

Board Policy No. 25 Disadvantaged Business Enterprise (DBE) Policy

Summary

This policy is to ensure Disadvantaged Business Enterprises (DBE) have an equal opportunity to receive and participate in North County Transit District (NCTD, District) contracts.

Policy

NCTD is committed to ensuring that DBEs, as defined in 49 Code of Federal Regulations (CFR) Part 26, have an equal opportunity to receive and participate in NCTD contracts or subcontracts funded in whole or in part by the federal Department of Transportation (DOT). NCTD does not 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 Part 26 on the basis of race, color, sex, or national origin. In administering the DBE program, NCTD 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. It is NCTD's policy:

1. To ensure nondiscrimination in the award and administration of NCTD's DOT-assisted contracts and subcontracts;
2. To create a level playing field on which DBEs can compete fairly for, and perform in, NCTD's DOT-assisted contracts;
3. To ensure that NCTD's DBE Program is narrowly tailored in accordance with applicable law and current legal standards, including the Ninth Circuit ruling in *Western States Paving vs. Washington State Department of Transportation*;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are counted toward NCTD's DBE goals;
5. To assist in the removal of procurement and contracting barriers to the participation of DBEs in NCTD's DOT-assisted contracts;
6. To promote the use of DBEs in all types of federally-assisted contracts and procurement activities conducted by NCTD;
7. Monitor and enforce contractor compliance in meeting established DBE goal objectives and program requirements;
8. To assist in the development of DBEs and Small Businesses to increase their ability to compete successfully in the marketplace outside the DBE program; and
9. To ensure NCTD contractors and subcontractors take all necessary and reasonable steps to comply with these policy objectives.

To ensure adherence to this policy, the NCTD Board of Directors (Board), which is ultimately responsible for establishing the NCTD's policy, has assigned the coordination of the DBE Program to the Executive Director. The Executive Director has delegated the responsibilities of DBE Liaison Officer to the Staff Attorney. The Staff Attorney has direct, independent access to the Executive Director concerning DBE program matters. Implementation of the DBE program, which includes the tri-annual submission of the overall goal, is accorded the same priority as compliance with all other legal obligations incurred by NCTD in its financial assistance agreements with DOT.

Board Policy No. 25 – Disadvantaged Business Enterprises

This policy statement is available to all employees through the use of the District Document Management System. This policy statement is also available to Board members and the public via the District’s website at <https://www.gonctd.com/about-nctd/business-with-nctd/>. Copies of this policy statement or the applicable internet link will also be included in all contracts and procurement solicitation documents.

Approvals



Board Chair 10/20/2022
Date



Executive Director 10/20/2022
Date



General Counsel 10/20/2022
Date

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DATE	REVISION No.	RESOLUTION No.	COMMENTS
10/18/2012	ADOPTED	12-10	
10/17/2013	1	13-07	2013 REVISION
10/16/2014	2	14-04	2014 REVISION
10/19/2017	3	17-10	2017 REVISION
10/18/2018	4	18-09	2018 REVISION
10/17/2019	5	19-06	2019 REVISION
10/15/2020	6	20-08	2020 REVISION
10/20/2022	7	22-17	2022 REVISION