

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM



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Policy Statement

Section 26.1, 26.23

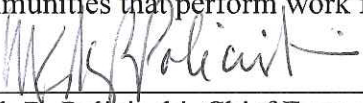
The Ohio Kentucky Indiana Regional Council of Governments (OKI) has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. OKI has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, OKI has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of OKI to ensure that DBEs are defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination 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 in DOT-assisted contracts.
6. To assist the development of firms that can compete successfully in the marketplace outside the DBE Program.

The OKI Public Involvement Specialist has been delegated as the DBE Liaison Officer. In that capacity, the Public Involvement Specialist 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 OKI in its financial assistance agreements with the Department of Transportation.

OKI has disseminated this policy statement to its Board of Directors and all of the components of our organization. We also distribute a copy of this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts.



Mark R. Policinski, Chief Executive Officer

10.1.23

Date: October 1, 2023

THE OKI REGIONAL COUNCIL OF GOVERNMENTS DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

Background

The overall goal of a DBE Program is to ensure that firms owned and controlled by minorities, women and other socially and economically disadvantaged individuals have the maximum opportunity to grow and become self-sufficient so that they are able to compete on an equal basis with non-disadvantaged businesses for contracts administered by the Council.

Grant recipients of U.S. Department of Transportation funds are required to maintain a DBE program as specified in the 49 CFR, Part 26. Thus, the OKI Regional Council of Governments maintains its DBE Program Policy in accordance with 49 CFR as amended.

Non-Discrimination

The Ohio-Kentucky-Indiana Regional Council of Governments (OKI) will never exclude any person for 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 CFR, Part 26 on the basis of race, color, sex or national origin.

In administering its DBE Program Policy, OKI 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.

DBE Program Updates

The Ohio-Kentucky-Indiana Regional Council of Governments will continue to carry out this program policy until all funds from the DOT financial assistance have been expended. OKI will provide updates to DOT representing significant changes in this program.

Quotas

The Ohio-Kentucky-Indiana Regional Council of Governments does not utilize quotas in any fashion in administration of this DBE Program.

DBE Liaison Officer (DBELO)

The Ohio-Kentucky-Indiana Regional Council of Governments designates the following individual as the DBE Liaison Officer:

Florence J. Parker
720 East Pete Rose Way, Suite 420
Cincinnati Ohio 45202
fparker@oki.org
Phone: (513) 619-7686
Fax: (513) 621-9325

In this capacity the DBE Liaison Officer (DBELO) is responsible for implementing all aspects of the DBE Program and ensuring that the Ohio-Kentucky-Indiana Regional Council of Governments complies with all provisions of 49 CFR, Part 26. The DBE Liaison Officer will have direct, independent access to the Executive Officer concerning DBE Program matters. The DBELO is a staff of one with access to support staff as needed for the implementation of the DBE Program. An organizational chart displaying the DBELO's position in the organization is found in Attachment A to this program.

The responsibilities include developing, implementing and monitoring the DBE Program, in coordination with other appropriate officials, including project managers. Duties and responsibilities are described as follows:

- Gathers reports, statistical data and other information as required by DOT.
- Works with appropriate departments to set overall annual goals.
- Ensures that bid notices and request for proposals are available to DBEs in a timely manner.
- Verifies that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
- Analyzes OKI's progress toward goal attainment and identifies ways to improve progress.
- Advises the Executive Director/OKI Board Director on DBE matters and achievement.
- Participates with project directors to determine contractor compliance with good faith efforts.
- Provides DBEs with information and assistance regarding DBE certification.
- Plans and participates in DBE training seminars.
- Provides outreach to DBEs and community organizations to advise them of opportunities.
- Maintains the OKI directory of certified DBEs.

Federal Financial Assistance Agreement Assurance

OKI has signed the following assurance, applicable to all DOT-assisted contracts and their administration. This language will appear in financial assistance agreements with sub-recipients.

OKI 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 recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in the award and administration of DOT-assisted contracts. The recipient's DBE Program, as required by 49 CFR 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 OKI of its failure to carry out its approved programs, the Department may impose sanctions as provided for under 49 CFR 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.).

DBE Financial Institutions

It is the policy of OKI 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. OKI has made a responsible effort to identify and use such institutions.

To date, OKI has not identified any qualified DBE financial institutions in the Cincinnati regional marketplace.

Directory

OKI utilizes the Ohio Department of Transportation (ODOT) Directory <https://www.transportation.ohio.gov/working/data-tools/resources/dbedirectory>, the Kentucky Transportation Cabinet (KYTC) Directory <http://transportation.ky.gov/Civil-Rights-and-Small-Business-Development/Pages/Certified-DBE-Directory.aspx>, and the Indiana Department of Transportation (INDOT) Directory <http://entapps.indot.in.gov/DBELocator/> of Certified DBE companies. These directories are used as a resource for documentation when soliciting proposals for contracts.

Overconcentration

This does not apply because OKI has not identified that overconcentration exists in the desired types of work for DBEs to perform.

Required Contract Clause

Contract Assurance

OKI will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

The RECIPIENT agrees to comply with the DBE requirements contained within 49 CFR Part 26.

The contractor, subrecipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. 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 contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate. Each contract signed with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include this provision.

Prompt Payment Mechanisms

OKI will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than ten (10) working days from the receipt of each payment the contractor receives from OKI. 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 such payment from the above referenced time frame may occur only for good cause following written approval by OKI. This clause applies to both DBE and non-DBE subcontractors. Failure to comply may result in said prime contractor being eliminated from future participation in OKI contract opportunities for a period of one year and until a written plan of remedy to avoid such occurrences in the future is submitted by the offending prime contractor for approval by OKI.

Monitoring Payments to DBEs

OKI will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any forthright representative of the Ohio-Kentucky-Indiana Regional Council of Governments or DOT. This reporting requirement also extends to any certified DBE subcontractor.

OKI will keep a running tally of actual payments made to DBE firms for work committed to them at the time of contract award.

OKI will perform interim desk audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amount stated in the schedule of DBE participation.

Monitoring and Enforcement Mechanisms

OKI staff will closely monitor the performance of the OKI DBE Program. For contracts held by OKI, staff will conduct a monthly review of contract performance. OKI will track payments to DBE firms for the purpose of measuring goal performance as stated in the contract/scope of services. If the contractor does not fulfill the commitment made to the DBE firm due to an unexpected circumstance, the contractor must document the reason(s) for the non-performed work. OKI may grant a bona fide waiver and the contractor's action will be accepted as a good faith effort. The contractor will be encouraged to offer the DBE firm other contracting opportunities to compensate for the shortfall as a result of the change order, and as a demonstration of good faith effort on behalf of the DBE firm. If a waiver is not granted the contractor will be eliminated from future participation in OKI contract opportunities for a period of one year and until a written plan of remedy to avoid such occurrences in the future is submitted by the offending contractor and approved by the OKI Chief Executive Officer.

For contracts not held by OKI but utilizing OKI pass-through Surface Transportation Block Grant (STBG), Surface Transportation Program for Northern Kentucky (SNK), Congestion Mitigation and Air Quality Improvement (CMAQ) and Transportation Alternative (TA) funds, the local public agency (LPA) will be responsible for establishing and achieving their own agency DBE goals. The LPA will report DBE progress on a regular basis as prescribed by the state DOT of record. OKI staff will coordinate with the state DOT and compile DBE performance on a quarterly basis.

OKI staff will bring to the attention of the Department of Transportation (DOT) any false, fraudulent, or dishonest conduct in connection with the program, so that 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 49 CFR Part 26 Sections 107 and 109. OKI will also consider similar action under its own legal authorities, including responsibility determination in future contracts.

Attachments list the regulations, provisions, and contract remedies available to OKI in the event of non-compliance with the DBE regulation by a participant in OKI's procurement activities.

Small Business Development Program

OKI has not established a business development program.

Statement of Goals – FHWA and FTA Assisted Contracts

Ohio is the lead state for OKI Planning activities. OKI must operate its DBE Program under ODOT's FHWA-approved DBE Program Plan. OKI will request a DBE goal on a contract-by-

contract basis through ODOT's Office of Small and Disadvantaged Business Enterprise's Goal Committee for all federally assisted contracts prior to soliciting bids. If a DBE goal is assigned by the committee, OKI will advertise the project with the assigned goal and include the goal in its bidding documents. The ODOT DBE Goal Setting Committee will assign a corresponding percentage of work to be performed by DBE businesses based on the following: availability of ready, willing, and able DBE certified firms, location of the project, work types on the project, and past participation on similar projects.

If the ODOT determined goal is 0%, OKI will not assign an individual contract goal, however, will still encourage the use of DBEs to complete the work and will consider DBE participation for preference in the award of contracts.

As a direct recipient of FTA assistance, OKI must also have a DBE program reflecting transit programs and projects if, in any Federal fiscal year (FFY), the cumulative value of DBE program eligible contracts expected for award will exceed \$250,000 in Federal funds.

Seven areas of procurement have been identified for FY 2023-2026 reflecting potential contracting opportunities for OKI transit programs and projects. In the list below are the categories and the accompanying North American Industry Classification System (NAICS) codes. The tables below the list illustrate total firms and establishments in each state compared to the total number of firms and establishments in each category in the OKI region. An establishment is a single physical location where one predominant activity occurs. A firm is an establishment or a combination of establishments. The total number of DBE certified firms divided by the total number of tristate firms has resulted in a Transit DBE Goal of 1.8% for FY 2023-2026.

<u>NAICS CODE</u>	<u>NAICS DESCRIPTION</u>
334310	Audio and Video Equipment Manufacturing
441310	Automotive Parts and Accessories Stores
441320	Tire Dealers
511210	Software Publishers
541511	Custom Computer Programming Services
541512	Computer Systems Design Services
811191	Automotive Oil Change and Lubrication Shops

State	State Name	NAICS	NAICS Description	Firms	Establishments	Employment
18	Indiana	334310	Audio and Video Equipment Manufacturing	5	5	29
21	Kentucky	334310	Audio and Video Equipment Manufacturing	5	5	516
39	Ohio	334310	Audio and Video Equipment Manufacturing	10	10	226
	OKI Region	334310	Audio and Video Equipment Manufacturing	20	20	771
18	Indiana	441310	Automotive Parts and Accessories Stores	367	865	8981
21	Kentucky	441310	Automotive Parts and Accessories Stores	296	678	6302
39	Ohio	441310	Automotive Parts and Accessories Stores	545	1471	14309
	OKI Region	441310	Automotive Parts and Accessories Stores	1208	3014	29592
18	Indiana	441320	Tire Dealers	222	374	4147
21	Kentucky	441320	Tire Dealers	209	307	2312
39	Ohio	441320	Tire Dealers	398	808	6380
	OKI Region	441320	Tire Dealers	829	1489	12839
18	Indiana	511210	Software Publishers	139	148	7378
21	Kentucky	511210	Software Publishers	74	80	1914
39	Ohio	511210	Software Publishers	286	319	11980
	OKI Region	511210	Software Publishers	499	547	21272
18	Indiana	541511	Custom Computer Programming Services	758	772	12664
21	Kentucky	541511	Custom Computer Programming Services	360	393	5288
39	Ohio	541511	Custom Computer Programming Services	1725	1778	23864
	OKI Region	541511	Custom Computer Programming Services	2843	2943	41816
18	Indiana	541512	Computer Systems Design Services	613	769	9674
21	Kentucky	541512	Computer Systems Design Services	359	448	9101
39	Ohio	541512	Computer Systems Design Services	1088	1313	16850
	OKI Region	541512	Computer Systems Design Services	2060	2530	35625
18	Indiana	811191	Automotive Oil Change and Lubrication Shops	81	150	1139
21	Kentucky	811191	Automotive Oil Change and Lubrication Shops	55	130	974
39	Ohio	811191	Automotive Oil Change and Lubrication Shops	111	277	2225
	OKI Region	811191	Automotive Oil Change and Lubrication Shops	247	557	4338
	Total Tri-State Firms			7706	11100	146253
	Total Tri-State DBE Firms			136		
	Transit DBE Goal			1.8%		

OKI is required to submit its DBE Program for FY2023-2026 to DOT and FTA no later than August 1, 2023. The Program will take effect on October 1, 2023.

Breakout of Estimated Race-Neutral and Race-Conscious Participation

OKI will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. OKI uses the following race-neutral means to increase DBE participation:

- Provide assistance to overcome obstacles that would make it difficult or preclude a DBE from participating in contracting opportunities. This would include easing or not being overly burdensome in requirements of bonding and surety bonds.
- Establish equitable time constraints to permit the DBE to adequately participate in the process.

OKI is a planning agency and most of its contracting opportunities with DOT-assisted funds received by OKI occur in technical consultant contracts, i.e., Architecture and Engineering Technical Studies (A&E). It is anticipated that DBEs will participate in these contract funds as members of a project team. It is anticipated that most of these project team affiliations will be race-conscious due to the nature of A&E work and a general shortage of certified DBE firms in the OKI region conducting such services. Therefore, the preponderance of the goal must also be of the race-conscious nature. OKI will strive to work with DBE contractors and general contractors of A&E firms to ensure maximum potential for race-neutral contracting for future contracts. In its function as a planning agency OKI is not a provider of transit vehicles and provides no construction or construction management services.

OKI will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation and will track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following:

- DBE participation through a prime contract that a DBE obtains through customary competitive procurement procedures;
- DBE participation through a subcontract on a prime contract that does not carry DBE goals;
- DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

Contract Goals

OKI must operate its DBE Program under ODOT's FHWA-approved DBE Program Plan. OKI will request a DBE goal on a contract-by-contract basis through ODOT's Office of Small and Disadvantaged Business Enterprise's Goal Committee for all federally assisted contracts prior to soliciting bids. OKI will use contract goals to meet any portion of the overall goal OKI 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 OKI's overall goal that is not projected to be met through the use of race-neutral means.

OKI will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. OKI need not establish a contract goal on every such contract and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work).

OKI will express its contract goals as a percentage of the total amount of DOT-assisted funds.

Good Faith Efforts

OKI will award contracts only to bidders who make a good faith effort to meet it.

OKI treats bidders' compliance with good faith effort requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require the bidders to submit the following information. This must be submitted prior to execution of the contract.

- The names and addresses of DBE firms that will participate in the contract.
- A description of the work that each DBE will perform.
- The dollar amount of the participation of each DBE firm participant.
- Written and signed documentation of commitment to use a DBE subcontract whose participation it submits to meet a contract goal.
- Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and
- If the contract goal is not met, evidence of good faith efforts.

Demonstration of Good Faith Efforts

The obligation of the bidder is to make good faith efforts. The bidder 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 E of this document.

The OKI DBELO is responsible for determining whether a bidder who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

OKI will ensure that all information is complete and accurate and adequately documents the bidder's good faith efforts before it commits to the performance of the contract by the bidder.

Administrative Reconsideration

Within thirty (30) days of being informed by OKI that it is not responsive because it has not documented sufficient good faith efforts, a bidder may request administrative reconsideration. Bidder should make this request in writing to the following reconsideration official:

Gary Moore, President
OKI Regional Council of Governments
720 East Pete Rose Way – Suite 420
Cincinnati OH 45202

The reconsideration official will not have played any role in the original determination that the bidder did not make sufficient good faith efforts.

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 goals or made adequate good faith efforts to do so. OKI will send the bidder 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 DOT.

Good Faith Efforts When a DBE Is Replaced on the Contract

OKI 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 contract goal. OKI will require the prime contractor to notify the OKI DBELO immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, OKI will require the prime contractor to obtain prior approval of the substitute DBE and to provide copies of new or amended subcontract, or documentation of good faith efforts. If the contractor fails or refuses to comply in the time specified, OKI's contracting officer 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 contracting officer may issue a termination for default proceeding.

Counting DBE participation

OKI will count DBE participation toward overall contract goals as provided in 49 CFR Part 26.

Certification

OKI will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT- assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. OKI will make certification decisions based on the facts as a whole.

Unified Certification Program

The Ohio Department of Transportation, the Kentucky Transportation Cabinet (KYTC) and the Indiana Department of Transportation (INDOT) have DBE programs in place. Contractors and bidders who have been qualified as DBEs by ODOT, KYTC or INDOT, or any other recognized certifying agency, will not need to replicate the certification/qualification process. In the determination of who is a “recognized” certifying agency, the decision of the OKI DBELO or DOT shall be used.

Certification Appeals

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

U.S. Department of Transportation
Departmental Office of Civil Rights
External Civil Rights Programs Division (S-33)
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590
Phone: (202) 366-4754
TTY: (202) 366-9696
Fax: (202) 366-5575

OKI will promptly implement any certification appeal decisions affecting the eligibility of DBEs for OKI DOT-assisted contracting.

Recertification

OKI will review the eligibility of DBEs which were certified under former Part 23, to make sure that they meet the standards of Subpart D of Part 26. OKI will complete this review no later than three years from the most recent certification date of each firm. OKI will rely upon re-certification procedures implemented by “qualified” certifying agencies such as the ODOT, KYTC and INDOT.

“No Change” Affidavits and Notices of Change

OKI will require all DBEs to inform it, in a written affidavit, of any change to its circumstances affecting its ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR Part 26, or of any material changes in the information provided with such DBE’s application for certification.

Information Collection and Reporting

Bidders List

OKI will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidder’s list approach to calculating overall goals. The bidders list will include:

- The bidder name
- The bidder address
- The bidder DBE/non-DBE status
- The bidder age
- The bidder net worth

OKI will include as a part of its contracts, a clause requiring disclosure of names, addresses and other information pertaining to the DOT-assisted contract. Prime contractors must include such a clause in sub-contracting agreements.

Reporting to DOT

OKI will report DBE participation to DOT as follows:

- FAA Recipients - OKI will submit annually DOT Form 4630, as modified for use by FAA. (Does not apply)
- FTA Recipients - OKI will report DBE participation on a semi-annual basis, using DOT Form 4630. These reports will reflect payments actually made to DBEs on DOT-assisted contracts. (Does not apply)
- FHWA Recipients - OKI will report DBE participation on a semi-annual basis, using DOT Form 4630. (Applies)

Confidentiality

OKI will safeguard from disclosure to third party information that may reasonably be regarded as confidential business information, consistent with federal, state, and local law.

Notwithstanding any contrary provisions of state or local law, OKI will not release personal financial information submitted in response to the personal net worth requirements to third parties (other than DOT and its authorized state DOT agencies) without the written consent of the submitter.

Attachments and Links

1. Attachment A – Organizational Chart – Organizational Management Band
2. Attachment B – Frequently Asked Questions
3. Attachment C – Affidavit of DBE Change
4. Attachment D – Guidelines for Contractor Good Faith
5. Attachment E – Form 1 & 2 for Demonstration of Good Faith Efforts
6. DOT Form 4630 – Already on file with ODOT
<https://search.usa.gov/search?query=DOT+form+4630&affiliate=usdot>
7. Links to Certified DBE Listings
 - ODOT Directory <https://www.transportation.ohio.gov/working/data-tools/resources/dbedirectory>
 - KYTC Directory <http://transportation.ky.gov/Civil-Rights-and-Small-Business-Development/Pages/Certified-DBE-Directory.aspx>
 - INDOT Directory <http://entapps.indot.in.gov/DBELocator/>
8. 49 CFR Part 26 – Link to USC Title 49: [https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26 main 02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26%20main%2002.tpl)

Attachment A

Organizational Hierarchy Effective January 1, 2021

Broadband V – Directors

Directors lead departments that have a major impact on the overall agency. Directors act as senior advisors to the Executive Director regarding OKI's strategic goals, (i.e., business, financial, economic trends, legislative changes and legal issues.) Applies business methods and principles to direct the agency. Uses judgment and ingenuity to proactively identify problems and develop workable solutions. Directors use leadership skills to build relationships to gain consensus and commitment to execute plans that affect the entire agency. Requires significant involvement with Board members.

Department & Director Title	Reports to	Department Mission
Transportation Deputy Executive Director	Executive Director	Develop a plan that provides for a transportation system that moves people and goods in a safe and efficient manner while enhancing the economic vitality, environment and quality of life for its citizens. This plan addresses the region's transportation needs; contains a listing of projects and programs of regional significance, fiscal and air quality constrained, is consistent with federal planning regulations and is adopted by OKI Board. This office also coordinates OKI's RideShare and Clean Air Programs.
Finance Director of Finance	Executive Director	Responsible for the accounting and finance functions of the council. This includes AR and AP; payroll and leave management; UPWP budgets, Fringe and Indirect Cost Allocation Plans, and Overall Agency Budget; and periodic financial statements, reports to Budget Committee, Executive Committee, and Board of Trustees, and grants management reporting to department leaders and project coordinators. Finance also manages and monitors funding and consulting contracts.
Information Systems & Geographic Information Systems Director of Information Systems & Analytics	Deputy Executive Director	Responsible for overall strategy, planning, budgeting, organizing and execution of all information technology & information system functions. Responsible for the direction, management, strategy and execution of OKI's information systems and analytics infrastructure. Directs and manages special projects assigned by the Executive Director. GIS is responsible for providing information services and support to all other OKI departments in support of the overall agency

		mission. Facilitates the coordination of geographically referenced data throughout the region; and performs a variety of technical tasks relative to GIS.
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Broadband IV - Department Managers

Department Managers lead, direct, train, evaluate and develop assigned staff. Set goals and objectives for their department that support the agency's mission. Requires effective leadership and relationships to gain consensus and commitment to execute plans of action. Requires moderate involvement with Board members.

Department & Manger Title	Reports to	Department Mission
Communications and Legislative Affairs Communications & Legislative Affairs Manager	Executive Director	Responsible for coordinating internal and external communications and governmental activities for the council. This involves media relations, event planning and working with federal, state, and local elected officials. Also coordinates OKI's Title VI and Environmental Justice programs.
Regional Planning Regional Planning Manager	Executive Director	Responsible for monitoring regional planning goals, objectives, policies, priorities and progress for the efficient development, growth and revitalization of the urban, suburban environment and maintaining rural character to maximize quality of life for the community and its residents.
Transportation Modeling Department Transportation Modeling Manager	Deputy Executive Director	Collect / organize / process data, develop utility programs to prepare and validate the model input data files, design, develop, calibrate and validate travel demand / air quality model develop computer programs to execute travel demand / air quality model, develop utility programs to process, tabulate and plot model data and develop graphic user interface for computer model applications.
Finance Deputy Director of Finance	Director of Finance	Responsible for the accounting and finance functions of the council. This includes AR and AP; payroll and leave management; UPWP budgets, Fringe and Indirect Cost Allocation Plans, and Overall Agency Budget; and periodic financial statements, reports to Budget Committee, Executive Committee, and Board of Trustees, and grants management reporting to department leaders and project coordinators. Finance also manages and monitors funding and consulting contracts.

Broadband III - Project Managers

Project Managers are responsible for strategic projects that affect the overall agency. Project Managers lead committees and provide direction to others as a routine part of the job. Requires independent planning and judgment and ability to use communication tools to influence or motivate on a strategic level (i.e., proposals, contracts, presentations, etc.). Requires some involvement with Board members.

Title	Department	Reports To
Human Resources Manager *Position assumed by external HR Consultant	Administration	Executive Director
Transportation Programming Manager	Transportation	Deputy Executive Director
Strategic Initiatives Manager	Transportation	Executive Director

Broadband II - Professionals

Professionals assist with projects and plans within a department. Serves on internal and external project teams. Facilitates team objectives; coordinates team's action plans and data; helps team develop summaries and recommendations. Judgment and decision making have a moderate impact on the agency. Works closely with Sr. Professionals and/or Department Manager to achieve departmental objectives. Works with moderate supervision.

Title	Department	Reports To
Sr. Accountant	Finance	Director of Finance
Sr. Planners (4)	Transportation & Regional Planning	Deputy Executive Director & Regional Planning Manager
GIS Developer	Geographic Information Systems	Director of IS & Analytics
Sr. Planner Model Applications	Transportation	Deputy Executive Director
Sr. Digital Communications Coordinator	Communications	Communications & Legislative Affairs Manager
Transportation Alternatives Coordinator	Transportation	Deputy Executive Director
Accountant	Finance	Director of Finance
Transportation Analyst/Programmer	Transportation Modeling Department	Transportation Modeling Manager
Sr. Engineer / Sr. Planner	Transportation Modeling Department	Transportation Modeling Manager
GIS Analyst	Geographic Information Systems	Director of IS & Analytics
Executive Advisor and Board Administrator	Administration	Executive Director

Broadband I – Staff and Advisors

Staff and Advisors support other staff to achieve their goals and objectives associated with the agency's mission. Requires routine, cooperative communications with other staff. May provide basic information to vendors or other external customers either by phone, e-mail or person to person. Works under general supervision.

Title	Department	Reports To
Communications Specialist	Communications	Communications & Legislative Affairs Manager
Transportation Planner (modeling)	Transportation Modeling Department	Transportation Modeling Manager
Public Involvement Specialist	Communications & Legislative Affairs	Communications & Legislative Affairs Manager
Board Assistant/Project Administrator	ALL	Deputy Executive Director & Executive Advisor/Board Administrator
Project Administrator	ALL	Deputy Executive Director
GIS Specialist	Geographic Information Systems	Director of IS & Analytics

Submitted by JO 1/18/21

Submitted by JO 2/28/20

Submitted by NH 1/16/19

Reviewed by KLH 1/31/19

Final Review by PKN 2/6/19

Appendix B

DBE PROGRAM INFORMATION FREQUENTLY ASKED QUESTIONS

Who are DBE eligible Recipients?

Firms owned and controlled by minorities, women and other socially and economically disadvantaged individuals subject to the eligibility criteria specified in this program.

How does a vendor get DBE certification?

Contact the Ohio Department of Transportation or the Kentucky Transportation Cabinet, or the Indiana Department of Transportation for the DBE certification package. It is more universal to apply to the state DOTs since their certification is recognized by a broader base than a local governmental unit.

How long does it take to get certified under the DBE program?

The turnaround time varies with the agency performing the application review and the backlog at the particular time. Once all required information is provided to the appropriate entity, certification can be expected to be completed in approximately 7-10 business days. Time requirements for state DOT agencies may be directed to the office of equal opportunity of the state DOT agency.

What is the authority and purpose of the program?

The DBE program is a federal program operating under the guidance of the United States Department of Transportation (DOT). Authorization for the program comes from 49 Code of Federal Regulations, Part 26. The Ohio-Kentucky-Indiana Regional Council of Governments (OKI), as a grant recipient of Department of Transportation funds, must comply with the requirements of 49 CFR 26.

The overall goal of the DBE Program is to ensure that firms owned and controlled by minorities, women and other socially and economically disadvantaged individuals have the maximum opportunity to grow and become self-sufficient so that they are able to compete on equal basis with non-disadvantaged businesses, for contracts administered by the Council.

What type of contracting is available?

A variety of contracting opportunities are available to regional firms who participate in the DBE program ranging from procurement of office supplies to professional services contracts. Other examples of contracting opportunities include:

- Office Supplies
- Printing
- Environmental Consulting Services
- Engineering Services

What type of contracting is available? – Continued

CPAs
Temporary Help Services
Marketing Research Services
Computer Programming Services, Custom
Computer Facilities Management Services
Computer Merchant Wholesalers
Radio Stations
Television Broadcasting
Newspaper Publishers
Payroll Services
Lawyers
Advertising – Legal Notices
Banks
Equipment Repair and Maintenance
Off-Site Storage
Internet Publishing and Broadcasting and Web Search Portals
Website Design & Development
Human Resource Service

What are the requirements and how to qualify as a DBE?

To qualify for certification as a DBE, an applicant must meet the following eligibility standards as established in 49 CFR 26.

Business Status

A firm must be in existence, operational and in a business for profit. The disadvantaged owners of that firm must possess the resources and the expertise to operate in the firm's field of work. Firms must provide more than prima facie evidence that they do not exist just on paper and that they were not organized in an attempt to take advantage of project goals.

Small Business Size

A firm and its affiliates must qualify as a small-business as defined by the U.S. Small-Business Administration (SBA) Regulations 43 CFR 121, as amended. A firm and any affiliates are required to meet SBA size standards for the firm's primary area of work and must fall within the overall limits established by the U.S. Department of Transportation's regulations and guidance.

Social and Economic Disadvantaged Status

Individuals intended for this protected status will include the following:

- (1) Citizens and certain permanent residents who:
Are found to be socially and economically disadvantaged under the 8(a) program of the small-business administration and granted an 8(a) certification;

- (2) Women and member(s) of one of the minority groups as designated in CFR 26.62, including individuals who are Black American, Hispanic Americans, Native Americans, Asian-Pacific Americans, Subcontinent Asian Americans, when such individuals are so regarded by that particular minority community;
- (3) Or any individual(s) who although not a woman or a member of one of the minority groups, is so designated in 49 CFR 26, as socially and/or economically disadvantaged, based upon identification with another group and on a case-by-case basis.

Ownership

Ownership by a disadvantaged individual(s) must represent a minimum of 51 percent of the business interest. The DBE must be able to demonstrate that ownership is derived from individually owned real and substantial contributions of capital, expertise, personal services and other tangible assets.

Control

The disadvantaged owner(s) must demonstrate controllership traits of the organization and shall be able to demonstrate independent decision making in daily operations.

Independence

A DBE firm must not be inextricably associated with another firm, or individual for common ownership, affiliation, sharing of employees' facilities, or profit and losses. This does not preclude the use of "project teams" in the contracting process; however, such concepts must be fully disclosed in the proposal to perform services.

Appendix C

OHIO-KENTUCKY-INDIANA REGIONAL COUNCIL OF GOVERNMENTS AFFIDAVIT CONCERNING DBE CHANGE IN SIZE, OWNERSHIP, CONTROL, DISADVANTAGES STATUS OR OTHER MATERIAL CHANGE

OKI requires all DBEs to inform us, in a written affidavit, of any change to its circumstances affecting its ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR Part 26, or of any material changes in the information provided with such DBE's application for certification.

We also require all owners of DBE's we have certified to submit, on the anniversary date of their certification, a "no change" affidavit meeting requirements of paragraph 26.83 (j) Copies of the pertinent CFR is attached.

The text of this affidavit is as follows:

I swear (or reaffirm) that there have been no changes in the circumstances of [name of DBE firm] affecting its ability to meet the size, disadvantage status, ownership or control requirements of 49 CFR Part 26. There have been no material changes in the information provided with [name of DBE] application for certification except for any changes about which you have provided written notice to the OKI Regional Council of Governments under paragraph 26.83(i). [Name of DBE firm] meets Small Business Administration (SBA) standards for being a small-business concern and annual gross receipts, as defined by SBA rules over the firm's previous three fiscal years, do not exceed \$22, 410,000.

Signed [Name & Title]

Date Signed

Appendix D

OHIO-KENTUCKY-INDIANA REGIONAL COUNCIL OF GOVERNMENTS GUIDELINES FOR CONTRACTOR GOOD FAITH EFFORTS

OKI treats bidders' 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 to submit the following information. This must be submitted prior to execution of the contract; or in the event of existing contracts at the time of this policy, within 45 days of OKI's request.

- The names and addresses of DBE firms that will participate in the contract;
- A description of the work that each DBE will perform;
- The dollar amount of the participation of each DBE firm;
- Written and signed documentation of commitment to use a DBE subcontract whose participation it submits to meet a contract goal;
- Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and
- If the contract goal is not met, evidence of good faith efforts.

This must be submitted prior to execution of the contract; or in the event of existing contracts at the time of this policy, within 45 days of receipt.

Submit to:

Florence J. Parker
OKI DBE Liaison Officer
720 East Pete Rose Way, Suite 420
Cincinnati, Ohio 45202

As of 8/27/24 the contact for information regarding the OKI DBE Program is Julia Brossart, DBE Liaison Officer, jbrossart@oki.org, 513-619-7684

Appendix E

OHIO-KENTUCKY-INDIANA REGIONAL COUNCIL OF GOVERNMENTS Form 1 & 2 for Demonstration of Good Faith Efforts

[Form 1 and 2 should be provided as part of the solicitation documents.]

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner (please check the appropriate space):

_____ The bidder/offeror is committed to a minimum of _____% DBE utilization on this contract.

_____ The bidder/offeror (if unable to meet the DBE goal of _____%) is committed to a minimum of _____% DBE utilization on this contract and submits documentation demonstrating good faith efforts.

Name of bidder/offeror's firm _____

State Registration No. _____

By _____ [Title]
[Signature]

Appendix E - Continued

FORM 2: LETTER OF INTENT

Name of bidder/offeror's firm _____

Address _____

City _____ State _____ Zip _____

Name of DBE firm _____

Address _____

City _____ State _____ Zip _____

Telephone _____

Description of work to be performed by DBE firm:

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is \$_____.

Affirmation

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By _____

[Signature]

[Title]

If the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.

(Submit this page for each DBE contractor)