

PART D

DISADVANTAGED BUSINESS ENTERPRISE (DBE)

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DISADVANTAGED BUSINESS ENTERPRISE (DBE)

15.1 GENERAL

- A. The VRE is committed to an active effort to involve Disadvantaged Business Enterprises (DBE) in contracting opportunities and encourages participation in procurement activities. Where it is practicable for any portion of the awarded Contract to be subcontracted to other suppliers, the Offeror/Contractor is encouraged to offer such business to minority and/or women-owned businesses.
- B. Disadvantaged business enterprise or DBE means a for-profit small business concern:
- 1) That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged, or, in the case of a corporation, 51 percent of the stock of which is owned by one or more such individuals; and
 - 2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
- C. Offerors must state any plans to utilize such businesses and the manner in which they may be utilized under the resultant Contract.

15.2 DBE CERTIFICATON

- A. Each Contractor is required to submit the Disadvantaged Business Enterprise (DBE) Form included in **ATTACHMENT H.3** to the VRE along with its proposal. The DBE certification must be attached to the DBE statement. This submission does not necessarily require the Contractor to utilize DBE's in the performance of the Contract. Where it is practicable for any portion of the



awarded Contract to be subcontracted, the Contractor is encouraged to offer such business to minority and/or women-owned businesses. All DBE's proposed must be certified by the U.S. DOT, another federal agency using essentially the same definition and ownership and control criteria as DOT, or another recipient of DOT funds, the Washington Metropolitan Area Transit Authority, Virginia Department of Transportation, or Amtrak. If the Contractor is not itself, nor plans to utilize, an authorized DBE, the Contractor shall write on the DBE Form "NO DBE's" and submit the form.

15.3 DBE REQUIREMENTS

- A. The Contractor and its subcontractors agree to ensure that disadvantaged business enterprises as defined in 49 C.F.R. Part 26 have a level playing field on which DBE's can compete fairly and participate fully in contracts and subcontracts financed in whole or in part with federal funds provided under Contract. In this regard, the Contractor shall take all necessary and reasonable steps in accordance with 49 C.F.R. Part 26 to ensure that disadvantaged business enterprises have a level playing field to compete for and perform contracts.
- B. The Contractors shall not discriminate on the basis of race, color, national origin or sex in the award and performance of contracts. Failure by the Contractor and his/her subcontractor to carry out these requirements is a material breach of this Contract, which may result in the termination of this Contract or such other remedy as VRE deems appropriate.
- C. The Contractor will be required to submit a schedule of DBE use and payments made to DBE's on a biannual basis as determined by VRE. The Contractor is required to maintain records and documents of payments to DBE's for three years following the performance of the Contract and will make these records available to VRE upon request.
- D. The Contractor, its agents, employees, assigns or successors, any persons, firms, or agency of whatever nature with whom it may contract or make agreement, in connection with the Contract shall cooperate with the VRE in meeting its commitment and goals with regard to the creation of a level playing field of disadvantaged business enterprises. The Contractor shall use best efforts to ensure that disadvantaged business enterprises shall have a level playing field to compete for subcontract work under this Contract.

