

DISADVANTAGE BUSINESS ENTERPRISE POLICY STATEMENT (§26.23)

The Metropolitan Council (Council) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Council of Transportation (USDOT), 49 CFR Parts 23 and 26. The Council receives federal financial assistance from USDOT. As a condition of receiving this assistance, the Council has signed an assurance that it will comply with 49 CFR Parts 23 and 26. The DBE requirements of 49 CFR Parts 23 and 26 and the Council's DBE program apply to all federally-aided transit consultant and construction contracts and to any assignments made to subcontractors, sub-consultants or recipients. The Council, its sub-recipients, contractors, subcontractors, consultants, and sub-consultants shall not discriminate on the basis of race, color, sex, age, national origin, and handicap or disability. It is Council policy to ensure that DBEs, as defined in 49 CFR Parts 23 and 26, have an equal opportunity to receive and participate in USDOT-assisted contracts. It is also Council policy:

- To ensure nondiscrimination in the award and administration of USDOT-assisted contracts
- To create a "level playing field" in which DBEs can compete fairly for USDOT assisted contracts
- To ensure that the DBE program is narrowly tailored in accordance with applicable law
- To ensure that only firms fully meeting 49 CFR Parts 23 and 26 eligibility standards are permitted to participate as DBEs
- To help remove barriers to the participation of DBEs in USDOT-assisted contracts
- To assist the development of firms that can compete successfully in the marketplace outside the DBE program
- To provide appropriate flexibility to recipients of federal financial assistance in establishing and providing opportunities for DBEs

The Council will disseminate the policy to all Council staff and to DBE and non-DBE customers in the DBE Program. We will use the following methods to disseminate the policy:

- Send it to all DBE and non-DBE firms on the Council's bidders list
- Publish it in the supportive services newsletter annually
- Publish it on the Council DBE bid information web site at <http://www.Metrocouncil.org>

Each sub-recipient, contractor, subcontractor, consultant, or sub-consultant that fails to carry out the requirements set forth in 49 CFR Parts 23 and 26 may constitute a breach of contract, and after notification by the Council, may result in termination of the agreement or contract, or such remedy as the Council deems appropriate. I, as the Council's Regional Administrator, am charged with the overall responsibility for assuring compliance with 49 CFR Parts 23 and 26, including DBE programs delegated to sub-recipients and other political subdivisions. I have appointed the Director of Equal Opportunity as the DBE Liaison Officer for the Council. The DBE Liaison Officer is responsible for developing, coordinating, and monitoring the implementation of the Council's DBE program on a day-to-day basis. Division Directors, General Managers and the Contracts and Procurement Officers are responsible for carrying out applicable facets of the DBE program with their areas. Wanda Kirkpatrick is the Council's DBE Liaison Officer. She is responsible for implementing all aspects of the DBE program. Implementation of the DBE program has the same priority as compliance with all other legal obligations incurred by the Council in its financial assistance agreements with USDOT.


Tom Weaver, Regional Administrator

3-15-06
Date