



New Braunfels Transit District
Disadvantaged Business Enterprise (DBE) Program
2025 – 2027
City of New Braunfels, Texas

Adopted: August 25, 2025
Grantee ID: #7483

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POLICY STATEMENT

Section 26.1 and 26.23 Objectives and Policy Statement

The City of New Braunfels (City) has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 C.F.R. Part 26. The City will receive Federal financial assistance from DOT and as a condition of receiving this assistance, the City has signed an assurance that it will comply with 49 C.F.R. Part 26.

It is the policy of the City to ensure that DBEs have an equal opportunity to receive and participate in Federally assisted contracts for Transit Services. It is also the City's policy with regard to Transit Services:

- A. To ensure nondiscrimination in the award and administration of DOT-assisted contracts.
- B. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts.
- C. Implement the DBE Program plan in accordance with applicable law.
- D. To ensure only firms that fully meet 49 C.F.R. Part 26 eligibility standards are permitted to participate as DBEs.
- E. To help remove barriers toward the participation of DBEs in contracts, including Federally assisted contracts.
- F. To have a Small Business provision for DOT-assisted contracts without regard to DBE certification.
- G. Monitor and enforce the requirements of the DBE Program on FTA-assisted contracts.

The Transit Services Coordinator/Manager has been designated as the DBE Liaison Officer and 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 in its financial assistance agreements with DOT.

The City has disseminated this policy statement to the City Council, and all transit-related components of the City. The City will post this statement on its website to reach DBE and non-DBE business communities.

By signature of the DBE Policy Statement, the City gives its assurance to FTA to comply with 49 CFR Part 26.

Robert Camareno, City Manager

Date

SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

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

Section Part 26.3 Applicability

This policy will apply to all funding received from any federal agency for Transit Services.

Section 26.5 Definitions

The City accepts the definitions contained in 49 CFR Section 26.5 for this program plan.

Section 26.7 Non-Discrimination Requirements

The City 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 C.F.R. Part 26 on the basis of race, color, sex or national origin.

In administering its DBE Program, the City 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.

Section 26.11 Record-Keeping Requirements

26.11(b) Reporting to FTA:

The City will report DBE participation to the FTA biannually using the Uniform Report of DBE Awards or Commitments and Payments Form. These reports will reflect payments made to DBEs on DOT-assisted contracts and will be uploaded to the Transit Award Management System (TrAMS). These reports will reflect payments made to certified DBEs on FTA-assisted contracts. The reports will not include information on contracts the City may execute using only local funds. Should the City procure any transit vehicles using FTA funds, the Transit Services Coordinator/Manager will report the federally funded procurement by submitting the required Transit Vehicle Manufacturer (TVM) form, or such other documentation as may then be required, to the FTA Office of Civil Rights within thirty days of making the award.

26.11(c) Bidders

The City will create and maintain a bidders list. The purpose of the list is to provide accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on state or federally assisted contracts and for helping to achieve overall goals. The bidders list will include the name, address, DBE and non-DBE status. The bidder's list is not an endorsement of DBE or non-DBE firms. Reporting may be annually, however, inclusion to participation is ongoing during the program year. The City will obtain the above information by requiring all prime contractors bidding on DOT assisted contracts to submit a DBE Certification Form and Intent to Perform at the time of submitting its bid/proposal. The forms must be completed by the prime contractor and all subcontractors who submitted a bid to the prime for the contract.

Section 26.13 Federal Financial Assistance Agreement

26.13(a) Assurance

The City shall not discriminate on the basis of race, color, sex or national origin in the award and performance of any DOT-assisted contract or in the administration of its DBE Program or the requirements of 49 C.F.R. Part 26. The recipient shall take all necessary and reasonable steps under 49 C.F.R. Part 26 to ensure non-discrimination in the award and administration of DOT-assisted contracts. The recipient's DBE Program, as required by 49 C.F.R. 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 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. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

26.13(b) Contract Assurance 26

The City will ensure 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 the contract. The contractor shall carry out the applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure to carry out these requirements is a material breach of this contract, which may result in the termination of the contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

- *Withholding monthly (or periodic) payments*
- *Assessing sanctions*
- *Liquidated damages*
- *Disqualifying the contractor from future bidding as non-responsible.*

Section 26.15 Exemptions or Waivers

The City understands we can apply for an exemption or waiver from any provisions to Sub Parts B and C of 49 CFR Part 26 including but not limited to, any provisions regarding administrative requirements, overall goals, contract goals or good faith efforts. In the event the City requests an exemption or waiver, the City will follow the procedures in section 26.15 and the request will document the special or exceptional circumstances for exemption or waiver being requested.

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

The City expects to receive a grant of \$250,000 or more in FTA planning, capital, and/or operating assistance in current and upcoming federal fiscal years. The City will continue to carry out this program until all funds from FTA financial assistance have been expended. The City will provide updates to the FTA representing significant changes in the program on an as-needed basis and routinely every three years.

Section 26.23 Policy Statement

The signed Policy Statement is provided on the first page of this program plan. The policy statement will be available on the City's website.

Section 26.25 DBE Liaison Officer

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

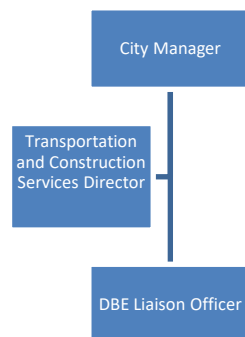
Julie Sitton
550 Landa St
New Braunfels, TX 78130
jsitton@newbraunfels.gov
830.221.4083

In that capacity, the DBELO is responsible for implementing all aspects of the DBE Program and ensuring the City complies with all provisions of 49 C.F.R. Part 26. The DBELO has direct, independent access to the City Manager concerning DBE Program matters. An organization chart displaying the DBELO's position is shown below.

The DBELO is responsible for developing, implementing, and monitoring the DBE Program, in coordination with other appropriate officials, such as the Grant Coordinator, Procurement Office, and Finance Department. The duties and responsibilities of the DBELO include the following:

1. Gathers and reports statistical data and other information as required by DOT, FTA & TxDOT.
2. Works with the City management to set overall triennial goals.
3. Works with procurement to contact DBEs on the Texas Unified Certification Program (TUCP) list with TxDOT for available opportunities.
4. Analyzes the City's progress toward DBE goal attainment and prepares a shortfall analysis.
5. Monitors contracts with DBE participation for compliance with the DBE program requirements.
6. Provides DBEs and Small Businesses with information through the City website where they may obtain assistance.
7. Communicate with DBEs and business organizations to inform them of upcoming opportunities.

Organization Chart



Section 26.27 DBE Financial Institutions

It is the policy of the City of New Braunfels 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.

Section 26.29 Prompt Payment Mechanisms

The City will include the following clauses in each FTA-assisted prime contract:

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 the City. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above-referenced

time frame may occur only for good cause following written approval by the City.

The City has established the following mechanisms to monitor and enforce prompt payment and return of retainage:

1. The bidder shall provide the DBELO with a copy of DBE subcontracts or purchase orders upon request. The subcontracts between the contractor and its subcontractors must contain the above reference prompt payment clause as set forth herein.
2. During the term of the contract and when there is DBE participation, the prime contractor shall submit a monthly DBE Contractors Payment Report Form to the DBELO.
3. The prime contractor must 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.
4. Upon completion of the contract where there is DBE utilization and prior to final payment, the prime contractor shall submit the DBE Contract Close-out-Statement form to the DBELO.

The City has several remedies available to enforce the DBE utilization and prompt payment and return of retainage requirements which includes but not limited to, the following:

1. Withholding monthly progress payments.
2. Disqualifying the contractor from future bidding as non-responsible, and/or
3. Delay final contract payment until compliance with this section, if needed.

Section 26.31 Directory

The City uses a directory developed and maintained by the Texas Department of Transportation (TxDOT) to identify firms eligible to participate as DBEs. The directory lists 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 Directory is available online on the TxDOT Disadvantaged & Small Business Enterprise Programs.

Section 26.33 Overconcentration

During preparation of the overall triennial DBE goal, the City will assess whether there is an overconcentration of DBEs in certain types of work as to unduly burden the opportunity of non-DBE firms to participate in this type of work. If there is a possible overconcentration, the City will consider varying our use of the type of work to establish the individual DBE contract goals and the triennial DBE goal. Currently, the City has not identified that an overconcentration exists in the types of work that the City solicits from DBE subcontractors.

Section 26.35 Business Development Program

The City has not established a business development program. We will re-evaluate the need for such a program every three years.

Section 26.37 Monitoring and Enforcement Mechanisms

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

The City will 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 department or Program Fraud and Civil Penalties rules) provided in Section 26.109.

The City has a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. The City will keep a running tally of payments made to DBEs (Section 26.29) for work performed. The City will also contact each DBE contractor to ensure payment is received promptly (30 days) after the invoice was sent. The City will also monitor the work of the DBEs, in association with a contract, to ensure the DBE firm is performing the work.

Section 26.39 Fostering Small Business Participation

The City is committed to fostering small business participation in its procurement. Participation of SBEs is incorporated into this DBE program in accordance with 49 CFR Part 26.

The City will include in contract clauses, the request to bidders on large contracts to identify subcontract opportunities appropriate for small business participation. The City will also refer SBEs to the SBA and encourage SBEs to pursue procurement opportunities by registering their interest through the City's website.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-Asides or Quotes

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

Section 26.45 Overall Goals

A description of the methodology to calculate the overall goal and the goal calculations can be found in the DBE Goal documentation.

1. In accordance with Section 26.45(f), the City will submit its overall goal to FTA by October 1st every three (3) years, current goal-setting period is for FFY2025-2027. The City may adjust the three-year overall goal during the three-year period to reflect changed circumstances, or as requested by FTA. Before establishing the overall goal every three years, the City will consult with the Census Bureau, TXDOT and minority and women businesses 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. Based on the City's vendor's list, which includes DBEs and non-DBEs, the City will send a notice to these firms requesting input.
2. Following this consultation, the City will publish a notice of the proposed overall DBE goal and methodology and post a notice of the proposed overall goal on the City's website. The proposed goal and its rationale are available for inspection during normal business hours at our principal office informing the public that the City will accept comments on the goals for 30 days from the date of the notice. The notice must include addresses to which comments may be sent and addresses (including the office and websites) where the proposal may be reviewed.
3. The DBE Program Plan will also be posted on the City's website.

The City's overall goal submission to FTA/DOT will include a summary of information and comments received during this public participation process and our responses. The City will begin using the overall goal on October 1 of that year, unless the City receives other instructions from FTA.

Section 26.47 Meeting the Overall Goal

If the awards and commitments shown on our Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, the City will provide assurance to FTA that we are implementing our DBE program in good faith. We will prepare a shortfall analysis to:

1. Analyze in detail the reasons for the difference between the overall goal and our awards and commitments in that fiscal year; and
2. Establish specific steps and milestones to correct the problems identified in our analysis and to enable us to meet our goal for the new fiscal year.

If needed, we will prepare the shortfall analysis and corrective action plan with timetables and have it available to FTA upon request.

Section 26.49 Transit Vehicle Manufacturers' Goals

The City will require each Transit Vehicle Manufacturer (TVM), 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 in complying with this element of the program.

Section 26.51(a-c) – Race-Neutral Measures

The City's DBE Program is designed to be race-neutral, and its overall DBE participation goal will similarly have a DBE race-neutral goal. If an annual review of the City's DBE participation in its contracts indicates a need to consider race-conscious goals. The City will follow the guidelines in 26.51(d-g) to establish race-conscious measures.

Section 26.51(d-g) Race-Conscious Participation through Contract Goals

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

Section 26.53 (a) & (c) Good Faith Efforts Procedures

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. Examples of good faith efforts are found in Appendix A to 49 CFR Part 26.

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. We will ensure all information is complete and accurate and adequately documents the bidder/offer met the DBE goal or demonstrated a good faith effort to meet the goal before we commit to the performance of the contract by the bidder.

Section 26.53 (b) Information To Be Submitted

The City treats bidder/offeror 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 documentation of efforts made to utilize the services of minority/women/small business organizations, community and contractor groups to locate qualified

DBEs.

Section 26.53 (d) Administrative Reconsideration

Within five days of being informed by the City 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 DBELO or to a reconsideration official who has not 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 DBELO officer and the reconsideration official to discuss the issue of whether it met the goal or made adequate good-faith efforts to do so. 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.

Section 26.53 (f) Good Faith Efforts When A DBE Is Being Replaced On A Contract (26.53(f))

The City 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 our 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 Contract Administrator 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 Contract Administrator may issue a termination for default proceeding.

Section 26.55 Counting DBE Participation

The City counts DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

SUBPART D - CERTIFICATION STANDARDS

Section 26.61 – 26.73 Unified Certification Programs

The City will rely on the list of DBE-certified companies maintained by TxDOT to determine those firms eligible to participate as DBEs. Firms desiring to establish DBE certification can do so by completing forms that can be found from the following agencies:

For information regarding the certification process, firms are directed to contact:

South Central Texas Regional Certifying
Agency 3201 Cherry Ridge Street
Building B, Suite 210
San Antonio, Texas 78230
(210) 227-4722
Or visit the Texas Department of Transportation website.

SUBPART E - CERTIFICATION PROCEDURES

Section 26.81-26.91 Unified Certification Program and Certification Procedures

The City utilizes the State of Texas Unified Certification Program (TUCP) administered by TxDOT. The TxDOT UCP has an approval UCP and USDOT has certified their certification standards and procedures to make certification determination as required in sections 26.61 through 26.91

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, and Cooperation

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

The City will cooperate fully and promptly with DOT and other government agencies in an investigation related to compliance and enforcement of 49 CFR Part 26.

The City will not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by 49 CFR Part 26 or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under 49 CFR Part 26.

ATTACHMENTS

- Attachment A - Monthly Payment Reporting Form
- Attachment B- Contractor/Respondent Certification
- Attachment C- DBE Subcontractor Certification
- Attachment D- Small Business Subcontractor Certification

Attachment A -Monthly Payments to Subcontractors/Supplies

The following is a sample of the form which has been designed to track the Contractor's commitments and actual monthly payments to subcontractors/suppliers on a City Project.

Monthly DBE Payment Report

This report must be submitted with company's monthly invoices for payment for work by your company on the City Contract.						
Contractor Name: _____						
Reporting Month/Year: _____						
Contract Number: _____						
Company, Contract Person & Email	Phone Number	Work Performed	Total Dollars Committed	Total Paid this Month	Total Paid to Date	Date Paid
I certify that this information accurately reflects actual payments made to Subcontractors, for the above referenced Project.						
Signature of Authorized Official					Date	
Print Name						
Title						

Attachment B- Contractor/Respondent Certification

Instructions: The Respondent/Contractor shall complete this form by listing 1) Names of all proposed subcontractors. 2) Contact information. 3) Description of work to be performed/product to be provided. 4) Status as a DBE or non-DBE. 5) Ethnic Code of firm. 6) Age of the firm. 7) Annual gross receipts of the firm. 8) % or \$ amount of Total Contract. Subcontractors which are listed on this form as DBEs must have current certification and must complete the DBE Subcontractor Certification form. Subcontractors which are listed on this form as Small Businesses must be eligible to participate as a small business per the Small Business Administration and must complete the Small Business Subcontractor Certification form.

Ethnic Codes

Name of Prime Contractor (Respondent/Contractor):

- | | |
|----------------------------------|---|
| A) Black American | B) Hispanic American |
| C) Native American | D) Sub-continental Asian America |
| E) Asian-Pacific American | F) Non-Minority Women |
| G) Other | |

Project Name:

1)	2)	3)	4)	5)	6)	7)	8)
Name of Subcontractor	Contact Person, Address, Telephone#	Description of Work or Services Provided	DBE, non-DBE or Small Business	Ethnic Code	Age of Firm	Annual Gross Receipts	% or \$ of Total Contract to Sub

This schedule must be completed as instructed above and include every subcontractor proposed on this project. More than one form may be used.

The undersigned will enter into a formal agreement with DBE and Small Business subcontractors for work listed in this schedule upon execution of a contract with the City of New Braunfels. The contractor agrees to the terms of this schedule by signing below and submitting the DBE and/or Small Business Subcontractor Certification as completed by subcontractor(s).

Signature of Authorized Representative

Date

Attachment C- DBE Subcontractor Certification

NOTE: In accordance with 49 C.F.R. Part 26 and City policy, DBE firms participating in the DBE Program must be certified as a DBE by the due date established for this RFP.

To: _____(Name of Respondent/Prime Contractor)

1. The undersigned is either currently certified under the Texas Unified Certification Program as a DBE or will be at the time this solicitation is due.
2. The undersigned is prepared to perform the following described work and/or supply the material listed in connection with the above project (where applicable specify "supply" or "install" or both)

and at the following price \$_____and/or _____% of the total contract amount (should be the same \$or% found on Contractor/Respondent Certification Form).

3. **The DBE subcontractor should complete this section only if the DBE is subcontracting any portion of its subcontract.**

With respect to the proposed subcontract described above, the undersigned DBE anticipates that _____% of the dollar value of this subcontract will be sublet and/or awarded to other contractors. Any and all DBE subcontractors a DBE subcontractor uses must be listed on the Contractor/Respondent Certification Form and must also be DBE certified.

Name of DBE Firm

Name of Respondent/Prime Contractor

Signature of Authorized Representative

Signature of Authorized Representative

Printed Name

Printed Name

Phone Number

Phone Number

Date

Date

Attachment D-Small Business Subcontractor Certification

NOTE: In accordance with 49 C.F.R. Part 26 and City policy, small business firms completing this form must be registered with the Small Business Administration as a small business by the due date established for this bid/request for proposal.

To: _____(Name of Respondent/Prime Contractor)

1. The undersigned is either currently registered with the SBA as a small business or will be at the time this bid/proposal is due.
2. The undersigned is prepared to perform the following described work and/or supply the material listed in connection with the above project (where applicable specify "supply" or "install" or both)

_____ and at the following price \$_____ and/or _____% of the total contract amount (should be the same \$ or % found on Contractor/Respondent Certification Form).

3. **The small business subcontractor should complete this section only if the small business is subcontracting any portion of its subcontract.**

With respect to the proposed subcontract described above, the undersigned small business anticipates that _____% of the dollar value of this subcontract will be sublet and/or awarded to other contractors. Any and all small business subcontractors used must be listed on the Contractor/Respondent Certification Form and must also be registered as a small business with the SBA.

Name of Small Business Firm

Name of Respondent/Prime Contractor

Signature of Authorized Representative

Signature of Authorized Representative

Printed Name

Printed Name

Phone Number

Phone Number

Date

Date