ROARING FORK TRANSPORTATION AUTHORITY

Disadvantaged Business Enterprise (DBE) Program 2022-2025

49 CRF Part 26

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GENERAL INFORMATION

Grant Recipient:	Roaring Fork Transportation Authority (RFTA) 2307 Wulfsohn Road Glenwood Springs, CO 81601
Phone Number:	(970) 384-4974
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Chief Executive Officer:	Dan Blankenship dblankenship@rfta.com
Chief Operating Officer:	Kurt Ravenschlag kravenschlag@rfta.com
Chief Financial & Administrative Officer:	Michael Yang myang@rfta.com
Program Prepared & Submitted by:	Nicole Schoon, Executive Assistant to the CEO, Regulatory Compliance Officer and Disadvantaged Business Enterprise Liaison Officer (DBELO) nschoon@rfta.com
Plan Effective Date:	August 1, 2021
Plan Expiration Date:	July 31, 2025

RFTA's Mission

Connecting our region with transit and trails.

RFTA's Vision

RFTA pursues excellence and innovation in providing preferred transportation choices that connect and support vibrant communities.

Values Statements

- ✓ **Accountable –** RFTA will be accountable to the public and its users.
- ✓ **Affordable –** RFTA will offer affordable and competitive transportation options.
- ✓ **Convenient –** RFTA's programs and services will be convenient and easy to use.
- ✓ **Dependable –** RFTA will meet the public's expectations for quality and reliability of services and facilities.
- ✓ **Efficient –** RFTA will be efficient in management, operations, and use of resources.
- ✓ **Innovative –** RFTA will be innovative in accomplishing goals.
- ✓ **Safety –** Safety is RFTA's highest priority.
- ✓ **Sustainable –** RFTA will be financially, socially, and environmentally sustainable to ensure our services continue.

INTRODUCTION

Roaring Fork Transportation Authority (RFTA) was established under the provisions of the Rural Transportation Authority Law of the State of Colorado in November 2000, through an Intergovernmental Agreement executed by the City of Aspen; Town of Basalt; Town of Carbondale; City of Glenwood Springs; Town of Snowmass Village; Eagle County; and Pitkin County. The Town of New Castle became a signatory to the Intergovernmental Agreement (IGA) and member of RFTA in November 2004.

RFTA is the second largest transit agency in Colorado and the largest rural transit agency in the nation. RFTA operates a variety of public transportation services along the State Highway 82 corridor, from Glenwood Springs to Aspen, and Interstate 70 and State Highway 6 corridors from Glenwood Springs to Rifle; covering three counties and 70 linear miles. RFTA constructed and maintains a 10' wide, multi-use Rio Grande Trail (RGT), for non-motorized uses (walking, biking, and equestrian). The Rail to Trails Conservancy selected the RGT as one of three (3) 2016 Rail-Trail Hall of Fame nominees. RFTA also owns and co-manages the 42-mile Rio Grande Railroad Corridor between Glenwood Springs and Aspen.

The Roaring Fork Transportation Authority's Disadvantaged Business Enterprise (DBE) Program at RFTA is administered by RFTA's Regulatory Compliance Officer (RCO), who serves as the DBE Liaison Officer (DBELO). The RCO reports directly to the Chief Executive Officer (CEO) on matters relating to DBE.

RFTA does not discriminate on the basis of race, color, sex, or national origin, in the award and performance of any DOT-assisted contracts, in the management of its DBE program, or requirements of 49 CFR Part 26. In addition, RFTA takes all necessary and reasonable actions, under 49 CFR Part 26, to ensure nondiscrimination in the award and administration of DOT-assisted contracts.

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM POLICY STATEMENT

Roaring Fork Transportation Authority (RFTA) has established a Disadvantaged Business Enterprise (DBE) Program in accordance with the regulations of the U.S. Department of Transportation (DOT) 49 CFR Part 26. RFTA has received federal financial assistance from the DOT and as a condition of receiving this assistance, RFTA has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy and commitment of RFTA that disadvantaged businesses, as defined in 49 CFR Part 26, shall have a level playing field to participate in the performance of contracts financed, in whole or in part, with federal funds. It is also the policy of RFTA to:

- Ensure non-discrimination in the award and administration of DOT-assisted contracts;
- Create a level playing field on which DBE firms can compete fairly for DOT-assisted contracts;
- Ensure that the DBE Program is narrowly tailored in accordance with applicable law;
- Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- Assist in the removal of barriers to the participation of DBE firms in DOT-assisted contracts;
- Assist in the development of firms to enhance the ability to compete successfully in the marketplace outside of the DBE Program;
- Promote the use of DBEs in all types of federally-assisted contracts and procurement activities;
- Monitor and enforce contractor compliance in meeting established goal objectives and program requirements; and
- Ensure RFTA contractors and subcontractors take all necessary and reasonable steps to comply with these policy objectives.

Through such efforts, RFTA will ensure DOT-assisted contracting and procurement related processes promote equity in access, consideration and opportunity for DBEs and other small business in response to requirements set forth under 49 CFR Part 26; "Participation of Disadvantaged Business Enterprises in U.S. Department of Transportation Programs," effective March 4, 1999, and subsequently issued DOT Directives and Final Rules.

As evidence of RFTA's commitment to purse these policy objectives, Dan Blankenship, Chief Executive Officer (CEO) has designated Ms. Nicole Schoon, Executive Assistant to the CEO and Regulatory Compliance Officer, as the DBE Liaison Officer (DBELO). In this capacity Ms. Schoon is responsible for implementing all aspects of the DBE program. The DBELO has direct access to the CEO for DBE-related matters. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by RFTA in its financial assistance agreements with the DOT.

RFTA has disseminated this policy statement to the RFTA Board of Directors and to all departments of our organization. Additionally, RFTA will post this policy on the RFTA website www.rfta.com, for DBE and non-DBE businesses that are interested in performing work on RFTA projects. RFTA requires all employees and agents to adhere to the provisions of 49 CFR Part 26.

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Dan Blankenship, Chief Executive Officer (CEO) Date

ROARING FORK TRANSPORTATION AUTHORITY (RFTA) DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM FEDERAL FY 2022-2025

49 CFR 26, SUBPART A – GENERAL REQUIREMENTS

Sections 26.1 & 26.23 – Objectives

The objectives of RFTA's DBE Program are located in the RFTA DBE Policy Statement on Page 5 of this DBE Program document.

Section 26.3 – Applicability

RFTA is the recipient of Federal transit funds authorized by Titles I, III, V and VI of ISTEA, Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, II, and V of the Teas-21, Pub. L. 105-178. Titles I, III, and V of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109-59, 119 Stat. 1144; Divisions A and B of the Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, 126 Stat. 405; and Title III of the Fixing America's Surface Transportation (FAST) Act, Pub. L. 114-94, 129 Stat. 1312.

For the DBE Program period (FFY 2022-2025), RFTA anticipates being the recipient of DOT grant funding through the Federal Transit Administration's (FTA) Section 5339 Capital grant program and the Section 5311 non-urbanized formula grant program.

Section 26.5 – Definitions

RFTA will adopt the definitions contained in Section 26.5 of 49 CFR Part 26 for this DBE Program. RFTA will add and include any new and/or amended definitions as they are provided by the DOT. RFTA will not include, in this DBE Program, any definitions for terms not included in the definitions found in Section 26.5 of 49 CFR Part 26.

Section 26.7 – Non-discrimination Requirements

RFTA will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, RFTA will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing the accomplishment of the objectives of the DBE program, with respect to individuals of a particular race, color, sex, or national origin.

Section 26.11 – Record Keeping Requirements

26.11(a) - Uniform Report of DBE Awards or Commitments and Payments

RFTA will report DBE participation to the Federal Transit Administration (FTA) semi- annually using the Uniform Report of DBE Awards or Commitments and Payments, found in Appendix B to Part 26. RFTA will also report the required information about participating DBE firms. All

reporting will be done though the official Transit Award Management System (TrAMS), or another format acceptable to FTA as instructed thereby.

26.11(c) - Bidders (Vendors) List

RFTA will create and maintain a bidders (vendors) list, consisting of information regarding all DBE and non-DBE firms that bid, propose or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidders list approach to calculating overall goals. The bidders list will include the name, address, DBE or non-DBE status, age, and annual gross receipts of firms.

RFTA will collect this information from bidders by requiring it to be submitted with bids and proposals during the procurement process. RFTA will insert a clause into all prime contracts, requiring prime contractors to collect and report this information on all subcontractors it proposes to use during the performance of the contract.

26.11(d) – Record Retention

RFTA will maintain records documenting a firm's compliance with the requirements of 49 CFR Part 26. At a minimum, RFTA will keep a complete application package for each certified firm and all affidavits of no-change, change notices, and on-site reviews. These records will be retained in accordance with all applicable record retention requirements of RFTA's financial assistance agreement. Other certification or compliance related records will be retained for minimum of three (3) years unless otherwise provided by applicable record retention requirements for the financial assistance agreement, whichever is longer.

Section 26.13 – Assurances

RFTA has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: Each financial assistance agreement RFTA signs with a DOT operating administration (or primary recipient) will include the following assurance:

26.13(a) - Federal Financial Assistance Agreement Assurance

"RFTA shall not discriminate on the basis of race, color, sex, or national origin, in the award and performance of any DOT-assisted contract, in the administration of its DBE Program, or the requirements of 49 CFR Part 26. RFTA shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. RFTA'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 RFTA of its failure to carry out its approved program, the Department may impose sanctions, as provided for under Part 26, and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*)."

RFTA will include the above language in any financial assistance agreements with sub-recipients.

26.13(b) - Contract Assurance

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

"The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, sex, or national origin, 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 RFTA deems appropriate."

49 CFR 26, SUBPART B – ADMINISTRATIVE REQUIREMENTS

Section 26.21 – DBE Program Updates

Since RFTA has received grants of $250,000 or more in FTA planning, capital, and/or operating assistance in a federal fiscal year, RFTA will continue to carry out this DBE Program until all funds from DOT financial assistance have been expended. RFTA will provide to DOT, updates representing significant changes in this program.

Section 26.23 – Policy Statement

The Policy Statement is elaborated on page 5 of this DBE Program.

Section 26.25 – DBE Liaison Officer (DBELO)

RFTA has designated the following individual as its DBE Liaison Officer (DBELO):

Nicole R. Schoon, Regulatory Compliance Officer and DBELO
Roaring Fork Transportation Authority
2307 Wulfsohn Road
Glenwood Springs, CO 81601
Phone: (970) 384-4974
nschoon@rfta.com

In that capacity, Ms. Schoon is responsible for implementing all aspects of the DBE program and ensuring that RFTA complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the Chief Executive Officer (CEO) of RFTA, concerning DBE program matters. The RFTA organizational chart indicating the DBELO's position within RFTA is attached as Exhibit B.

The DBELO is responsible for developing, implementing and monitoring the DBE Program, in coordination with other appropriate officials. The DBELO works closely with staff to provide information, and to assist in the administration of the DBE Program. The duties and responsibilities of the DBELO include the following:

1. Gather and report statistical data and other information as required by DOT.

2. Review procurement solicitations and contracts for compliance.

3. Work with all departments to set RFTA's overall DBE goals and contract goals, if any.

4. Ensure that procurement notifications and solicitations are available to DBEs in a timely manner.

5. Ensure that RFTA's overall DBE goal and contract-specific goals, if any, are included in solicitations and contracts.

6. Monitor and analyze RFTA's progress toward attainment and identifies ways to improve

progress.

7. Participate in pre-bid/proposal and pre-construction meetings.

8. Participate in internal and external meetings and committees addressing DBE matters.

9. Provide DBEs with information and assistance in preparing bids and proposals and obtaining bonding and insurance.

10. Plan and participate in DBE training seminars.

11. Ensure that DBEs participating on RFTA contracts are certified by the Colorado Department of Transportation (CDOT), the State of Colorado agency that is authorized to certify firms using the Uniform Certification Process (UCP).

12. Provide outreach to DBEs and community organizations to advise them of contracting opportunities.

13. Maintain RFTA's bidders list for use in preparing RFTA's overall and contract- specific DBE goals.

14. Advise the CEO and Board of Directors on DBE matters and achievements.

The DBELO is assisted with the above tasks by the Procurement Department, Finance Department, Project Management and Facilities Department, Contract Administration, Construction Management, Marketing and Communications, and Legal Counsel.

Section 26.27 – DBE Financial Institutions

It is the policy of RFTA 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, as available, and to encourage prime contractors on RFTA DOT-assisted contracts to make use of these institutions.

RFTA has performed research, and will continue to do so, in an attempt to identify financial institutions owned and controlled by socially and economically disadvantaged individuals in the community. To date, RFTA has not found no qualifying institutions in its local market area. Within the State of Colorado one (1) qualifying institution was located in the Denver, Colorado metro area.

Information on the availability of such institutions can be obtained from the DBELO. The RFTA DBELO will re-evaluate the availability of DBE financial institutions in the community on an annual basis.

Section 26.29 – Prompt Payment Mechanisms

26.29(a) - Prompt Payment Contract Clause

RFTA will include the following requirements in each DOT-assisted prime contract and applies to both DBE and non-BDBE subcontracts:

1. The Contractor shall pay its subcontractors for satisfactory performance of their contracts no later than fifteen (15) calendar days from receipt of each payment received by Contractor from RFTA.

2. The Contractor is required to return any and all retainage payments to its subcontractors within thirty (30) calendar days after the subcontractor's work related to this contract is satisfactorily completed. RFTA discourages its contractors from withholding retainage from its subcontractors.

3. Failure to comply with the terms and conditions of this Article shall constitute a breach of contract and further payments for any work performed may be withheld until such time as corrective action is taken. Contractor shall be responsible for any corrective action required by RFTA. If Contractor fails to take corrective action, RFTA reserves the right to terminate the contract.

4. Any delay or postponement of payment by the Contractor to its subcontractors may take place only for good cause, with prior written approval from RFTA.

5. All subcontract agreements between the Contractor and its subcontractors shall be in writing and shall contain all of the federal requirements and pertinent provisions of the prime contract.

26.29(b) - Retainage

RFTA will hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances. RFTA will require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 30 days after RFTA pays the prime contractor.

Contractor shall include in its subcontract agreements alternative dispute resolution mechanisms to resolve payment disputes, including mediation within 60 days of any such dispute. RFTA may withhold payment to the contractor for work performed by subcontractors until the contractor ensure that the subcontractors are promptly paid for the work they have performed. Any delay in paying subcontractors by contractor may take place only for good cause, with RFTA's prior written approval.

RFTA has selected the following method to comply with this requirement:

RFTA will include the following clauses in each DOT-assisted prime contract:

9.6.7 Retainage

9.6.7.1 In addition to any amounts withheld from payment pursuant to any other provision in this Contract, and if the Contractor is satisfactorily performing the Contract, RFTA shall retain from progress payments, until payment is due under the terms and conditions governing final payments, amounts as follows:

9.6.7.1.1 RFTA shall retain five percent (5%) of each progress payment until the Work is at least fifty percent (50%) complete.

9.6.7.1.2 After the Work is fifty percent (50%) complete, RFTA may, at its sole discretion, reduce retainage to three percent (3%) of each progress payment. A retainage of three percent (3%) of any progress payment shall not limit RFTA's discretion to retain five percent (5%) of any subsequent progress payment.

9.6.7.2 In no event shall the amount retained pursuant to Subparagraph 9.6.7 be reduced to less than three percent (3%) of the Contract price until after final acceptance of the project by RFTA. In addition, the amount retained shall never be less than the cost to complete the punch list items as determined by the Project Manager.

15.1.1 Contractor shall make full payment of retainage to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed:

15.1.1.1 For purposes of this section, a subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required.

26.29(d) - Monitoring and Enforcement

RFTA has established mechanisms to monitor and enforce the prompt payment provisions in its DOT-assisted prime contracts.

With regard to monitoring prompt payment by prime contractors, RFTA will perform interim 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 amounts stated in the schedule of DBE participation.

RFTA will also require prime contractors to maintain records and documents of payments to DBEs for three (3) years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of RFTA or DOT. This reporting requirement also extends to any certified DBE subcontractor.

Enforcement of prompt payment provisions by prime contractors. Failure to comply with the terms and conditions of the contract clause related to prompt payment of subcontractors will result in RFTA declaring a breach of contract and withholding further payments from the prime contractor, for any work performed, until such time as corrective action, to be determined by

RFTA, is taken. If the prime contractor fails to take the corrective action ordered by RFTA then RFTA reserves the right to terminate the contract.

This enforcement mechanism is included in the contract clause (#3) related to prompt payment of subcontractors described above.

Section 26.31 – Directory

RFTA is a participant in the State of Colorado Unified Certification Program (UCP) that is administered by the Colorado Department of Transportation (CDOT) and utilizes the State of Colorado UCP DBE Directory as a substitute for a RFTA DBE directory. The State of Colorado UCP DBE Directory is available on the website at https://coucp.dbesystem.com.

For each certified DBE firm, the State of Colorado UCP DBE Directory lists the business name, owner name, business address, phone number, fax number, email address, website (if available), ethnicity, gender, certifying agency, certification type, certified business description, date of the most recent certification, and by NAICS work code(s). CDOT updates the UCP DBE Directory monthly.

RFTA informs potential contractors and subcontractors of the availability of the State of Colorado UCP DBE directory in its procurement solicitations and through a link on the Procurement page of the RFTA web site at www.rfta.com.

Section 26.33 – Overconcentration

RFTA has not identified that overconcentration exists in the types of work that DBEs perform. RFTA will re-evaluate for overconcentration on an annual basis.

Section 26.35 – Business Development Programs

RFTA has not established a formal business development program however, we do conduct workshops to develop our current bidders list and to educate local businesses on general reporting and on how to prepare bids and proposals in response to RFTA solicitations. RFTA has partnered with the Colorado Contractor's Association and the Colorado Procurement Technical Assistance Center to provide local businesses with information regarding upcoming opportunities, bonding and surety education, and proposal preparation. RFTA will re-evaluate the need for a formal business development program on an annual basis.

Section 26.37 – Monitoring and Enforcement Mechanisms

RFTA has available and will take, as needed, the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26:

1. RFTA will bring to the attention of the Department of Transportation 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 for action under suspension and debarment, or Program Fraud and Civil Penalties rules) provided in 26.107.

2. RFTA will consider similar action under our own legal authorities, including responsibility determinations in future contracts and breach of contract actions pursuant to the terms of the contract and/or pursuant to Title 4 of the Colorado Revised Statutes.

3. RFTA will provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by monthly review of contract records and invoices, and regular monitoring of work sites by RFTA project staff. This will occur for each contract on which DBEs are participating.

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

Section 26.39 – Small Business Participation

RFTA structures its contracting requirements to facilitate competition by small businesses by taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors and subcontractors. When appropriate, RFTA may require prime contracts to specify elements of work that small businesses can perform and provide subcontracting opportunities for those elements to DBEs and small businesses. RFTA uses the definition of small business concerns set out in 49 CFR 26.5.

RFTA has identified and utilizes the following strategies to foster small business participation:

1. RFTA establishes race-neutral, small business set-asides for prime contracts under $500,000. RFTA establishes the amount of the set-aside on a case-by- case basis.

2. For large contracts over $500,000, RFTA requires bidders on the prime contract to specify elements of the contract or specific subcontracts that are of a size that small businesses, including DBEs, can reasonably perform.

3. On prime contracts not having DBE contract goals, RFTA requires the prime contractor to provide subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform, rather than self-performing the work involved.

4. To meet the portion of our overall DBE goal that we project to meet through race- neutral measures, we ensure that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform.

RFTA encourages small businesses, including DBEs, to utilize the services of the Federally-funded Procurement Technical Assistance Center (PTAC) in Grand Junction, Colorado for assistance with preparing bids and proposals. RFTA works with PTAC to provide training and technical assistance directly to small businesses in the Roaring Fork Valley.

49 CFR 26, SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 – Set-asides or Quotas

RFTA does not use quotas in any way in the administration of this DBE program. As described in Section 26.39 above, RFTA establishes race-neutral, small business set- asides for prime contracts under $500,000. RFTA establishes the amount of the set- aside on a case-by-case basis.

Section 26.45 – Overall Goals

RFTA will submit its triennial overall DBE goal to the Federal Transit Administration (FTA) by August 1 of the year specified by the FTA. This DBE Program and Goal was submitted to the FTA on June 1, 2021 for FFY 2022-2025. RFTA will submit its next DBE Program and Goal to the FTA by August 1, 2025 for FFY 2025-2028.

RFTA will also request use of project-specific DBE goals, as appropriate, and will establish project-specific DBE goals as directed by the FTA. The process used by RFTA to establish its overall DBE Goal for FFY 2022-2025 is described in the attached Exhibit C.

During the establishment of its overall DBE goal, RFTA consults with local and state small and minority business advocacy organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs. RFTA strives to create a level playing field for the participation of DBEs in its federally funded contracts. Organizations that RFTA consults with during the establishment of its overall DBE goal include:

- Colorado Procurement Technical Assistance Center (PTAC)
- Small Business Development Centers (CDOT)
- Small Business Administration
- Colorado Black Chamber of Commerce
- Council of Minority Transportation Officials (COMTO)
- COMTO
- Minority Business Diversity Council (Dept. of Commerce)
- DBE Today
- Hispanic Contractors of Colorado (HCC)
- Colorado Contractors Association
- Colorado Office of Economic Development's Center for Minority and Women Owned Businesses
- Local Chambers of Commerce in RFTA's local market area

Following this consultation, RFTA publishes a notice of its proposed overall DBE Goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at RFTA's principal office for thirty (30) days following the date of the notice. This informs the public that RFTA will accept comments on the goal for forty-five (45) days from the date of the notice.

A snapshot of the advertisement language from the RFTA website, used for the public notice of RFTA's overall DBE Goal for FFY 2022-2025, in both English and Spanish, is included as Exhibit D to this program document. The advertisement was placed on RFTA's web-site on June 1, 2021.

RFTA's overall goal submission to the FTA will include: the goal (including the breakout of estimated race-neutral and race-conscious participation, as appropriate); a copy of the methodology used to develop the goal; a summary of information and comments received during the public participation process and RFTA's responses; and proof of publication of the goal in the media outlets listed above.

RFTA will begin using its overall goal on August 1, 2021, unless RFTA receives other instructions from the FTA. If RFTA establishes a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project. RFTA's goal will remain effective for the duration of the three-year period established and approved by the FTA.

Section 26.47 – Goal Setting and Accountability

If the awards and commitments shown on RFTA's Uniform Report of DBE Commitments/Awards and Payments at the end of any fiscal year are less than the overall DBE Goal for that fiscal year, RFTA will:

- Analyze, in detail, the reason for the difference between the overall goal and the actual awards/commitments; by
- Updating the semi-annual reports and if necessary justifying the steps taken on corrective actions in the end of the year report.

Section 26.49 – Transit Vehicle Manufacturer Goals

Awards to Transit Vehicle Manufacturers (TVMs) will not be included in RFTA's overall goal calculation.

RFTA will require each Transit Vehicle Manufacturer (TVM), as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of Section 26.49.

RFTA's Procurement Department will be responsible for TVM procurements as follows:

1. RFTA affirms that only those TVMs listed on FTA's certified list of Transit Vehicle Manufacturers, or that have submitted a goal methodology to FTA that has been approved or has not been disapproved, at the time of solicitation are eligible to bid.

2. A TVM's failure to implement the DBE Program in the manner as prescribed in 49 CFR Section 26.49 and throughout Part 26 will be deemed as noncompliance, which will result in removal from FTA's certified TVMs list, resulting in that TVM becoming ineligible to bid.

3. RFTA is aware that failure to comply with the requirements set forth in 49 CFR Part 26.49(a) may result in formal enforcement action or appropriate sanction as determined by FTA (e.g. FTA declining to participate in the vehicle procurement).

4. Within 30 days after the contract award, the Procurement Department will submit the name of the successful bidder and total dollar value of the contract TVM Award Reporting Form, and will be submitted via email to FTATVMSubmissions@dot.gov.

Section 26.51 – Meeting Overall Goals/Contract Goals

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

- Prepare procurement solicitations, quantities, specifications, and delivery schedules and schedule times for the submission of bids and proposals, in ways that facilitate participation by DBEs and other small businesses and shall make contracts more accessible to small businesses, by means such as those provided under this Section 26.51;
- Provide assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to assist DBEs, and other small businesses, to obtain bonding and financing, etc.);
- Provide technical assistance and other services to vendors and businesses to assist firms with complying with federal reporting obligations and at the same time expanding its current vendors list;
- Sponsor information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination of lists of potential subcontractors to bidders on prime contracts; provision of information in languages other than English, where appropriate, etc.); and
- Ensure distribution of RFTA's DBE directory (UCP DBE Directory) through print and electronic means, to the widest feasible universe of potential prime contractors.

For the DBE Program period of Federal Fiscal Years 2022-2025 RFTA estimates that, in meeting its overall goal of **2.0%**, it will obtain 100% of its overall DBE Goal through race-neutral means and 0% through race-conscious measures. In order to ensure that our DBE Program will be narrowly tailored to overcome the effects of discrimination, if RFTA uses contract goals, we will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)) and we 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 a DBE obtains through customary competitive procurement procedures;
- DBE participation through a subcontract on a prime contract that does not carry a DBE contract goal;

- 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.

RFTA will maintain data separately on DBE achievements in those contracts with and without contract goals, respectively.

RFTA will only use contract goals to meet any portion of the overall DBE Goal that RFTA is not able to meet using race-neutral means. Contract goals, if necessary, will be established so that, over the period to which the overall DBE Goal applies, they will cumulatively result in meeting any portion of RFTA's overall DBE Goal that is not projected to be met through the use of race-neutral means.

RFTA will establish contract goals, if necessary, only on those FTA-assisted contracts that have subcontracting possibilities. RFTA will 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).

Contract goals, if they become necessary, are the only race-conscious means of achieving DBE participation that RFTA will utilize. RFTA will express its contract goals, when necessary, as a percentage of the total amount of a FTA-assisted contract.

Section 26.53 – Good Faith Efforts Procedures

26.53(a) - Award of Contracts with a DBE Contract Goal

In those instances where a contract-specific DBE goal is included in a procurement/solicitation, RFTA will not award the contract to a bidder or proposer who does not either: (1) meet the contract goal with verified, countable DBE participation; or (2) documents it has made adequate good faith efforts to meet the DBE contract goal, even though it was unable to do so. It is the obligation of the bidder or proposer to demonstrate it has made sufficient good faith efforts prior to submission of its bid.

26.53 (a) & (c) - Evaluation of Good Faith Efforts

The RFTA Procurement Manager or his/her designee, and the RFTA DBELO are responsible for determining whether a bidder or proposer who has not met a contract goal has documented sufficient good faith efforts to be regarded as responsive to a procurement solicitation.

RFTA has established a **2%** DBE goal for this contract. Therefore a bidder must, in order to be responsive, make a good faith effort to meet the goal. The bidder can meet this requirement in either of two ways. First, the bidder can meet the goal, documenting commitments for participation by DBE firms sufficient for this purpose. Second, even if it doesn't meet the goal, the bidder can document adequate good faith efforts. This means that the bidder must show that it took all necessary and reasonable steps to achieve a DBE goal or other requirement of this part, which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not fully successful.

RFTA will not require that a bidder meet a contract goal (i.e., obtain a specified amount of DBE participation) in order to be awarded a contract, even though the bidder makes adequate good faith efforts. The DBE rule (49 CFR 26) specifically prohibits RFTA from ignoring bona fide good faith efforts.

The following is a list of types of actions that RFTA will consider as part of the bidder's good faith efforts to obtain DBE participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

1. Soliciting through all reasonable and available means (e.g. attendance at pre-proposal meetings, advertising and/or written notices) the interest of all certified DBEs who have the capability to perform the work of the contract. The Bidder must solicit this interest within sufficient time to allow the DBEs to respond to the solicitation. The bidder must determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.

2. Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.

3. Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.

4. Negotiating in good faith with interested DBEs. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBE's that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBEs to perform the work.

    a. A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the Bidder of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.

5. Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The bidder's standing within its industry, membership

in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal.

6. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by RFTA or the Bidder.

7. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.

8. Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, state, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.

In determining whether a bidder has made good faith efforts, you may take into account the performance of other bidders in meeting the contract. For example, when the apparent successful bidder fails to meet the contract goal, but other meet it, you may reasonably raise the question of whether, with additional reasonable efforts, the apparent successful bidder could have met the goal. If the apparent successful bidder fails to meet the goal, but meets or exceeds the average DBE participation obtained by other bidders, RFTA may view this, in conjunction with other factors, as evidence of the apparent successful bidder having made good faith efforts.

26.53(b) - Information to be Submitted

RFTA treats a bidder or proposer's compliance with good faith effort requirements as a matter of responsiveness. Each procurement solicitation for which a contract goal has been established will require the bidder or proposer to submit the following information:

1. Award of the contract will be conditioned on meeting the requirements of 49 CFR Part 26.53;

2. All bidders/proposers will be required to submit the following information to RFTA, at the time provided in paragraph (3) of this section:
   a. The names and addresses of DBE firms that are proposed to participate in the contract;
   b. A description of the work that each proposed DBE will perform;
   c. The dollar amount of the contract participation of each proposed DBE firm;
   d. Written and signed documentation of the bidder or proposer's commitment to use the DBE subcontractor(s) whose participation it proposes to meet a contract goal;
   e. Written and signed confirmation from each DBE subcontractor that it is willing to participate in the contract as proposed by the bidder or proposer; and
   f. If the contract goal is not met, evidence of good faith efforts by the bidder or proposer to solicit DBE participation in the contract.

3. The bidder/proposer will be required to present the information stipulated in paragraph two (2) of this section:

a. No later than five (5) days after bid opening as a matter of responsibility.
b. Provided that, in negotiated procurement, including a design-build procurement, the bidder/proposer may make a contractually binding commitment to meet the goal at the time of bid submission or the presentation of initial proposals but provide the information required by paragraph two (2) of this section before the final selection for the contract is made by the recipient.

26.53(d) - Administrative Reconsideration

Within seven (7) days of being informed by RFTA that it is not responsive because it has not documented sufficient good faith efforts, a bidder or proposer may request administrative reconsideration by RFTA. Bidders and/or proposers should make this request in writing to the following RFTA Reconsideration Official:

Paul Hamilton, Director of Finance
Roaring Fork Transportation Authority
0766 Industry Way
Carbondale, Colorado 81623
(970) 384-4954
phamilton@rfta.com

The RFTA Reconsideration Official will not have played any role in the original determination that the bidder or proposer did not document sufficient good faith efforts.

As part of this reconsideration, the bidder or proposer will have the opportunity to provide written documentation or arguments concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder or proposer will have the opportunity to meet in person with RFTA's Reconsideration Official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. RFTA will send the bidder or proposer a written decision on reconsideration, explaining the basis for RFTA's finding that the bidder or proposer did or did not meet the goal or make adequate good faith efforts to do so. The result of the RFTA administrative reconsideration process is not administratively appealable to the DOT.

26.53(f) - Good Faith Efforts when a DBE is Terminated/Replaced on a Contract with Contract Goals

RFTA requires that prime contractors not terminate a DBE subcontractor listed on a bid, proposal or contract with a DBE contract goal without RFTA's prior written consent. Prior written consent will only be provided where there is "good cause" for termination of the DBE firm, as established by Section 26.53(f)(3) of the DBE regulation.

Before transmitting to RFTA its request to terminate a DBE subcontractor, the prime contractor must give notice in writing to the DBE of its intent to do so. A copy of this notice must be provided to RFTA prior to consideration of the request to terminate. The DBE will then have five (5) days to respond and advise RFTA of why it objects to the proposed termination.
In those instances where "good cause" exists to terminate a DBE subcontract, RFTA will require the prime contractor to make good faith efforts to replace a DBE subcontractor that is terminated

or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. RFTA will require the prime contractor to notify the RFTA DBELO immediately of the DBE subcontractor's inability or unwillingness to perform and will provide reasonable documentation to RFTA.

In this situation, RFTA will require the prime contractor to obtain prior approval of the substitute DBE and to provide RFTA with copies of new or amended subcontracts or documentation of good faith efforts.

If the prime contractor fails or refuses to comply with the requirements of this Section 26.53 in the time specified, as an administrative remedy RFTA will issue an order stopping all or part of payment and/or work until satisfactory action has been taken. If the prime contractor still fails to comply, RFTA may issue a termination for default proceeding.

Section 26.55 – Counting DBE Participation

RFTA will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

49 CFR 26, SUBPARTS D & E – CERTIFICATION

Section 26.81 – Unified Certification Program (UCP)

RFTA is the member of a Unified Certification Program (UCP) administered by the Colorado Department of Transportation (CDOT). The Colorado UCP meets all of the requirements of 49 CFR 26.81. RFTA will use and count for DBE credit only those DBE firms certified by the Colorado UCP.

The Colorado UCP was established to facilitate statewide DBE certification. The UCP eliminates the need for DBE applicants to obtain certification from multiple agencies. CDOT and the City and County of Denver (CCD) are the certifying agencies for the Colorado UCP. Contact information for the two certifying agencies of the Colorado UCP is listed below:

Colorado Department of Transportation
Center for Equal Opportunity
4201 East Arkansas Avenue, Suite 200
Denver, Colorado 80222
(303) 757-9303

City and County of Denver Office of Economic Development
Division of Small Business Opportunity (DSBO)
201 West Colfax, Dept. 907
Denver, CO 80202
(720) 913-1999

Any firm or complainant may appeal a Colorado UCP decision in a certification matter to the 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 Ave., SE
Washington, D.C. 20590
Phone: (202) 366-4754
TTY: (202) 366-9696
Fax (202) 366-5575

RFTA will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for its DOT-assisted contracting (e.g., RFTA will certify a firm if DOT has determined that the Colorado UCP's denial of its application was erroneous).

49 CFR 26, SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 – Information, Confidentiality, Cooperation

RFTA will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. RFTA shall fully comply with the requirements of the federal Freedom of Information Act and the Colorado Open Records Act (Title 24, Article 72 of the Colorado Revised Statutes) with regard to the disclosure of DBE information to third parties.

Notwithstanding any contrary provisions of state or local law, RFTA will not release personal financial information submitted in response to the DBE personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

Monitoring Payments to DBEs

RFTA will require prime contractors to maintain records and documents of payments to DBEs for three (3) years, following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of RFTA or DOT. This reporting requirement also extends to any certified DBE subcontractor.

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

EXHIBIT A
Signed DBE Policy Statement

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM POLICY STATEMENT

Roaring Fork Transportation Authority (RFTA) has established a Disadvantaged Business Enterprise (DBE) Program in accordance with the regulations of the U.S. Department of Transportation (DOT) 49 CFR Part 26. RFTA has received federal financial assistance from the DOT and as a condition of receiving this assistance, RFTA has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy and commitment of RFTA that disadvantaged businesses, as defined in 49 CFR Part 26, shall have a level playing field to participate in the performance of contracts financed, in whole or in part, with federal funds. It is also the policy of RFTA to:

- Ensure non-discrimination in the award and administration of DOT-assisted contracts;
- Create a level playing field on which DBE firms can compete fairly for DOT-assisted contracts;
- Ensure that the DBE Program is narrowly tailored in accordance with applicable law;
- Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- Assist in the removal of barriers to the participation of DBE firms in DOT-assisted contracts;
- Assist in the development of firms to enhance the ability to compete successfully in the marketplace outside of the DBE Program;
- Promote the use of DBEs in all types of federally-assisted contracts and procurement activities;
- Monitor and enforce contractor compliance in meeting established goal objectives and program requirements; and
- Ensure RFTA contractors and subcontractors take all necessary and reasonable steps to comply with these policy objectives.

Through such efforts, RFTA will ensure DOT-assisted contracting and procurement related processes promote equity in access, consideration and opportunity for DBEs and other small business in response to requirements set forth under 49 CFR Part 26; "Participation of Disadvantaged Business Enterprises in U.S. Department of Transportation Programs," effective March 4, 1999, and subsequently issued DOT Directives and Final Rules.

As evidence of RFTA's commitment to purse these policy objectives, Dan Blankenship, Chief Executive Officer (CEO) has designated Ms. Nicole Schoon, Executive Assistant to the CEO and Regulatory Compliance Officer, as the DBE Liaison Officer (DBELO). In this capacity Ms. Schoon is responsible for implementing all aspects of the DBE program. The DBELO has direct access to the CEO for DBE-related matters. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by RFTA in its financial assistance agreements with the DOT.

RFTA has disseminated this policy statement to the RFTA Board of Directors and to all departments of our organization. Additionally, RFTA will post this policy on the RFTA website www.rfta.com, for DBE and non-DBE businesses that are interested in performing work on RFTA projects. RFTA requires all employees and agents to adhere to the provisions of 49 CFR Part 26.

Dan Blankenship 6/1/21

Dan Blankenship, Chief Executive Officer (CEO) Date

EXHIBIT B
RFTA Organizational Chart

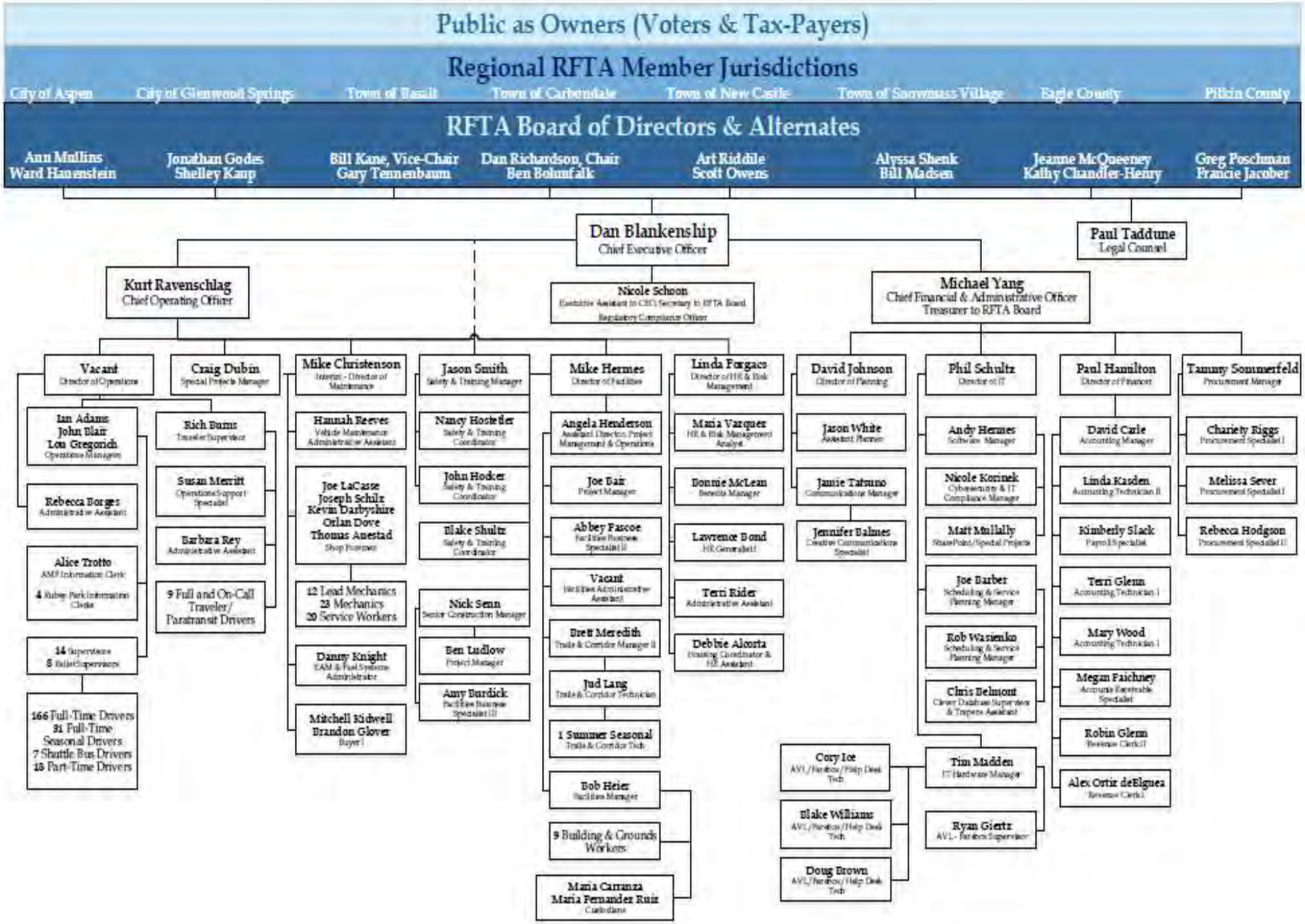
Public as Owners (Voters & Tax-Payers)
Regional RFTA Member Jurisdictions
City of Aspen
City of Glenwood Springs
Town of Basalt
Town of Carbondale
Town of New Castle
Town of Snowmass Village
Eagle County
Pitkin County
RFTA Board of Directors & Alternates
Ann Mullins
Ward Hanenstein
Jonathan Godes
Shelley Kaup
Bill Kane, Vice-Chair
Gary Tennenbaum
Dan Richardson, Chair
Ben Bolmfalk
Art Riddile
Scott Owens
Alyssa Shenk
Bill Madsen
Jeanne McQueeney
Kathy Chandler-Henry
Greg Poschman
Francie Jacober
Dan Blankenship
Chief Executive Officer
Paul Taddune
Legal Counsel
Kurt Ravenschlag
Chief Operating Officer
Nicole Schoon
Executive Assistant to CEO, Secretary to RFTA Board, Regulatory Compliance Officer
Michael Yang
Chief Financial & Administrative Officer
Treasurer to RFTA Board
Vacant
Director of Operations
Craig Dubin
Special Projects Manager
Mike Christenson
Interim - Director of Maintenance
Jason Smith
Safety & Training Manager
Mike Hermes
Director of Facilities
Linda Forgacs
Director of HR & Risk Management
David Johnson
Director of Planning
Phil Schultz
Director of IT
Paul Hamilton
Director of Finance
Tammy Sommerfeld
Procurement Manager
Ian Adams
John Blair
Lou Gregorich
Operations Managers
Rebecca Borges
Administrative Assistant
Alice Trotto
AMF Information Clerk
4 Rubey Park Information Clerks
14 Supervisors
8 Relief Supervisors
166 Full-Time Drivers
31 Full-Time Seasonal Drivers
7 Shuttle Bus Drivers
18 Part-Time Drivers
Rich Burns
Traveler Supervisor
Susan Merritt
Operations/Support Specialist
Barbara Rey
Administrative Assistant
9 Full and On-Call Traveler/ Paratransit Drivers
Hannah Reeves
Vehicle Maintenance Administrative Assistant
Joe LaCasse
Joseph Schilz
Kevin Darbyshire
Orlan Dove
Thomas Anestad
Shop Foreman
12 Lead Mechanics
23 Mechanics
20 Service Workers
Danny Knight
EAM & Fuel Systems Administrator
Mitchell Kidwell
Brandon Glover
Buyer I
Nancy Hostetler
Safety & Training Coordinator
John Hocker
Safety & Training Coordinator
Blake Shultz
Safety & Training Coordinator
Nick Senn
Senior Construction Manager
Ben Ludlow
Project Manager
Amy Burdick
Facilities Business Specialist II
Angela Henderson
Assistant Director, Project Management & Operations
Joe Bair
Project Manager
Abbey Pascoe
Facilities Business Specialist II
Vacant
Facilities Administrative Assistant
Brett Meredith
Trails & Corridor Manager II
Jud Lang
Trails & Corridor Technician
1 Summer Seasonal
Trails & Corridor Tech
Bob Heier
Facilities Manager
9 Building & Grounds Workers
Maria Carranza
Maria Fernandez Ruiz
Custodians
Maria Vazquez
HR & Risk Management Analyst
Bonnie McLean
Benefits Manager
Lawrence Bond
HR Generalist
Terri Rider
Administrative Assistant
Debbie Alcorta
Housing Coordinator & HR Assistant
Jason White
Assistant Planner
Jamie Tatsuno
Communications Manager
Jennifer Balmes
Creative Communications Specialist
Cory Ice
AVL/Farebox/Help Desk Tech
Blake Williams
AVL/Farebox/Help Desk Tech
Doug Brown
AVL/Farebox/Help Desk Tech
Andy Hermes
Software Manager
Nicole Korinek
Cybersecurity & IT Compliance Manager
Matt Mullally
SharePoint/Special Projects
Joe Barber
Scheduling & Service Planning Manager
Rob Wasienko
Scheduling & Service Planning Manager
Chris Belmont
Clever Database Supervisor & Tableau Assistant
Tim Madden
IT Hardware Manager
Ryan Giertz
AVL - Farebox Supervisor
David Carle
Accounting Manager
Linda Kasden
Accounting Technician II
Kimberly Slack
Payroll Specialist
Terri Glenn
Accounting Technician I
Mary Wood
Accounting Technician I
Megan Faichney
Accounts Receivable Specialist
Robin Glenn
Revenue Clerk II
Alex Ortiz deElguea
Revenue Clerk I
Charlety Riggs
Procurement Specialist I
Melissa Sever
Procurement Specialist I
Rebecca Hodgson
Procurement Specialist II

EXHIBIT C
RFTA DBE Goal Setting Methodology

Calculated value of expected federally assisted contracts by NAICS (North American Industrial Classification System) code and exclusive of transit vehicle purchases in FFY 2022-2025.

- **$29,032,460 = Total value of expected federally assisted contracts in FFY 2022-2025.**
- Reviewed approved and anticipated RFTA federal grant budget line items for FFY 2022-2025 and discussed projected contracting values with relevant RFTA staff.
- Determined NAICS codes for items and services to be procured by RFTA in FFY 2022-2025 and projected total contract amounts for each NAICS code.

NAICS Code	Project	DOT funds on project:	% of total DOT funds (weight)
238910	Demolition	$5,004,671.00	0.1724
238110	Concrete Finishing, Pumping, Footing & Foundation	$3,903,246.00	0.1344
238140	Equipment	$1,864,721.00	0.0642
238310	Insulation	$1,389,114.00	0.0478
532410	Construction Machinery without Operator	$1,951,623.00	0.0672
236220	Fire Suppression	$563,258.00	0.0194
238990	Utility Locating	$612,033.00	0.0211
238220	Plumbing	$1,915,676.00	0.0660
238210	Electrical	$1,412,987.00	0.0487
238310	Drywall Contractors	$2,095,468.00	0.0722
238320	Painting	$974,274.00	0.0336
238290	Elevator	$835,636.00	0.0288
238160	Roofing Contractors	$1,925,456.00	0.0663
484220	Dump Trucking Services	$894,098.00	0.0308
541330	Electrical Engineering Services	$1,972,455.00	0.0679
238130	Framing Contractors	$1,717,744.00	0.0592
Total FTA-Assisted Contract Funds		**$29,032,460.00**	**1**

NAICS Code	Project	DBEs available	All firms available (including DBEs)	Relative Availability
238910	Demolition	0	43	0.0000
238110	Concrete Finishing, Pumping, Footing & Foundation	3	56	0.0536
238140	Equipment	0	33	0.0000
238310	Insulation	0	57	0.0000
532410	Construction Machinery without Operator	1	22	0.0455
236220	Fire Suppression	0	47	0.0000
238990	Utility Locating	0	41	0.0000
238220	Plumbing	0	240	0.0000
238210	Electrical	0	177	0.0000
238310	Drywall Contractors	1	57	0.0175
238320	Painting	0	123	0.0000
238290	Elevator	0	7	0.0000
238160	Roofing Contractors	1	37	0.0270
484220	Dump Trucking Services	7	67	0.1045
541330	Electrical Engineering Services	3	158	0.0190
238130	Framing Contractors	1	31	0.0323
	Combined Totals	**17**	**1196**	**0.0142**

NAICS Code	Project	Weight	x	Availability	Weighted Base Figure
238910	Demolition	0.17238	x		
238110	Concrete Finishing, Pumping, Footing & Foundation	0.13444	x	0.05357	0.0072
238140	Equipment	0.06423	x		
238310	Insulation	0.04785	x		
532410	Construction Machinery without Operator	0.06722	x	0.04545	0.0031
236220	Fire Suppression	0.01940	x		
238990	Utility Locating	0.02108	x		
238220	Plumbing	0.06598	x		
238210	Electrical	0.04867	x		
238310	Drywall Contractors	0.07218	x	0.01754	0.0013
238320	Painting	0.03356	x		
238290	Elevator	0.02878	x		
238160	Roofing Contractors	0.06632	x	0.02703	0.0018
484220	Dump Trucking Services	0.03080	x	0.10448	0.0032
541330	Electrical Engeneering Services	0.06794	x	0.01899	0.0013
238130	Framing Contractors	0.05917	x	0.03226	0.0019
				Total	0.0197
				Expressed as a % (*100)	1.97%
				Rounded, Weighted Base Figure:	**2%**

- Ratio of combined Relative Availability Totals = 0.0197~1.97%

- Used weighting to develop a base figure = 1.97~2%

Step #2

Determined the RFTA local market area and calculated the base number of total DBE firms within the RFTA local market area.

- RFTA's service area includes the Colorado Highway 82 corridor from Glenwood Springs in Garfield County to Aspen in Pitkin County and the I-70 corridor from Glenwood Springs to Rifle (exclusively in Garfield County). The Colorado Highway 82 corridor also includes a small section of southwest Eagle County. RFTA includes the three counties in its service area (Eagle, Garfield and Pitkin) as well as Mesa County in its local market area for DBE purposes. Mountain passes to the north, south and east serve as natural boundaries to RFTA's local market area and the Colorado/Utah border in Mesa County is considered the western boundary of RFTA's local market area. The Grand Junction metropolitan area in Mesa County is therefore included in RFTA's local market area for DBE purposes.

- Reviewed Colorado DBE Directory maintained by the Colorado Department of Transportation (CDOT). RFTA is a member of the Colorado Unified Certification Process (UCP) and uses the Colorado UCP as its DBE Directory.

- **1196** = Total DBE firms statewide according to the latest available UCP DBE Directory

- **17** = Total DBE firms in RFTA's local market area *

  *Data Source: https://coucp.dbesystem.com/FrontEnd/SearchCertifiedDirectory.asp?XID=8556&TN=coucp

Step #3

Adjusted the base number of total DBE firms to reflect the relative number of DBE firms from Eagle, Garfield, Mesa and Pitkin Counties (RFTA's local market area) available to work on contracting opportunities that are expected to be let during FFY 2022-2025.

- Reviewed Colorado UCP DBE Directory and subtracted all DBE firms in RFTA's local market area who's NAICS codes did not correspond with RFTA's projected contracting opportunities in for FFY 2022-2025.

- **17** = Total DBE firms in RFTA's local market area available for contracting opportunities in FFY 2022-2025.

Step #4

Calculated the total number of businesses (DBE and non-DBE) available within RFTA's local market area by NAICS codes for contracting opportunities during FFY 2022-2025.

- Reviewed the most recent U.S. Bureau of Census County Patterns (2016) for Garfield, Pitkin, Eagle, and Mesa Counties and extrapolated the number of businesses in each county for the NAICS codes in which there are expected to be federally assisted contracting opportunities in FFY 2022-2025.

- **1063** = Total businesses in RFTA's local market area available for contracting opportunities in FFY 2022-

2025.

Step #5

Calculated the percentage of available DBE firms in RFTA's local market area in each NAICS code.

- Divided the number of available DBE firms in each NAICS code into the total available businesses in that NAICS code.

Step #6

- **$580,650** = Relative value of expected federally assisted contracts NAICS code in FFY 2022-2025 that can be reasonably expected to be subcontracted to DBE firms.

- Multiplied the value of expected federally assisted contracts in FFY 2022-2025 in each NAICS code (from Step #1) by the percentage of available DBE firms in each NAICS code (from Step #5).

- Added the relative values of federally assisted contracts by individual NAICS codes in FFY 2022-2025 that can be reasonably expected to be subcontracted to DBE firms.

Step #7

Calculated the percentages of anticipated DBE participation in federally assisted contracts for FFY 2022-2025

- Added the values for each NAICS code from step #6 then divided the total into the total value of expected federally assisted contracts from Step #1.

- **$580,650** (total from Step #6) / **$29,032,460** (total from Step #1) **= 2%** Adjustment to Base Figure.

As specified in the federal regulations codified in 49 CFR Section 26.45, once the relative availability of ready, willing and able DBEs in our marketplace has been determined. It is necessary to examine additional evidence, and if appropriate make adjustments to the base figure to ensure that the goal accurately reflects the level of DBE participation RFTA would expect absent the effects of discrimination. In the case of Roaring Fork Transportation Authority there is no documented evidence that warrants an adjustment to the goal;

The Goal has been rounded up *to: 2.0%*. Race-Neutral vs. Race-conscious

Roaring Fork Transportation Authority anticipates that it will meet **100% of its projected overall DBE goal for FFY 2022-2025 through race-neutral means** and **0% through race-conscious means**.

Public Participation

RFTA placed the Public Notice for RFTA's overall DBE Goal for FFY 2022-2025, in both English and Spanish, on the RFTA web-site, local newspapers, on public boards in RFTA facilities and in local jurisdictions, and sent out mass e-mails to small and minority owned business members, in RFTA's contacts.

RFTA did not receive any comments on its proposed overall DBE Goal of **2%** for FFY 2022-2025.

EXHIBIT D
Public Notice

PUBLIC NOTICE
ROARING FORK TRANSPORTATION AUTHORITY
GLENWOOD SPRINGS, COLORADO

DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL FOR THE FEDERAL TRANSIT ADMINISTRATION FOR FEDERAL FISCAL YEARS (FFY) 2022-2025

In accordance with requirements of the United States Department of Transportation (DOT), as set forth in 49 C.F.R. Part 26, as amended, the Roaring Fork Transportation Authority (RFTA) in Glenwood Springs, Colorado, hereby notifies the public that it is recommending the following Disadvantaged Business Enterprise (DBE) goal for applicable federally funded contracts during Federal Fiscal Years (FFY) 2022-2025, for the years of 2022, 2023, and 2025. The overall total DBE goal for FFY 2022-2025 is **2.0%**.

Information pertaining to this goal and a description of how it was established is available for inspection from 8:00 a.m. to 5:00 p.m. (Mountain Time) at the RFTA Glenwood Springs Administrative Office, 2307 Wulfsohn Road, Glenwood Springs, Colorado, 81601 for 30 calendar days following the date of this notice. Written comments on this goal will be accepted for 45 calendar days from the date of publication of this notice. Comments are for informational purposes only and may be sent to RFTA and the Federal Transit Administration at the following addresses:

Roaring Fork Transportation Authority
Nicole R. Schoon, DBE Liaison Officer
2307 Wulfsohn Road
Glenwood Springs, CO 81601
Email: nschoon@rfta.com

Federal Transit Administration, Region 8 Office
Regional Civil Rights Officer
Byron Rogers Federal Building
1961 Stout Street, Suite 13-301
Denver, CO 80294

AVISO PÚBLICO

ROARING FORK TRANSPORTATION AUTHORITY
GLENWOOD SPRINGS, COLORADO

EMPRESA COMERCIAL EN DESVENTAJA (DBE) PARA LA ADMINISTRACIÓN FEDERAL DE TRÁNSITO PARA LOS AÑOS FISCALES FEDERALES (FFY) 2022-2025

De acuerdo con los requisitos del Departamento de Transporte de los Estados Unidos (DOT), como se establece en 49 C.F.R. La Parte 26, según enmendada, la Autoridad de Transporte de Roaring Fork (RFTA) en Glenwood Springs, Colorado, por la presente notifica al público que está recomendando la siguiente Empresa Comercial en Desventaja (DBE) para contratos financiados por el gobierno federal durante los años fiscales federales (FFY) 2022-2025, por los años 2022, 2023, y 2025. El objetivo total de DBE para FFY 2022-2025 es 2.0%.

La información relacionada con este objetivo y una descripción de cómo se estableció está disponible para su inspección de 8:00 a.m. a 5:00 p.m. (Hora de la montaña) en la Oficina Administrativa de RFTA Glenwood Springs, 2307 Wulfsohn Road, Glenwood Springs, Colorado, 81601 durante 30 días calendario a partir de la fecha de este aviso. Se aceptarán comentarios por escrito sobre este objetivo durante 45 días calendario a partir de la fecha de publicación de este aviso. Los comentarios son solo informativos y pueden enviarse a RFTA y a la Administración Federal de Tránsito en las siguientes direcciones:

Roaring Fork Transportation Authority
Nicole R. Schoon, Oficial de enlace DBE
2307 Wulfsohn Road
Glenwood Springs, CO 81601
Correo electrónico: nschoon@rfta.com

Administración Federal de Tránsito, Oficina de la Región 8
Oficial Regional de Derechos Civiles
Byron Rogers Edificio Federal
1961 Stout Street, Suite 13-301
Denver, CO 80294

Ad Number:
Insertion Number:
Size:
Color Type:

Publication Date: 05/31/2021

The E-Sheet(R) is provided as conclusive evidence that the ad appeared in the Colorado Mountain News Media

CMNM ColoradoMountainNewsMedia

Roaring Fork Transportation Authority

PUBLIC NOTICE

ROARING FORK TRANSPORTATION AUTHORITY
GLENWOOD SPRINGS, COLORADO

DISADVANTAGED BUSINESS ENTERPRISE (DBE)
GOAL FOR THE FEDERAL TRANSIT
ADMINISTRATION FOR FEDERAL FISCAL YEARS (FFY) 2022-2024

In accordance with requirements of the United States Department of Transportation (DOT), as set forth in 49 C.F.R. Part 26, as amended, the Roaring Fork Transportation Authority (RFTA) in Glenwood Springs, Colorado, hereby notifies the public that it is recommending the following Disadvantaged Business Enterprise (DBE) goal for applicable federally funded contracts during Federal Fiscal Years (FFY) 2022-2024, for the years of 2022, 2023, and 2024. The overall total DBE goal for FFY 2022-2024 is **2.0%.**

Information pertaining to this goal and a description of how it was established is available for inspection from 8:00 a.m. to 5:00 p.m. (Mountain Time) at the RFTA Glenwood Springs Administrative Office, 2307 Wulfsohn Road, Glenwood Springs, Colorado, 81601 for 30 calendar days following the date of this notice. Written comments on this goal will be accepted for 45 calendar days from the date of publication of this notice. Comments are for informational purposes only and may be sent to RFTA and the Federal Transit Administration at the following addresses:

Roaring Fork Transportation Authority
Nicole R. Schoon, DBE Liaison Officer
2307 Wulfsohn Road, Glenwood Springs, CO 81601
Email: nschoon@rfta.com

Federal Transit Administration, Region 8 Office
Regional Civil Rights Officer
Byron Rogers Federal Building, 1961 Stout Street, Suite 13-301
Denver, CO 80294

Roaring Fork Transportation Authority

AVISO PÚBLICO

ROARING FORK TRANSPORTATION AUTHORITY
GLENWOOD SPRINGS, COLORADO

EMPRESA COMERCIAL EN DESVENTAJA (DBE)
PARA LA ADMINISTRACIÓN FEDERAL DE
TRÁNSITO PARA LOS AÑOS FISCALES FEDERALES (FFY) 2022-2024

De acuerdo con los requisitos del Departamento de Transporte de los Estados Unidos (DOT), como se establece en 49 C.F.R. La Parte 26, según enmendada, la Autoridad de Transporte de Roaring Fork (RFTA) en Glenwood Springs, Colorado, por la presente notifica al público que está recomendando la siguiente Empresa Comercial en Desventaja (DBE) para contratos financiados por el gobierno federal durante los años fiscales federales (FFY) 2022-2024, por los años 2022, 2023, y 2024. El objetivo total de DBE para FFY 2022-2024 es **2.0%.**

La información relacionada con este objetivo y una descripción de cómo se estableció está disponible para su inspección de 8:00 a.m. a 5:00 p.m. (Hora de la montaña) en la Oficina Administrativa de RFTA Glenwood Springs, 2307 Wulfsohn Road, Glenwood Springs, Colorado, 81601 durante 30 días calendario a partir de la fecha de este aviso. Se aceptarán comentarios por escrito sobre este objetivo durante 45 días calendario a partir de la fecha de publicación de este aviso. Los comentarios son solo informativos y pueden enviarse a RFTA y a la Administración Federal de Tránsito en las siguientes direcciones:

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Administración Federal de Tránsito, Oficina de la Región 8
Oficial Regional de Derechos Civiles
Byron Rogers Edificio Federal
1961 Stout Street, Suite 13-301
Denver, CO 80294

EXHIBIT E
Description of Public Participation Efforts

During development of its FFY 2022-2025 DBE Goal, the Roaring Fork Transportation Authority (RFTA) consulted with the Colorado Procurement Technical Assistance Center (PTAC), the Colorado Contractor's Association (CCA), the Colorado Women's Chamber of Commerce, and the West Central Business Transportation Resource Center regarding RFTA's contracting opportunities during the period in which the goal will be effective. RFTA considered information from these sources during the development of its FFY 2022-2025 DBE goal. These organizations assist small businesses, including women and minority owned businesses, with procuring contracts and training on how to respond to procurement solicitations. RFTA's Procurement Manager and Disadvantaged Business Enterprise Liaison Officer (DBELO) maintain working relationships with each of these organizations and regularly solicit their input and assistance with publicizing RFTA's contracting opportunities to small businesses and DBE firms. None of these organizations objected to RFTA's proposed DBE goal.

RFTA placed the Public Notice on its website specifically soliciting comments on the proposed DBE goal from major construction firms who work in RFTA's jurisdiction. RFTA distributed the public notice by email to the following associations: Colorado Department of Transportation Small Business Development Centers, United States Small Business Administration – Denver Office, Colorado Black Chamber of Commerce, Conference of Minority Transportation Officials (COMTO) – State of Colorado, Minority Business Development Council (Rocky Mountain Region), DBE Today, Hispanic Chamber of Commerce, Western Colorado Contractors Association, Colorado Office of Economic Development's Center for Minority and Women Owned Businesses, and local Chambers throughout the RFTA jurisdiction.

RFTA published a notice of its DBE goal on its website, in both English and Spanish. The Notice included information on when, where and how the public could review the information on the development of the goal for 30 days following the public notice. Submission of comments to RFTA regarding the goal or the methodology in developing the goals was available for 45 days following the publication of the notice. RFTA received no public comments.

RFTA also included the DBE goal notice and RFTA DBE Policy Statement in the agenda for its Board of Directors meeting. The RFTA Board agenda is widely distributed to various parties throughout RFTA's eight member jurisdictions. No member of the RFTA Board of Directors or member jurisdictions commented on or objected to RFTA's proposed FFY 2022-2025 **2%** DBE goal.

EXHIBIT F
Forms 1, 2 & 3 – Demonstration of Good Faith Efforts

FORM #1 DBE LETTER OF INTENT

(To be completed by DBE)

To: _____
(Name of Prime Bidder)

The undersigned intends to perform work in connection with the above project as a DBE in the following capacity (check one):

☐ Individual ☐ Corporation
☐ Partnership ☐ Joint Venture

The Disadvantaged Business status of the undersigned is confirmed:

(a) On the reference list of Disadvantaged Business Enterprises dated _____, or
(b) On the attached Disadvantaged Business Enterprise Identification Statement.

The undersigned is prepared to perform the following work in connection with the above project *(specify in detail the 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:

Items	Projected Date of Commencement	Projected Date of Completion

The above work will not be sublet to a non-Disadvantaged Business Enterprise at any tier. The undersigned will enter into a formal agreement for the above work with you, conditioned upon your execution of an agreement with RFTA.

Date _____ _____
Name of Disadvantaged Business Enterprise

By _____

FORM #2
DBE AFFIDAVIT
(To be completed by DBE)

STATE OF _____ (DATE _____)

COUNTY OF _____

The undersigned being duly sworn, deposes and says that he/she is the _____
(Sole owner, partner, president, treasurer or

_____ of _____ and certifies that since the date
other duly authorized official of a corporation) (Name of DBE)

of its certification by the Colorado Department of Transportation (CDOT), *UCP or other *DOT, the certification has not been revoked nor has it expired nor has there been any change in the minority status of _____.
(Name of DBE)

_____
(Signature and Title of Person Making Affidavit)

Sworn to before me this _____ day of _____, 20_____.

_____
(Notary Public)

Affix Seal Here:

NOTE: The Offeror must attach the DBE's most recent certification letter or document to this affidavit.

*Please list other entity _____

FORM #3
DBE UNAVAILABLE CERTIFICATION

To be completed by Prime Contractor:

I, _____, the below named agent of _____, certify that I have contacted the following Disadvantaged Business Enterprise to obtain a proposal/bid for the following work items.

Disadvantaged Contractor	**Work Items Sought**	**Form of Proposal or Bid Sought** (i.e. unit price, materials & labor, labor only, etc.)

To the best of my knowledge and belief, said Disadvantaged Business Enterprise was unavailable for work on this project, or unable to prepare a proposal/bid for the following reason(s):

_____

_____

_____

Signature: _____ Date: _____

To be completed by DBE:

_____ was offered an opportunity to bid on
(Name of Disadvantaged Business Enterprise)

the above identified work on _____ by _____.
(Date) (Source)

The above statement is a true and accurate account of why I did not submit a proposal/bid on this project.

_____ _____
(Signature of Disadvantaged Business Enterprise) (Date)

_____
(Title)

EXHIBIT G

Regulations: 49 CFR Part 26

(This document can be found by clicking on the hyperlink above)

Electronic Code of Federal Regulations
e-CFR data is current as of June 1, 2021
Title 49, Subtitle A, Part 26
Title 49: Transportation
Part 26: Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs