

K. DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM: DRAFT DOCUMENT

As a sub-recipient of Federal Highway Administration (FHWA) funding assistance, and in accordance with USDOT 49 Code of Federal Regulation (CFR) Part 26, the HRPDC/HRTPO is required to operate under VDOT's FHWA-Approved DBE Program. During the 2016 Title VI Compliance Review, VDOT conducted an assessment of the HRPDC/HRTPO's DBE Program.

As a result of that review, HRPDC/HRTPO staff worked collaboratively with VDOT's District Office to develop a comprehensive Draft DBE Program Plan which includes HRPDC/HRTPO specific functional requirements. The Draft DBE Program Plan was posted for public review and comment from July 7, 2017 through July 20, 2017.

In addition, staff is creating a Supplier Diversity program with policies that will comprise a suite of program-specific requirements which will be applicable agency-wide.

Furthermore, staff is collaborating with VDOT and the local business community to develop a Small Business Portal called "BE Hampton Roads" for Minority-Owned, Women-Owned, Veteran-Owned, and small businesses in the region to access opportunities, business development resources, and obtain DBE and SWaM certification information.

On March 2, 2017, the HRPDC/HRTPO received the attached VDOT letter regarding the Draft Disadvantaged Business Enterprise Program for FY 2016 – FY 2019.

To review the Draft Disadvantage Business Program for FY 2016 – FY 2019 in its entirety, please go to: www.HRTPO.org or www.hrpdcva.gov.

Attachment 21-K1: Draft DBE Policy

Attachment 21-K2: VDOT Letter

RECOMMENDED ACTION:

HRPDC and HRTPO staff recommends approval of the Draft DBE Program document.

Hampton Roads Planning District Commission

Hampton Road Transportation Planning

Organization

Disadvantaged Business Enterprise

The Hampton Roads Planning District Commission (HRPDC) and The Hampton Roads Transportation Planning Organization (HRTPO) is committed to a Civil Rights Program for the participation of Disadvantaged Business Enterprises (DBEs) in HRPDC/HRTPO contracting opportunities in accordance with 49 Code of Federal Regulations (CFR) Part 26. As a sub-recipient of Federal Financial assistance from the United States Department of Transportation (USDOT), through the Virginia Department of Transportation (VDOT), and as a condition of receiving this assistance, HRPDC/HRTPO has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of HRPDC/HRTPO to ensure that DBEs as defined in 49 CFR Part 26 have an equal opportunity to receive and participate in DOT-assisted Contracts. The HRPDC/HRTPO adopts the following objectives:

- To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
- To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
- To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
- To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- To help remove barriers to the participation of DBEs in DOT-assisted contracts;
- To promote the use of DBEs in all types of DOT-assisted contracts and procurement activities conducted by the HRPDC/HRTPO;
- To assist the development of firms that can compete successfully in the market place outside the DBE program; and
- To provide appropriate flexibility to sub-recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

The DBE Senior Manager, Tara Walker, has been designated as DBE Liaison Officer with the responsibility of overseeing all aspects of the DBE Program. The DBE Senior Manager in coordination with other HRPDC/HRTPO personnel, has been delegated the authority for the development, implementation and monitoring of the DBE Program for contracts in accordance with HRPDC/HRTPO's nondiscrimination policy. It is the expectation that all HRPDC/HRTPO personnel shall adhere to the intent, as well as the provisions and procedures of the DBE Program. Implementation of the DBE Program is accorded the same priority as compliance with all other legal obligations incurred by HRPDC/HRTPO in its financial assistance agreements with the FHWA and the Federal Transit Administration.

HRPDC/HRTPO has disseminated this policy statement to our boards and all departments within our organization; DBE and non-DBE businesses, that perform work for HRPDC/HRTPO on DOT-assisted contracts, and organizations that communicate with such businesses. The HRPDC/HRTPO DBE Program will be mailed to all requesting agencies or individuals and made available through the HRPDC/HRTPO micro site www.behamptonroads.com.

Questions regarding this policy or implementation of this DBE Program should be addressed to Tara Walker, DBE Senior Manager, The Hampton Roads Transportation Planning Organization, 723 Woodlake, Drive, Chesapeake, Virginia 23320; Telephone number (757) 420-8300 ext. 346, or by e-mail at twalker@hrpdcva.gov

Robert Crum, Executive Director
Hampton Roads Planning District Commission
Hampton Roads Transportation Planning Organization

Date



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, VIRGINIA 23219 2000

Charles A. Kilpatrick, P.E.
Commissioner

March 2, 2017

Mr. Robert A. Crum, Jr.
Executive Director
Hampton Roads Transportation Planning Organization
The Regional Building
723 Woodlake Drive
Chesapeake, VA 23320

Re: HRTPO/PDC DBE Program Plan Review

Dear Mr. Crum:

In accordance with the United States Department of Transportation (USDOT) 49 Code of Federal Regulation (CFR) Part 26, the Virginia Department of Transportation (VDOT) conducted a review of the Hampton Roads Planning District Commission and Hampton Roads Transportation Planning Organization's (HRPDC/TPO) Disadvantaged Business Enterprise (DBE) Program. As a recipient of Federal Highway Administration (FHWA) funding assistance, the HRPDC/TPO is required to operate under VDOT's FHWA-approved DBE program. As a result of your adoption of VDOT's DBE Program, HRPDC/TPO is found in-compliance and your DBE program is approved.

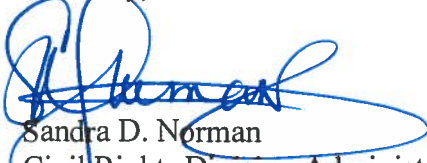
Since VDOT's initial program assessment conducted during the 2016 Title VI Compliance Review, your efforts to bring your program in compliance with Federal regulations and guidance are commendable. We recognize that your organization has some agency-specific functional requirements that have been incorporated in your DBE Program Plan. This detailed review resulted in recommendations that would further enhance the implementation of your program, while enhancing participation of DBE firms on DOT-assisted contracts administered by the HRPDC/TPO. In addition, the HRPDC/TPO's signed assurances indicate your intent to support the achievement of VDOT's overall DBE goal of 12.74 percent through demonstrated good faith efforts.

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It shall be your policy to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in USDOT federally-funded contracts. Please ensure the widest distribution of your policy statement, including but not limited to your boards and sub-recipients. Your appointment of a DBE Liaison Officer (DBELO), Ms. Tara Walker, is paramount to the overall success for your DBE Program. As the DBELO, Ms. Walker is responsible for implementing all aspects of the HRPDC/TPO's DBE Program and ensuring that both HRPDC and TPO complies with all provisions of 49 CFR Part 26 as applicable to your agency, with independent access to you as the Executive Director regarding DBE Program matters.

If you have any questions, please do not hesitate to contact me at (804) 786-4552, Shay Ponquinette, Assistant Division Administrator at (804) 786-2935 or Queen Crittendon, Hampton Roads District Civil Rights Manager, at (757) 925-2519.

Sincerely,



Sandra D. Norman
Civil Rights Division Administrator
Virginia Department of Transportation

Cc: Mr. Quintin Elliott
Mr. James S. Utterback
Mrs. Camelia Ravanbakht
Mrs. Shay Ponquinette
Mrs. Queen T. Crittendon
Mr. Eric Stringfield
Mr. Mohamed Dumbuya
Ms. Tara Walker