

ATTACHMENT A

REQUIREMENTS CONCERNING EEO & AFFIRMATIVE ACTION (FOR NON-CONSTRUCTION CONTRACTS AND SUBCONTRACTS)

The GCRTA Office of Business Development is eager to assist you in fully completing the requirements of this Notice and the Authority's Equal Employment Opportunity Program. If you have any questions, please call the Office of Business Development 216-566-5044.

Please read carefully all of the information attached.

Proposers are cautioned, however, that oral representations may not be relied upon. Such representations must be confirmed by specific writing issued by the Director of Procurement as an addendum or as a clarification of this solicitation document.

The Affirmative Action Plan for equal employment opportunity is the Greater Cleveland Regional Transit Authority's (GCRTA) written commitment to undertake specifically planned action to ensure equality of opportunity in employment practices by firms contracting for goods and services with GCRTA.

As required by the Instruction, the following information must be submitted with your bid:

I. Form EEO-1 - Enclosure A-1

Equal Employment Data Forms showing the current utilization of minorities and women by job category within your organization.

II. Non-discrimination - Enclosure A-2

Affidavit assuring non-discrimination in employment practices.

III. Employment Practices - Enclosure A-3

All Proposers/Proposers and their first tier subcontractors or subconsultants proposing a contract hereunder in an amount of \$10,000 or more must complete Enclosure A-3. If the proposer or any of its first tier subcontractors or subconsultants employ more than 50 persons and will be entering into a contract hereunder in an amount of \$50,000 or more, then an Affirmative Action Plan for employment of minorities and women must be submitted when called for by GCRTA.

**IV. Requirements Concerning the Submission of an Affirmative Action Plan
Enclosure A-4 (For Non-Construction Contractors)**

If requested, provide an Affirmative Action Plan(s) in accordance with the guidelines set forth on Enclosure A-4.

V. Requirements on Prime and Sub-Contractors – Enclosure A-5

All Contractors and their subcontractors bidding on a contract must complete Enclosure A-5.

Joint Reporting
Committee

- Equal Employment
Opportunity
Commission

- Office of Federal
Contract
Compliance
Programs (Labor)

ENCLOSURE A-1
EQUAL EMPLOYMENT OPPORTUNITY
EMPLOYER INFORMATION REPORT EEO - 1
FOR
THE GREATER CLEVELAND REGIONAL TRANSIT
AUTHORITY

Section A--TYPE OF REPORT
Refer to instructions for number and types of reports to be filed.

1. Indicate by marking in the appropriate box the type of reporting unit for which this copy of the form is submitted (MARK ONLY ONE BOX)

- | | |
|--|------------------------------|
| 1. <input type="checkbox"/> Single Establishment Employer Report | Multi-establishment Employer |
| 2. <input type="checkbox"/> Consolidated Report (Required) | |
| 3. <input type="checkbox"/> Headquarters Unit Report (Required) | |
| 4. <input type="checkbox"/> Individual Establishment Report (submit one for each establishment with 50 or more employees). | |
| 5. <input type="checkbox"/> Special Report | |

2. Total number of reports being filed by this Company (Answer on Consolidated Report only). _____

Section B--COMPANY IDENTIFICATION (To be answered by *all* employers)

1. Parent Company OFFICE USE ONLY

a. Name of parent company (owns or controls establishment in item 2) omit if same as label a.

Name of Receiving Office			Address (Number and Street)										
City or Town	County	State	Zip Code	b. Employee Identification No.									

2. Establishment for which this report is filed (Omit if same as label) OFFICE USE ONLY

a. Name of establishment c..

Address (Number and street)			City or Town	County	State	Zip Code	d.									
b. Employer Identification No.			Omit if same as label										e.			

Section C--EMPLOYERS WHO ARE REQUIRED TO FILE (To be answered by *all* employers)

- Yes No 1. Does the entire company have at least 100 employees in the payroll period for which you are reporting?
- Yes No 2. Is your company affiliated through common ownership and/or centralized management with other entities in an enterprise with a total employment of 100 or more?
- Yes No 3. Does the company or any of its establishments (a) have 50 or more employees AND (b) is not exempt as provided by 41 CFR 60-1.5 AND either (1) is a prime government contractor or first tier subcontractor, and has a contract subcontract, or purchase order amounting to \$50,000 or more or (2) serves as a depository of Government funds in any amount or is a financial institution which is an issuing and paying agent for U S Savings Bonds and Savings Notes?

If the response to question C - 3 is yes, please enter your Dun and Bradstreet identification number (if you have one)

Yes No 4 Does the company receive financial assistance from the Small Business Administration (SBA)?

Section D - EMPLOYMENT DATA

Employment at this establishment - Report all permanent full time or part-time employees including apprentices and on-the job trainees unless specifically excluded as set forth in the instructions. Enter the appropriate figures on all lines and in all columns. Blank spaces will be considered as zeros.

JOB CATEGORIES	NUMBER OF EMPLOYEES										
	Overall Totals Sum Of Col B Thru K	Male					Female				
		White (Not of Hispanic Origin)	Black (Not of Hispanic Origin)	Hispanic	Asian or Pacific Islander	American Indian or Alaskan Native	White (Not of Hispanic Origin)	Black (Not of Hispanic Origin)	Hispanic	Asian or Pacific Islander	American Indian or Alaskan Native
Officials and Managers	1										
Professionals	2										
Technicians	3										
Sales Workers	4										
Office and Clerical	5										
Craft Workers (Skilled)	6										
Operatives (Semi Skilled)	7										
Laborers (Unskilled)	8										
Service Workers	9										
TOTAL	10										
Total employment reported in previous EE0-1 report	11										
(The trainees below should also be included in the figures for the appropriate occupational categories above)											
Formal on-the-job trainees	White collar	12									
	Production	13									

NOTE: Omit questions 1 and 2 on the Consolidated Report

1. Date(s) of payroll period used: _____ 2. Does this establishment employ apprentices?
1. Yes 2. No

Section E--ESTABLISHMENT INFORMATION (Omit on the Consolidated Report)

1. Is this the location of the establishment the same as that reported last year? 1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No 3 <input type="checkbox"/> No Report	2. Is the major business activity at this establishment the same as that reported last year? 1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No 3 <input type="checkbox"/> No Report	Office Use Only
3. What is the major activity of this establishment? (Be specific, i e, manufacturing steel castings, retail grocer, wholesale plumbing supplies, title insurance, etc. Include the specific type of product or type of service provided, as well as the principal business or industrial activity.)		

Section F--REMARKS

Use this item to give any identification data appearing on last report which differs from that given above explain major changes in composition or reporting units and other pertinent information

NOTE: The section below must be completed and signed by your company

Section G--CERTIFICATION (See Instructions G)

- Check one
1 All reports are accurate and were prepared in accordance with the instructions (check on consolidated only)
2 This report is accurate and was prepared in accordance with the instructions

Name of Certifying Official	Title	Signature	Date		
Name of person to contact regarding this report (Type or print)		Address (Number and Street)			
Title	City and State	Zip Code	Telephone Area Code	Number	Extension

All reports and information obtained from individual reports will be kept confidential as required by Section 709(e) of Title VII
WILLFULLY FALSE STATEMENTS IN THIS REPORT ARE PUNISHABLE BY LAW, U S CODE TITLE 18, SECTION 1001

**ENCLOSURE A-2
NONDISCRIMINATION AFFIDAVIT**

STATE OF _____)
COUNTY OF _____) SS

_____, being first duly sworn deposes and says:

1. That he/she is the _____ (President or other authorized official of Company, or Partnership, a Corporation or Partnership organized and existing under and by virtue of the laws of the State of _____ on whose behalf he/she makes this affidavit (hereinafter "Contractor")).
2. That Contractor does not and will not discriminate in its employment practices because of race, religion, color, sex, national origin, handicapped persons or Vietnam-Era Veterans.
3. That Contractor further understands this contract, purchase order or agreement is subject to the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601, et seq.) and Exec. Order. 11246, as amended, and the Affirmative Action Policy of GCRTA, and shall be subject to all rules and/or regulations issued pursuant thereto regarding nondiscrimination in federally-assisted programs of the United States Department of Transportation.
4. That Contractor agrees to be bound to the obligations imposed by said act, executive ordinance and policy.
5. That Contractor agrees that during the performance of any contract resulting from this bid/proposal:
 - a. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or rates of pay or other forms of compensation; and selection for training, including apprenticeships. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the GCRTA setting forth the provisions of this nondiscrimination clause.
 - b. The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
 - c. The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contact or understanding, a notice to be provided by the GCRTA advising the said labor union or worker's representative of the Contractor's commitments under this Section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
 - d. The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375, and with the rules, regulations, and relevant orders of the Secretary of Labor.
 - e. The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the GCRTA and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

- f. In the event of the Contractor's noncompliance with the nondiscrimination clauses of this agreement or with such rules, regulations or orders, this agreement may be canceled, terminated, or suspended in whole or in part, and the Contractor may be declared ineligible for further government contracts of Federally assisted contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, as amended, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 25, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- g. The Contractor will include a citation to 41 CFR 60-1(b) and (c) and the provisions of Paragraphs (a) through (g) herein, in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375, so that such provisions shall be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the Secretary of Labor may direct as a means of enforcing such provisions, including sanctions for noncompliance, provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Urban Mass Transportation Administration, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

Company or Partnership

(President or other official title)

Subscribed and sworn to before me, this _____ day of _____, 19 ____.

Notary Public in and for the County of _____

State of _____.

My commission expires on the _____ day of _____, 19 ____.

(Seal)

(TO BE SUBMITTED WITH BID)

ENCLOSURE A-3
EMPLOYMENT PRACTICES
(FOR NON-CONSTRUCTION CONTRACTORS ONLY)

To Be Prepared By:

Non-construction Prime Contractors and first tier subcontractors or suppliers with a contract greater than \$10,000.

Solicitation No. _____

Name of Project _____

Location of Workforce _____

Prime Contractor _____

Subcontractor _____

In keeping with GCRTA policy of nondiscrimination in employment practices, the _____ has set as a one year goal for the utilization of

(Name of Company)

minorities and females having requisite skills equal to be number and percentage that is in relation to their presence in the labor market area used, which is _____ % for minorities and _____ % for females. The _____, by its _____ assures the GCRTA that good faith efforts will be used to achieve said goals. The good faith efforts proposed are described in the attached narrative. (If more than 50 employees and a contract of \$50,000 or more is contemplated, an Affirmative Action Plan per Enclosure A-4 is supplied in lieu of this narrative and is submitted when called for by the GCRTA.)

Signature and Title of Company Official (Contractor)

Signature and Title of Company Official (Subcontractor)

ENCLOSURE A-4
REQUIREMENTS CONCERNING THE SUBMISSION OF AN
AFFIRMATIVE ACTION PLAN
(FOR NON-CONSTRUCTION CONTRACTORS)

Where the non-construction prime contractor or subcontractor has 50 or more employees and is participating in contracts with the GCRTA which exceed \$50,000, an Affirmative Action Plan must be submitted to the GCRTA Office of Business Development when called for.

At a minimum, in accordance with the RFP the following information must be provided in your Affirmative Action Plan:

- I. Equal employment policy statement for the employment of minorities and women.
 - A. How and to whom was policy statement circulated?
 1. Internally (within your company)
 2. Externally (all sources used for recruitment).
 - B. Who is or will be responsible for the implementation of these policies?
- II. Goals and Timetables for hiring minorities and women for the next year, or duration of this contract, whichever is greater, including:
 - A. Total employees expected to be employed in each job category (use job categories shown on EEO-1 form).
 - B. Group employees (Blacks, Hispanics, women, etc.) in each job category.
 - C. Labor market availability group information - availability of minorities and women. With the exception of Construction Contractors, use this information to establish the goals required in Item "e" (contact State employment office to get this information).
 - D. Number of expected job opportunities. If not expected, goals as required in Item "e" must still be established to allow for unexpected hiring.
 - E. Goals number and percent of minorities and women to be reached.
 - F. If goals are not reached within the period specified, when called for you must justify the reasons for not meeting the goals by demonstrating the good faith efforts used to meet the goals.
- III. Development and Execution of Program
 - A. Method to be used for recruiting job applicants.
 1. Recruiting efforts should be directed towards schools, colleges, universities, newspapers, radio, state employment offices, churches, social and employment agencies and other sources appropriate for your needs, i.e., labor unions.
 2. These efforts when called for, must be substantiated by written documentation.
 - B. Method used for evaluating program.

**ENCLOSURE A-5
REQUIREMENTS CONCERNING PRIME AND SUB-CONTRACTORS**

Contract No.: _____ Project Name: _____

In accordance with FTA Federal Regulation 49 CFR, Part 26.11, the Office of Business Development is required to create and maintain a bidders lists on all Prime and Sub-Contractors that seek to participate on Greater Cleveland Regional Transit Authority (GCRTA) Federally assisted contracts. Please complete this information in its entirety.

PRIME CONTRACTOR

(This information must be provided on the Prime bidder on this Project)

Name of Firm: _____ Certified DBE _____ Non-DBE _____

Mailing Address: _____

City/State/Zip Code: _____

Contact: _____ Phone No. _____ Fax No. _____

Date Business Established (Month, Day and Year): _____

Gross Sales in Dollars Last FY:	Less than \$500,000	\$500,000 - \$1 million
	\$1 million - \$2 million	\$2 million - \$5 million
	Over \$5 million	

SUB-CONTRACTOR(S)

(This information must be provided for all sub-contractor(s) proposed to work on this Project)

Name of Firm	Certified DBE		Year Firm Established	Approximate Annual Gross Sales
	Yes	No		

I certify the above information contained in this document is true and accurate as of the stated date. I understand FALSE or misleading statements may disqualify the firm from participation on GCRTA's Federally assisted contracts.

Title of Person Authorized to Sign

Signature

Date

ATTACHMENT B

DISADVANTAGED BUSINESS ENTERPRISE UTILIZATION

DEPARTMENT OF TRANSPORTATION POLICY

It is the policy of the Department of Transportation that socially and economically disadvantaged and women's business enterprises (*DBEs*), as defined at Title 49, Code of Federal Regulations, Part 23 and 26, shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds. Consequently, the DBE requirements of 49 CFR, Part 23 and 26, shall apply to any agreement resulting from this procurement.

Participants in this procurement agree to ensure that DBEs, as defined at 49 CFR, Part 23 and 26, have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal funds. In this regard, the Proposers shall take all necessary and reasonable steps in accordance with 49 CFR, Part 23 and 26, and GCRTA's DBE Program to ensure that DBEs have the maximum opportunity to compete for the performance of contracts. Neither the Proposers nor the selected contractor shall discriminate on the basis of race, color, national origin or sex in the performance of a resulting DOT-assisted contract.

I. OVERALL GOALS

The term "**disadvantaged business**" means a small business concern, which is at least 51 percent owned by one or more socially and economically disadvantaged persons or, in the case of a publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals and whose management and daily business operation are controlled by one or more of the socially and economically disadvantaged individuals who own it.

"socially and economically disadvantaged individuals" means a citizen of the United States (or lawfully admitted permanent resident) who meets the criteria set forth in 49 C.F.R. Section 26.5. The GCRTA sets a three (3) year overall DBE goals for work to be performed under GCRTA contracts, including construction activity procurement of common goods and services, and personal service contracts. While the expected percentage of certified DBE utilization may vary from contract to contract due to the availability of DBEs in any given line of work, the GCRTA believes that overall goals to be realistically obtainable over time with the assistance of the federal government, the business community and DBE organizations.

In order to meet Federal requirements and to provide for maximum participation of certified DBEs, the GCRTA specifies a percentage of participation goal in contracts with subcontracting opportunities (the percentage may be zero).

The transit vehicle manufacturers are exempt from the requirements, Terms and Conditions of this Attachment B, but must, as a condition for bidding, show evidence of FTA certification.

II. CONTRACT GOALS

The GCRTA has specified a DBE goal of fifteen (15%) percent for the work to be performed under this contract.

- A. When a DBE participates in a contract, you count only the value of the work actually performed by the DBE toward DBE goals.
1. Count the entire amount of that portion of a construction contract (or other contract not covered by Paragraph (A)(2) of this section) that is performed by the DBE's own forces. Include the cost of supplies and materials obtained by the DBE for the work of the contract, including supplies purchased or equipment leased by the DBE (except supplies and equipment the DBE subcontractor purchases or leases from the prime contractor its affiliate).

2. Count the entire amount of fees or commissions charged by a DBE firm for providing a bona fide service, such as professional, technical, consultant, or managerial services, or for providing bonds or insurance specifically required for the performance of a DOT-assisted contract, toward DBE goals, provided you determine the fee to be reasonable and not excessive as compared with fees customarily allowed for similar services.
3. When a DBE subcontracts part of the work of its contract to another firm, the value of the subcontracted work may be counted toward DBE goals only if the DBE's subcontractor is itself a DBE. Work that a DBE subcontracts to a non-DBE firm does not count toward DBE goals.
 - a) When a DBE performs as a participant in a joint venture, count a portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the contract that the DBE performs with its own forces toward DBE goals.
 - b) Count expenditures to a DBE contractor toward DBE goals only if the DBE is performing a commercially useful function on that contract.
4. A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (when applicable) and paying for the material itself. To determine whether a DBE is performing a commercially useful function, you must evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the DBE credit claimed for its performance of the work, and of the relevant factors DBE does not perform a commercially if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to :
 - a) To be a regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question.
 - b) A person may be a regular dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business; if the person both owns and operates distribution equipment for long-term lease agreement and not on an ad hoc or contract by contract basis.
 - c) Packagers, brokers, manufacturers', representatives, or other persons who arrange or expedite transactions are not regular dealers within the meaning of this paragraph.
 - d) With respect to materials or supplies purchased from a DBE which is neither a manufacturer nor a regular dealer, count the entire amount of fees or commissions charged for the delivery of materials or supplies required on a job site, toward DBE goals, provided you determine the fees to be reasonable and not excessive as compared with fees customarily allowed for similar services. Do not count any portion of the cost of the materials and supplies themselves toward DBE goals.

Sixty percent of the total dollar value will be counted in the case of a DBE supplier that is not a manufacturer, provided that the DBE supplier performs a commercially useful function in the supply process to include brokers etc in accordance with 49 CFR 26.55 Paragraph 2b.

III. BIDDING REQUIREMENTS, TERMS AND CONDITIONS

A. In addition to any other requirements contained in this Invitation to Bid or Request for Proposal, the following DBE Program requirements must be satisfied, bid must include a representation that:

1. The Proposer has met the goal established by the Authority for this procurement, or
2. The Proposer has made a good faith effort to attain the level of DBE participation sought by the Authority for this procurement

Each Proposer must include a statement in attachment B-1 of the level of DBE participation attained through such effort. This submittal is regarded as a matter of bid responsiveness. Failure to make these submittals will serve to disqualify the bid as non-responsive to this Invitation to Bid.

B. Each Proposer should also prepare a complete DBE Participation Plan that sets forth the extent of DBE involvement in this procurement, these materials are to be provided upon request, and will be considered in determining Proposer responsibility.

C. DBE participation plans shall include the following minimum information:

1. DBE Participation Schedule, (Attachment B-3) which includes:
 - a) Names and addresses of the DBE entities that will participate in the contract;
 - b) The dollar amount of the participation of each named DBE;
 - c) A description of the work each named DBE will perform;
 - d) Verification of Certification attachment B-2 and Letter of Intent (Attachment B-4) from each DBE whose participation is proposed for the performance of this contract as a subcontractor or joint venture partner.
2. If the DBE goal is not met, the Proposer must document in attachment B-5 entitled Greater Cleveland RTA Office of Business Development Form Good Faith Efforts Documentation the good faith efforts it made to include DBE participation in the contract. The documentation of the efforts is discussed in greater detail in paragraph 6 of this Section.
3. The following standards shall be applied in assessing the responsibility of the DBE plan submitted:
 - a) Whether the participation plan contains capable currently certified DBE firms.
 - b) Whether the firms listed in the plan are performing a commercially useful function
 - c) Whether the listed firms are sharing monetary benefit in proportion to their share of the work of the project.
 - d) Whether the plan exhibits a likelihood of goal attainment.
 - e) Whether the prime/sub relationships are firm, i.e., whether conditional subcontractors have been entered.

D. The contractor must receive the approval of GCRTA Office of Business Development before termination or making substitution for any subcontractors listed in its DBE plan.

Authority certified DBE entities are eligible for inclusion in a plan. Consult the Unified Certification Directory, which is available upon request from the Procurement Department or the Office of Business Development (OBD) of the Authority for assistance in ascertaining certified status of some DBEs. All DBE entities are eligible for certification. Applications for certification must be made on the GCRTA Office of Business Development Disadvantaged Business Enterprise Unified Certification Application (UCP) (available on request of OBD) and submitted in advance of bid date.

1. The Authority will attempt to certify proposed DBE entities prior to bid; however it will not consider request for certification not completed prior to submittal of bids.
 2. Proposer should not rely upon the approval of the certification applications submitted by its proposed DBEs will be approved for participation credit for this procurement. Certification for participation credit for this procurement will not be made after bids/proposals are opened).
 3. However, substitution of DBE entities appearing in a plan may be permitted where the Disadvantaged Business Enterprise Officer (DBEO) determines that such substitution will not result in an abuse of the DBE Program. The burden of demonstrating the propriety of such substitution lies with the Proposer seeking such substitution. Denial of certification is final for the pending contract. Any person denied certification may appeal such decision in accordance with the provisions of 49 CFR, Part 26, Section 28.89, which is reproduced as part of the Unified Certification Application.
- E. The Authority may at any time prior to award seek clarification or additional information bearing upon Proposer responsibility in respect of DBE involvement with this procurement. If sought, such
- F. Information will be strictly confined to matters of Proposer responsibility and should be received by the Authority within three (3) business days of the date request thereof is made.

The Proposer's commitment to a specific goal for DBE utilization as detailed in its DBE Plan shall constitute a presumption that good faith efforts to meet the DBE goal by subcontracting to or undertaking to joint venture with DBE firms have been made. If the Proposer fails to meet the goal, it will carry the burden of furnishing sufficient documentation, demonstrating its good faith efforts, by utilization.

The standard by which the Authority will determine whether the efforts made by a Proposer were good faith efforts is whether such efforts could be reasonably be expected to produce sufficient DBE participation to meet the goals set for this procurement in reaching this decision, the Authority may consider all efforts advanced by the Proposer as well as the following:

1. Did the contractor attend any scheduled pre-solicitation or pre-bid meetings to inform DBEs of contracting and subcontracting opportunities?
2. Did the contractor advertise in general circulation, trade association and minority-focus media concerning the subcontracting opportunities?
3. Did the contractor provide written notice to a reasonable number of specific DBEs that their interest in the contract was being solicited, in sufficient time to allow the DBEs to participate effectively?
4. Did the contractor/supplier follow up with the DBE firms interested in participating.
5. Did the contractor/supplier select portions of work to be done by DBEs (including dividing contracts into economically feasible units to facilitate participation)?

6. Did the contractor provide adequate information about plans, specifications, and/or contracting requirements?
 7. Did the contractor negotiate in good faith with interested DBEs, not rejecting DBEs as unqualified without sound reasons?
 8. Did the contractor make efforts to provide assistance to obtain bonding, lines of credit, or insurance?
 9. Did the contractor effectively use the services of available minority and female organizations, contractors' groups, state and local offices, etc., that have knowledge of available DBE firms or the names or organizations to locate such firms?
- H. In the event a contract is awarded as a result of this procurement, the DBE Participation Plan submitted by the successful Proposer and the terms, conditions and requirements contained in this notice shall become an integral part of the contract, binding said Proposer to full and faithful performance in accordance with said plan.
- I. Any award resulting from the procurement shall be and is conditioned upon the attainment of the aforesaid goals or the satisfactory showing of good faith efforts to attain said goals.
- J. During the performance of any resulting contract and for a period of up to three (3) years following completion of the contract work the Authority may initiate reviews for compliance with the requirements of the Authority's DBE Program and the successful Proposer's (hereinafter "*Contractor*") DBE Participation Plan such reviews may involve review of monthly statements, desk audits and/or onsite reviews. Where a Contractor is found by the Authority to have failed to comply with the requirements of the DBE Program or the Contractor's DBE Participation Plan, the Contractor will be required to take corrective action. If corrective action is not promptly taken by the offending Contractor, the following sanctions may be imposed (singly, in any combination, and in addition to any other remedies provided by law or equity):
1. The Authority may withhold all further payments under the contract.
 2. The Contractor may be ordered to stop work
 3. The contract may be terminated for breach.
 4. Suspension or debarment proceedings may be commenced in accordance with 49 CFR, Part 29.
 5. The Director of Procurement may find the defaulting contractor non-responsible in respect to other solicitations for a stated period of time.
 6. The contract payments may be reduced by an amount equal to that designated in the DBE plan for DBE participation.
 7. The relevant performance bond(s) may be enforced.
- K. Agreements between a supplier/contractor and a DBE in which the latter promises not to provide subcontracting quotations to other suppliers/contractors are prohibited.
- L. The Contractor will keep records and documents for three (3) years following performance of this contract to indicate compliance with this notice. Such records and, or copies thereof, will be made available at reasonable times and places for inspection by any authorized representative of the Authority and will be submitted to Authority upon request with any other compliance information which such representative may require.

- M. If, at any time, the Department of Transportation or RTA has reason to believe that any person or firm has willfully or knowingly provided incorrect information or made a false statement, it may refer the matter to the General Counsel of the Department of Transportation. They may initiate debarment proceedings in accordance with 41 CFR 1-1.604 and 12-1.602 and/or refer the matter to the Department of Justice under 18 U.S.C. 1001, as they deem appropriate.
- N. Proposers and Contractors agree to be bound by all the requirements, terms and conditions of this notice.
- O. Nothing in this notice shall be interpreted to diminish the present contract compliance review.

ENCLOSURE B-1

DECLARATION OF PROPOSED DISADVANTAGED BUSINESS ENTERPRISE UTILIZATION

*THIS PAGE MUST BE COMPLETED BY PRIME PROPOSER TO INDICATE THE AMOUNT (PERCENTAGE) OF
DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION.*

The undersigned, as a representative of the entity, _____, submitting a bid/proposal for the _____ project, hereby acknowledges that the DBE goal established for this project is _____ %.

Note: Proposer shall make one of the two certifications noted below:

1. The Proposer further represents that the proposed level of DBE participation as set forth in the enclosed Schedule of DBE participation for this project is _____ % and represents attainment of the DBE participation goal Letters of Intent confirming the proposed participation of the DBEs set forth on the Schedule of DBE Participation are attached.

2. The Proposer further represents that the proposed level of DBE participation as set forth in the enclosed Schedule of DBE participation for this project is _____ %. However, this level of DBE participation is less than the goal established for this project. The Proposer has attached:
 - a. the Schedule of DBE participation showing the level of DBE participation the Proposer has been able to obtain, supplemented with Letters of Intent confirming the proposed participation of the DBEs set forth on the Schedule of DBE Participation; and,
 - b. documentation of the Proposer's good faith efforts to achieve the goal established for this project. This documentation shall include Certificates of DBE Unavailability for each contacted by the prime Proposer which will not be participating in performance of the contract). The documentation of the these efforts is discussed in greater detail in Section III. G of Attachment D.

Date

Representative of Proposer

Title

(TO BE SUBMITTED WITH BID)

ENCLOSURE B-2
DBE AFFIDAVIT

THIS PAGE TO BE COMPLETED BY DISADVANTAGED BUSINESS ENTERPRISE CONTRACTOR.

I hereby declare and affirm that I am the _____ and
duly authorized representative of the (firm of) _____
_____(name of corporation or joint venture) whose
address is _____

(Telephone Number)

I HEREBY DECLARE AND AFFIRM THAT I AM A DISADVANTAGED BUSINESS ENTERPRISE (DBE)
AS DEFINED BY THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY IN THE
SPECIFICATIONS FOR

(IFB number and name)

AND THAT I WILL PROVIDE INFORMATION AND/OR THE CERTIFICATION TO DOCUMENT THIS
FACT.

I DO SOLEMNLY SWEAR OR DECLARE AND AFFIRM THAT THE CONTENTS OF THE FOREGOING
STATEMENT ARE TRUE AND CORRECT, AND THAT I AM AUTHORIZED, ON BEHALF OF THE
ABOVE FIRM, TO MAKE THIS AFFIDAVIT.

(Affiant)

(Date)

State of _____)

City and County of _____)

On this _____ day of _____, _____, before me, the undersigned
officer personally appeared.

_____, known to me to be the person described in the foregoing
Affidavit, and acknowledged that he (she) executed the same in the capacity therein stated and for the
purposes therein contained.

In witness thereof, I hereunto set my hand and official seal.

My Commission Expires: _____

(Notary Public)

(SEAL)

ENCLOSURE B-3
DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION PLAN

Name of Prime Contractor			
Name of Project			
Project/Contract No		Total Bid Amount	

Name of DBE	DBE Category	Address	Contact Person & Telephone No.	Scope of Work	Dollar Value of Work
1.					
2.					
3.					
4.					
5.					
6.					
7.					
				Total DBE Dollars/%	

The undersigned will enter into formal agreement with the DBEs listed above for work in this schedule conditioned upon the award of a contract by the Greater Cleveland Regional Transit Authority (GCRTA).

Signature of Prime Contractor Representative**Phone Number****Date**

The standard by which the Authority will determine whether the efforts made by a competitor were good faith efforts is whether such efforts could be reasonably be expected to produce sufficient DBE participation to meet the goals set for this procurement in reaching this decision, the Authority may consider all efforts advanced by the competitor as well as the following:

1. Whether the contractor attended any pre-solicitation or pre-bid meetings that were scheduled by the recipient to inform DBEs of contracting and subcontracting opportunities;
2. Whether the contractor advertised in general circulation, trade association, and minority-focus media concerning the subcontracting opportunities;
3. Whether the contractor provided written notice to a reasonable number of specific DBEs, that their interest in the contract was being solicited in sufficient time to allow the DBEs to participate effectively;
4. Whether the contractor followed up initial solicitations of interest by contacting DBEs to determine with certainty whether the DBEs were interested;
5. Whether the contractor selected portions of the work to be performed by DBEs in order to increase the likelihood of meeting the DBE goals (including, where appropriate, breaking down contracts into economically feasible units to facilitate DBE participation);
6. Whether the contractor provided interested DBEs with adequate information about the plans, specifications and requirements of the contract;
7. Whether the contractor negotiated in good faith with interested DBEs, not rejecting DBEs as unqualified without sound reasons based on a thorough investigation of their capabilities.
8. Whether the contractor made efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance required by the recipient or contractor; and
9. Whether the contractor effectively used the services of available minority community organizations; disadvantaged contractors' groups; local, state and Federal disadvantaged business assistance offices; and other organizations that provide assistance in the recruitment and placement of DBEs.

The following standards shall be applied in assessing the responsibility of the DBE plan submitted:

1. Whether the participation plan contains capable certified DBE firms.
2. Whether the firms listed in the plan are performing a commercially useful function.
3. Whether the listed firms are sharing monetary benefit in proportion to their share of the work of the project.
4. Whether the plan exhibits a likelihood of goal attainment.
5. Whether the prime/sub relationships are firm, i.e., whether conditional subcontractors have been entered.

ENCLOSURE B-4
LETTER OF INTENT TO PERFORM AS A SUBCONTRACTOR

Project: _____
No.: _____
Location: _____

To: _____ Prime or General
Proposer

_____ Address
_____ City/State

I am the _____ and duly authorized representative of the (firm of) _____ which intends to perform work for the above project operating as (*strike out conditions that do not apply*) an individual, a Company, a Corporation, organized and existing under the law of the State of _____, or a Proprietorship, a Partnership, or Joint Venture consisting of:

The firm that I represent is a Disadvantaged Business Enterprise (DBE) as defined by the Greater Cleveland Regional Transit Authority in the specifications for:

(IFB Name and Number)

I further represent that the firm is a Disadvantaged Business Enterprise which: is currently certified by the Greater Cleveland Regional Transit as a disadvantaged business enterprise with a certification date of _____.

I will provide information and/or the certification to document the representation noted above upon your request.

The undersigned is prepared to perform the following described work in connection with the above project, (specify in appropriate detail particular work items or parts thereof to be performed):

at the following price: _____.

You have projected the following commencement date for such work, and the undersigned is projecting completion of such work as follows:

<u>Type of Work and Items</u>	<u>Work Hours Involved</u>	<u>Projected Commencement Date</u>	<u>Projected Completion Date</u>
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____

- 4. _____
- 5. _____
- 6. _____

I further represent that _____ percent (____%) of the dollar value of my subcontract will be performed by contractors and/or suppliers, which are not certified by the Authority as a Disadvantaged Business Enterprise.

The undersigned will enter into a formal agreement for the above work with you conditioned upon your execution of a contract with the Authority.

Respectfully submitted, this
_____ day _____, 199_____

(DBE Firm Name) _____
(Address) _____

(Signature) _____
(Name Typed) _____
(Title) _____

(SEAL IF PROPOSER IS A CORPORATION)

ATTACHMENT C

PROPOSER'S AFFIDAVIT

NOTE: Each Proposer shall furnish this affidavit, properly executed and containing all required information, with his bid. If you fail to comply, your bid may not be considered.

State of Ohio)
) SS
)

_____, being first duly sworn deposes and says:

Individual only: That he is an individual doing business under the name of _____ at _____ in City of _____, State of _____.

Partnership only: That he is the duly authorized representative of a partnership doing business under the name of _____ at _____, in the City of _____, State of _____.

Corporation only: That he is the duly authorized, qualified and acting _____ of _____, a corporation organized and existing under the laws of the State of _____ with its principal place of business at _____, and that he, said partnership or said corporation, is filing herewith a proposal or bid to the Greater Cleveland Regional Transit Authority in conformity with the foregoing specifications;

Individual only: Affiant further says that the following is a complete and accurate list of names of and addresses of all persons interested in said proposal/contract:

_____.

Affiant further says that he is represented by the following attorneys:

_____ and is also represented and is also represented by the following resident agents in the City _____ of _____ Cleveland:

_____.

Partnership only: Affiant further says that the following is a complete and accurate list of the names and addresses of the members of said partnership:

_____.

Affiant further says that the partnership is represented by the following attorneys:

_____ and is also represented and is also represented by the following resident agents in the City of Cleveland:

_____.

Corporation only

Affiant further says that the following is a complete and accurate list of the officers, directors and attorneys of said corporation:

President

Directors:

Vice President

Secretary

Local Manager or Agent

Attorneys

And that the following officers are duly authorized to execute contracts on behalf of said corporation _____

_____.

Affiant further says that the proposal or bid filed herewith is not made in the interest of or on behalf of any undisclosed person, partnership, company, association, organization or corporation; that such bid is genuine and not collusive or sham; that said Proposer has not, directly or indirectly, induced or solicited any other Proposer to put in a false or sham bid, and has not directly or indirectly, colluded, conspired, connived or agreed with any Proposer or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that said Proposer has not in any manner, directly or indirectly sought by agreement, communication or conference with anyone to fix the bid price of said Proposer or of any other Proposer, or to fix any overhead, profit, or cost element of such bid price or that of any other Proposer, or to secure any advantage against the Greater Cleveland Regional Transit Authority, the Board, or anyone interested in the proposed contract; that all statements contained in such bid are true, that said Proposer has not, directly or indirectly, submitted his bid price or any breakdown thereof or the contents thereof or the contents thereof, or divulged information or data relative thereto, or paid or agreed to pay, directly or indirectly, any money, or other valuable consideration for assistance or aid rendered or to be rendered in procuring or attempting to procure the contract above referred to, to a corporation, partnership, company, association, organization, or to any member or agent thereof, or to any other individual, except to such person or persons as herein above disclosed to have a partnership or other financial interest with said Proposer in his general business; and further that said Proposer will not pay or agree to pay, directly or indirectly, any money or other valuable consideration to any corporation, partnership, company, association, organization or to any member or agent thereof, or to any other individual, for aid or assistance in securing contract above referred to in the

event the same is awarded to _____

(name of individual, partnership or corporation)

Further affiant saith not.

Company or Partnership

(President other official title)

Sworn to before me and subscribed in my presence this _____ day of _____, _____.

Notary Public