chicago, IL 60649
Contact: Kendra Dinkins, President
Phone: 773-346-5658
Email: admin@bcoechicago.org
Web: www.bcoechicago.org

Business Leadership Council

230 W. Monroe Street, Ste. 2650
Chicago, IL 60606
Contact: Frank Clark, Chairman & President
Phone: 312-628-7844
Email: Karen.r@businessleadershipcouncil.org

Chatham Business Association Small Business Development

800 E. 78th Street
Chicago, IL 60619
Contact: Melinda Kelly, Chairman & President
Phone: 773-994-5006
Email: melindakelly@cbaworks.org
Web: www.cbaworks.org

African American Contractors Association (AACA)

P.O. Box #19670
Chicago, IL 60619
Contact: Omar Shareef, Founder & President
Phone: 312-915-5960
Email: aacanatlassoc@gmail.com

Austin African American Business Networking Assoc.

5820 W. Chicago Ave.,
Chicago, IL 60651
Contact: Malcolm Crawford,
Executive Director
Phone: 773-626-4497
Email: aaabna@yahoo.com
Web: www.aaabna.org

Black Contractors United

12000 S. Marshfield Ave.
Calumet Park, IL 60827
Contact: Carole Williams, Office Manager
Phone: 708-389-5730
Email: bcnewera@att.net
Web: www.blackcontractorsunited.com

Center for Community Development Initiatives

8016 S. Halsted Street
Chicago, IL 60620
Contact: Lori A. Hicks, Executive Director
Phone: 872-205-5821
Email: anibal.vega@ccdiiil.org

Chicago Minority Supplier Development Council Inc.

140 S Dearborn Street, Suite 1605,
Chicago, IL 60603
Phone: 312-755-2550
Contact: Phillip Barreda, Executive Vice President
Email: pbarreda@chicagomsgdc.org
Web: www.chicagomsgdc.org



**Chicago Chinatown
Chamber of Commerce**
2169B. S. China Place
Chicago, IL 60616
Contact: Emma Yu
Phone: 312-326-5320
Email: emma@chicagochinatown.org

Chicago Women in Trades (CWIT)
2444 W. 16th Street
Chicago, IL 60608
Contact: Jayne Vellinga, Executive Director
Phone: 312-942-1444
Jayne Vellinga, Executive Director
Email: jvellinga@cwit2.org
Web: www.chicagowomenintrades2.org

Cosmopolitan Chamber of Commerce
1633 S. Michigan Avenue
Chicago, IL. 60616
Contact: Carnice Carey, Executive Director
Phone: 312-971-9594
Email: rmcgowan@cosmochamber.org
Web: www.cosmochamber.org

**Far South Community
Development Corporation**
9923 S. Halsted Street, Suite D
Chicago, IL 60628
Contact: Abraham Lacy, Executive Director
Phone: 773-941-4833
Email: lacy@farsouth.org
Web: www.farsouthcdc.org

**Fresh Start Home Community
Development Corp.**
5168 S. Michigan Avenue, 4N
Chicago, IL 60615
Contact: Vianna W. Little, Chairperson & CEO
Phone: 312-632-0811
Email: Info@FreshStartNow.us

**Greater Far South Halsted
Chamber of Commerce**
10615 S. Halsted Street
Chicago, IL 60628
Contact: Linda Clarke, President/CEO
Phone: 518-556-1641
Fax: 773-941-4019
Email: halstedchamberevents@gmail.com

Greater Southwest Development Corporation
2601 W. 63rd Street
Chicago, IL 60629
Contact: Ghian Foreman, Executive Director
Phone: 773-362-3373
Email: c.james@greatersouthwest.org
Web: www.greatersouthwest.org

Chicago Urban League
4510 S. Michigan Avenue
Chicago, IL 60653
Contact: Barbara Lumpkin,
Interim Pres. & CEO
Phone: 773-624-8810
Email: sbrinston@thechicagourbanleague.org

**Contractor Advisors Business
Development Corp.**
1507 E. 53rd Street, Suite 906
Chicago, IL. 60615
Contact: Suzanne Stantley, CEO
Phone: 312-436-0301
Email: info@contractoradvisors.us
Web: www.contractoradvisors.us

Do For Self Community Development Co.
7447 S South Shore Drive, Unit 22B
Chicago, IL 60649
Contact: Dennis Muhammad,
Exec. Dir. & Founder
Phone: 773-356-7661
Email: dennisdoforself@hotmail.com
Web: www.doforself.org

Federation of Women Contractors
216 W. Jackson Boulevard, #625
Chicago, IL 60606
Contact: Julie Savitt, President
Phone: 312-360-1122
Email: fwcchicago@aol.com
Web: www.fwcchicago.com

**Greater Englewood Community
Development Corp.**
815 W. 63rd Street
Chicago, IL 60621
Contact: Derrick Warren, Executive Director
Phone: 773-651-2400
Email: jharbin@greaterenglewoodcdc.org
Web: www.greaterenglewoodcdc.org

**Greater Pilsen Economic
Development Assoc.**
1801 S. Ashland Avenue
Chicago, IL 60608
Contact: Natalia Rodriguez, Administrative
Coordinator
Phone: 312-698-8898
Email: greaterpilsen@gmail.com

**Hispanic American Construction
Industry Association**
650 W. Lake Street, Unit 415
Chicago, IL 60661
Contact: Ivan Solis, President
Phone: 312-575-0389
Email: jperez@haciaworks.org
Web: www.haciaworks.org



Illinois Hispanic Chamber of Commerce
222 Merchandise Mart Plaza, Suite 1212 c/o 1871
Chicago, IL 60654
Contact: Alex Alcantar, Director Procurement
Phone: 312-425-9500
Email: aalcantar@ihccbusiness.net
Web: www.ihccbusiness.net

Illinois State Black Chamber of Commerce
411 Hamilton Blvd., Suite 1404
Peoria, Illinois 61602
Contact: Larry Ivory, President & CEO
Phone: 309-740-4430 / 773-294-8038
Email: LarryIvory@IllinoisBlackChamber.org
Web: www.ilbcc.org

JLM Business Development Center
2622 W. Jackson Boulevard
Chicago, IL 60612
Contact: Dr. Johnny Miller, Executive Director
Phone: 773-826-3295
Email: jimbizcenter@gmail.com
Web: www.jlmcenter.org

Latin American Chamber of Commerce
3512 W. Fullerton Avenue
Chicago, IL 60647
Contact: D. Lorenzo Padron,
Chairman & CEO
Phone: 773-252-5211
Email: d.lorenzopadron@LACCUSA.com

LGBT Chamber of Commerce of Illinois
3179 N. Clark St., 2nd Floor
Chicago, IL 60657
Contact: Jerome Holston, Director
Phone: 773-303-0167
Email: jholston@lgbtcc.com
Web: www.lgbtcc.com

**National Association of Women
Business Owners**
500 Davis Street, Ste. 812
Evanston, IL 60201
Contact: Susan Gotham, President
Phone: 773-410-2484
Email: wjaehn@nawbochicago.org
Web: www.nawbochicago.org

**National Organization of Minority
Engineers (NOME)**
33 W. Monroe, Suite 1540
Chicago, IL 60603
Contact: Michael Sutton, President & Founder
Phone: 312-960-1239
Email: grandevents1@sbcglobal.net
Web: www.nomeonline.org

NDIGO Foundation
329 W. 18th Street, Ste. 613
Chicago, IL 60616
Contact: Hermene Hartman, Founder
Phone: 312-264-6272
Email: hhartman@ndigo.com
Web: www.ndigo.com

Neighborhood Development Services, NFP
5705 S. Honore Street
Chicago, IL 60636
Contact: Willia Allen, Principal
Phone: 773-224-9299
Email: neighborhooddevservices@gmail.com

Public Narrative
600 S. Michigan Avenue
Chicago, IL 60605
Contact: Susy Schultz, President
Phone: 312-369-6400
Email: info@publicnarrative.org
Web: www.publicnarrative.org

Rainbow/PUSH Coalition
930 E. 50th Street
Chicago, IL 60615
Contact: John Mitchell, Chief of Staff
& Scheduling Dir.
Phone: 773-256-2768
Email: jmitchell@rainbowpush.org
Web: www.rainbowpush.org

RTW Veteran Center
7415 E. End Avenue, Suite 120
Chicago, IL 60649
Contact: Arnetha Habeel, Co-founder
Phone: 773-406-1069
Email: rtwvetcenter@yahoo.com
Web: www.rtwvetcenter.org

South Shore Chamber, Inc.
1750 E. 71st Street
Chicago, IL 60649-2000
Contact: Tonya Trice, Executive Director
Phone: 773-955-9508
Email: ttrice@southshorechamberinc.org
Web: www.southshorechamberinc.org

**St. Paul Church of God in
Christ Community**
Development Ministries, Inc. (SPCDM)
4550 S. Wabash Avenue
Chicago, IL 60653
Contact: Kevin Ford, Executive Director
Phone: 773-538-5120
Email: spcdm@sbcglobal.net
Web: www.stpaulcdm.org



**Sustainable Options for
Urban Living, Inc. (SOUL)**
11603 S. Throop Street
Chicago, IL 60643
Contact: Cynthia Stewart, Executive Director
Phone: 773-250-1770 Ext 702
Email: Cyndi@soul-program.com

Turn 2 Growth
15475 S. Park Avenue
South Holland, IL 60473
Contact: Ramona L. Turner, Executive
Phone: 708-913-4700
Email: info@turn2growth.org
Web: www.turn2growth.org

US Minority Contractors Association, Inc.
1250 Grove Avenue, Suite 200
Barrington, IL 60010
Contact: Larry S. Bullock, CEO
Phone: 847-708-1597
Email: admin@usminoritycontractors.org
Web: www.USMinorityContractors.org

Women's Business Development Center
8 S. Michigan Avenue, 4th Floor
Chicago, IL 60603
Contact: Freida Curry, Managing Director
Phone: 312-853-3477
Email: fcurry@wbdc.org
Web: www.wbdc.org

The Monroe Foundation
1547 South Wolf Road
Hillside, Illinois 60162
Contact: Otis Chandler Monroe III, CEO
Phone: 773-315-9720
Email: omonroe@themonroefoundation.org
Web: www.themonroefoundation.org

Urban Broadcast Media, Inc.
4108 S. King Drive
Chicago, IL 60653
Contact: Leon Finney, President
Phone: 312-614-1075
Email: drleonfinney312@gmail.com
Web: www.urbanbroadcastmedia.org

**Women Construction Owners
& Executives (WCOE)**
Chicago Caucus
308 Circle Avenue
Forest Park, IL 60130
Contact: Mary Kay Minaghan
Phone: 708-366-1250
Email: mkm@mkmservices.com
Web: www.womenbuildamerica.com

Your Community Consultants Foundation
9301 S. Parnell Avenue
Chicago, IL 60620
Contact: Willia Allen, CEO
Phone: 773-224-9299
Email: allen81354@aol.com



Attachment E

Monitoring and Enforcement Mechanisms/Legal Remedies

The following sections contain the standards, policies, practices, and procedures the RTA uses to assess whether a contractor is in compliance with regulatory and contract requirements applicable to DOT-assisted projects:

A. Contract Requirements and Remedies

Contract requirements and remedies are provided in this DBE program document and by administrative policies, practices and procedures requirements in each contract. All contractors, as a condition of participation in any DOT-assisted contract, shall agree to the terms of this DBE program, and shall incorporate the DBE program and the DBE administrative policies, practices and procedures requirements into their contracts and subcontracts at all tiers.

1. Contracts Provisions - The RTA requires each project supported by DOT-assisted funds to include in its contract terms and conditions set forth in the RTA's contract with the Contractor.
2. Auditing and Inspection - RTA reserves the right to audit the records and of its contractors and any subcontractors of any tier for the purpose of verifying the DBE participation and/or adherence to the DBE Program requirements. Contractors and subcontractors shall permit access to their records at the request of RTA.

B. Regulatory Provisions

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

1. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises Department of Transportation Financial Assistance Programs; particularly, Subpart F, Compliance and Enforcement
2. 49 CFR Part 31 – Program Fraud Civil Remedies
3. 49 CFR Part 29 – Government-wide Debarment and Suspension (Non-Procurement) and Government-wide Requirements for Drug-Free Workplace
4. Prosecution pursuant to 18 USC 1001.



C. Findings of Non-Compliance and Administrative Sanctions

A contractor found not to be compliant with any part of the DBE program requirements or its DBE contractual commitments shall be notified of RTA's finding of Non-Compliance, in writing. The notice shall cite the DBE program requirement and/or the contract provision under which the contractor is noncompliant; state the date of the findings and the grounds on which the finding was made ;and state the category of sanctions being imposed. Upon a finding of noncompliance, RTA may choose to impose sanctions including, but not limited to:

1. Suspension of Payment - RTA may suspend payment to the contractor of any monies held by it.
2. Termination of the Contract for Default .
3. Suspension and Debarment (49 CFR Part 29) - Information concerning the existence of a cause for suspension or debarment shall be reported, investigated, and referred, when appropriate, to the proper official for consideration. After consideration, the official will issue the appropriate notice of proposed action.

D. Enforcement Mechanisms

The federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE program, 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, and
3. Prosecution pursuant to 18 USC 1001.

E. Resolution of Disputes

The contractor shall notify the RTA in writing of any dispute between the contractor and any subcontractors, which cannot be settled by discussions between the parties, within ten calendar days of failure to resolve the dispute. The contractor and subcontractor(s) shall include a dispute resolution provision in their contract.



Attachment F

DBE Directory

A list of certified DBEs can be found under the following link:

<https://idot.illinois.gov/doing-business/certifications/disadvantaged-business-enterprise-certification/il-ucp-directory/index>



Attachment G

Regulations 49 CFR Part 26

A link to U.S. DOT Regulations 49 CFR Part 26:

https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl