

Disadvantaged Business Enterprise Program  
(DBE)

For

TANGIPAHOA PARISH, LOUISIANA

As Sponsor of

Hammond Area Urbanized Transit  
(Section 5307 Funds)

October 2014

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*Disadvantaged Business Enterprise Program (DBE) for Tangipahoa Parish  
Hammond Area Urbanized Transit (Section 5307 Funds)*

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Section 26.1, 26.23 Objectives/Policy Statement

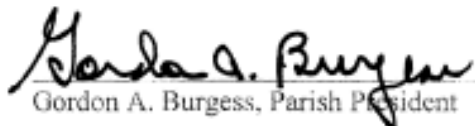
The Tangipahoa Parish Government has established a Disadvantaged Business Enterprise (DBE) program, in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. Tangipahoa Parish Government has received Federal financial assistance from the U.S. Department of Transportation (DOT), and as a condition of receiving this assistance, the Parish has an assurance that it will comply with 49 CFR Part 26.

It is the policy of Tangipahoa Parish Government to ensure that the DBEs, as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is 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 market place outside the DBE Program.

Donna Domiano, Purchasing Agent for Tangipahoa Parish Government, has been designated as the DBE Liaison Officer for the Parish. In that capacity, she 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 Tangipahoa Parish Government in its financial assistance agreements with the Department of Transportation.

Tangipahoa Parish Government has disseminated this policy statement to the Tangipahoa Parish Council and all of the components of their organization. Tangipahoa Parish Government has distributed this statement to DBE and non-DBE business communities through public notices. This distribution is accomplished by using the U.S. Postal Service and interoffice mail. It is also available at public meetings, pre-bid conferences, via internet and included in bid packages.

  
Gordon A. Burgess, Parish President

10/22/2014  
Date

## **SUBPART A – GENERAL REQUIREMENTS**

### **Section 26.1 Objectives**

The program objectives are found in the policy statement on the first page of this program.

### **Section 26.3 Applicability**

Tangipahoa Parish Government is the recipient of Federal-aid highway funds authorized under Titles 1 and V of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240, 105 Stat. 1914, Titles I, III, and V of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21, Pub. L 105-178, 112 Stat. 107).

Tangipahoa Parish Government is the recipient of Federal transit funds authorized by Section 5307 of Titles I, III, V and VI of ISTEA, Pub. L. 102-240, and by Federal transit laws in Title 49, U.S. Code, or Titles I, II, and V of the Teas-21, Pub. L. 105-178 and Pub. L. 11-5.

### **Section 26.5 Definitions**

Tangipahoa Parish Government will use terms in the program that have the meaning defined in definition attachments herein.

### **Section 26. 7 Non-discrimination Requirements**

Tangipahoa Parish Government 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, Tangipahoa Parish Government 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 objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

### **Section 26.11 Record Keeping Requirements**

#### **Uniform Report of DBE Awards or Commitments and Payments: 26.11 (a)**

Tangipahoa Parish Government will create and maintain a Bidder's List, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this list is for calculating the Parish's overall goal. We will collect this information by placing a clause in all such request for bids or proposals, requiring bidders to include the bid submission the

Bidder's List regarding all firms bidding or quoting as subcontractor for that same solicitation. The Bidder's List will include the firms' name, address, and phone numbers. This information can be requested from the Tangipahoa Parish Government Purchasing Department.

### **Section 26.13 Federal Financial Assistance Agreement**

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

#### Assurance: 26:13

Tangipahoa Parish Government 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 nondiscrimination in the award and administration of DOT-assisted contracts. The Parish'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 the Parish 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.*).

This language will appear in financial assistance agreements with sub-recipients.

#### Contract Assurance: 26:13(b)

We 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, 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.

### **SUBPART B – ADMINISTRATIVE REQUIREMENTS**

Since Tangipahoa Parish Government has received, during a federal fiscal year, a grant of \$250,000 or more of FTA planning, capital, and/or operating assistance, and/or any funds authorized by FHWA statutes for which this part applies, the Parish will continue to carry out this program, until all funds from DOT financial assistance have been expended. We will provide to DOT updates, representing significant changes in the program. The Parish will submit an updated

goal annually by August 1, if the Parish plans to award contracts exceeding \$250,000 in FAA, FTA, or FWHA funds in that Federal fiscal year.

### **Section 26.23 Policy Statement**

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

### **Section 26.25 DBE Liaison Officer (DBELO)**

Tangipahoa Parish Government has designated the following individual as their DBE Liaison Officer: Donna Domiano, Purchasing Agent. In that capacity, the DBELO is responsible for implementing all aspects of the DBE Program and ensuring that the Parish complies with all provisions of 49 CFR Part 26. The DBELO has adequate staff to administer the program in compliance with this part. The DBELO's position in the organization is found in Attachment 1 of this program.

The DBELO is responsible for developing, implementing and monitoring the DBE Program, in coordination with other appropriate officials. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third-party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and request for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract-specific goals) and monitors results.
6. Analyzes Tangipahoa Parish Government's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the COO on DBE matters and achievement.
9. Chairs any local DBE Advisory Committee.
10. Plans and participates in DBE training seminars.
11. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
12. Acts as liaison to LA DOTD's Uniform Certification Process in Louisiana.
13. Certifies DBEs according to the criteria set by DOT (not applicable at this time) and acts as liaison to the Uniform Certification Process in Louisiana.
14. Provides outreach to DBEs and community organizations to advise them of opportunities.
15. Maintains the Parish's updated directory on certified DBEs.

### **Section 26.27 DBE Financial Institutions**

It is the policy of Tangipahoa Parish Government to investigate to 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. The Parish has made the following efforts to identify and use such institutions.

1. Research local banking organizations.
2. Review local business publications.
3. Review publications specifically discussing socially and economically disadvantaged businesses.

The Parish will also re-evaluate the availability of DBE financial institutions every 18 months. To date, there are no certified DBE financial institutions in our service area.

### **Section 26.29 Prompt Payment Mechanisms**

#### Prompt Payment: 26:29(a)

Tangipahoa Parish Government 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 thirty (30) days from the receipt of each payment the prime contractor receives from the Parish. Any delay or postponement of payment from the above-referenced time frame may occur only for good cause following written approval from the Parish. This clause applies to both DBE and non-DBE subcontracts.

#### Retainage: 26:29(b)

The prime contractor agrees further to return retainage payments to each subcontractor within thirty (30) days after the subcontractor's work is satisfactorily completed and accepted by the Parish, and all lien delays under applicable laws have expired. Any delay or postponement of payment from the above-referenced timeframe may occur only for good cause, following written approval of the Parish. This clause applies to both DBE and non-DBE subcontractors.

#### Monitoring and Enforcement: 26:29(d)

Tangipahoa Parish Government has established contract clauses to monitor and enforce that prompt payment and return of retainage is in fact occurring. Failure by a contractor to carry out these requirements is a material breach of its contract which may result in the termination of its contract or such other remedy as the Parish deems appropriate. All subcontracting agreements made by the contractor shall include the current prompt payment to subcontractor provisions.

### **Section 26.31 Directory**

Tangipahoa Parish Government maintains a directory identifying all firms eligible to participate as DBEs. The directory lists the firm's name, address, phone number, date of the most recent

certification, and the type of work the firm has been certified to perform as a DBE. The Parish revises the directory annually. The directory may be obtained by contacting the Parish:

Attn: Donna Domiano, Tangipahoa Parish Government, P. O. Box 215, Amite, LA 70422-0215

The directory link may be found in **Attachment 2 of** this program document. A list of all DBE firms in the State can be found by accessing the LA DOTD Uniform Certification Program at: [www.laucp.org/UCP/UCPSearch.aspx](http://www.laucp.org/UCP/UCPSearch.aspx) or in the office of the DBELO.

### **Section 26:33 Overconcentration**

Tangipahoa Parish Government has not identified that over-concentration exists in the types of work that DBEs perform. An analysis of the DBE vendors included on the Louisiana Unified Certification Program for Disadvantaged Business Enterprise (DBE) and any local qualified contractors was completed on Oct 14, 2014, to determine if any overconcentration exists. Tangipahoa Parish Government will reevaluate for overconcentration every 18 months.

If Tangipahoa Parish Government determines that DBE participation is overconcentrated in certain types of work or contracting opportunities, the following measures may be used to address overconcentration, with prior approval from FTA. The measures include, but are not limited to the following:

- Coordinate with prime bidders to identify and use DBEs in other industry areas outside of the specific overconcentration area:
- Varying the use of contract goals to ensure non-DBEs are not unfairly prevented from competing for subcontracts.

### **Section 26.35 Business Development Programs**

The Tangipahoa Economic Development Foundation (TEDF) is the economic development entity for the Parish. The goal for the program is to bring new business and industry to Tangipahoa Parish and to aid in the retention and expansion of established businesses. TEDF provides help in securing and administering State tax incentive programs, zoning/permitting coordination with municipality and Parish planning officials, current demographic information, revolving loan fund, free business counseling, Small Business Administration information, promotion of business opportunities, site locations, and public education about economic development and its impact on the community. These programs are open to the general public. Person interested in taking advantage of any of these opportunities should contact: Stacy Neal, c/o TEDF, Tangipahoa Parish Government at 985-748-3211 or by mailing inquiries to P. O. Box 215, Amite, LA 70422-0215.

### **Section 26.37 Monitoring and Enforcement Mechanisms**

Tangipahoa Parish Government will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.



1. The Parish 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, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
2. The Parish will consider similar action under its own legal authorities, including responsibility determinations in future contracts. There will be a contract clause, providing that the prime contractor will not be reimbursed for work performed by subcontractors, unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.
3. The Parish will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by DBEs. This will be accomplished by periodic checks from fiscal, operating and administrative staff, to ensure that work is being completed by the DBE organizations, including but limited to on-site inspections.
4. The Parish 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**

Tangipahoa Parish Government encourages the acquisitions of goods and services from small businesses in the community. The Parish defines a small business as an individual or business entity that is

1. Independently owned and operated;
2. Not dominant in its field of operation;
3. Has no more than 15 employees;
4. Its average annual receipts do not exceed \$1 million, together with its affiliates.

Tangipahoa Parish Government will establish the following elements to ensure there is sufficient small business participation.

1. Race-Neutral small business set asides for prime contracts under \$250,000. Tangipahoa Parish Government will set aside a percentage of professional services and construction contracts under the total amount of \$250,000 to be completed by a small business. The actual set aside percentage amounts will be evaluated and determined annually, based upon the proposed projects for the upcoming year. This amount will be included in the contract language and will be monitored by the DBE Liaisons in similar method as the overall DBE goals, as set forth in this DBE plan.
2. Tangipahoa Parish Government will require prime contractors to provide small business subcontracting opportunities on work that small businesses, including DBEs can

reasonably perform, rather than self-performing all of the work involved. This will be accomplished by using the strategies below:

- a. Tangipahoa Parish Government will require prime contractors to specify small contract elements for subcontracting.
  - b. Contract clauses will be included that will encourage unbundling of contracts or subcontracts.
  - c. Tangipahoa Parish Government will require these contract clauses in contracts under \$250,000 that may have subcontracting opportunities.
  - d. Tangipahoa Parish Government will work with local centers of the Louisiana Small Business Development Center, to target small businesses that are available to perform work that is contract specific. The local centers that will be contacted are: the LSBDC at Southeastern Louisiana University in Hammond.
3. Tangipahoa Parish Government will ensure some prime contracts are available for small businesses. This will be accomplished through the following:
- a. The Parish will include contract clauses that will encourage unbundling of contracts or subcontracts for small businesses to perform by requiring an annual determined small business contract set aside in each contract.
  - b. This contract language will be included in all contracts under \$250,000 for professional services or construction contracts. The small business set aside will be determined on an annual basis.

Tangipahoa Parish Government will perform an annual assessment on all contracts that were implemented during the previous year. At the time of the assessment, it will then be determined if there is a need to increase or decrease the contract dollar amount or percentage of small business participation which is required by the Parish. Tangipahoa Parish Government will implement the Small Business Participation assessment by December 31, 2015.

## **SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING**

### **Section 26.43 Set-asides or Quotas**

Tangipahoa Parish Government does not use quotas in any way in the administration of this DBE Program.

### **Section 26.45 Overall Goals**

In accordance with Section 26.45, Tangipahoa Parish Government will submit its triennial overall DBE goal to FTA on August 1<sup>st</sup> of the year specified. The goal for Fiscal Year 2014 to Fiscal Year 2016 has been submitted to FTA in a separate document and also uploaded into TEAM.

Tangipahoa Parish Government will also request use of project-specific DBE goals as appropriate, and/or will establish project-specific DBE goals as directed by FTA.

Tangipahoa Parish Government will annually **establish overall goals**, if the Parish anticipates that it will award prime contracts exceeding \$250,000 in FTA funds in a Federal fiscal year, in accordance with the 2-Step process (see Attachment 4), as specified in 49 CFR Part 26.45. If the Parish does not anticipate awarding more than \$250,000 in FTA funds in prime contracts within the Federal fiscal year, the Parish will not develop an overall goal; however, the existing DBE Program will remain in effect, and the Parish will see to fulfill the objectives outlined in 49 CFR Part 26.1.

The Parish will annually establish overall goals, in accordance with the 2-Step process, as specified in 49 CFR Part 26.45. The first step is to determine the relative availability of DBEs in the market area, “base figure.” The second step is to adjust the “base figure” percentage from Step 1, so that it reflects, as accurately as possible, the DBE participation the recipient would expect in the absence of discrimination, based on the past participation, a disparity study and/or information about barriers to entry to past competitiveness of DBEs on projects.

**A description of the methodology to calculation the overall goal and the goal calculations can be found in Attachment 4 of this program.**

In accordance with this Section 26.45(f) the Parish will submit its overall goal to DOT on August 1 of each year, or as required by the Federal agency, if later. In establishing the overall goal each year, the Parish will consult with minority, women’s and general contractor groups, community organizations, and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Parish’s efforts to establish a level playing field for the participation of DBEs.

Following this consultation, we will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at Tangipahoa Parish Government’s Purchasing Department at 206 Mulberry Street, Amite, LA 70422 for 30 days following the date of the notice, and informing the public that the Parish and DOT will accept comments on the goals for 45 days from the date of the notice. Notice will be issued in general circulation media and available to minority-focus media and trade publications. Normally, we will issue this notice by June 1 of each year. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

Our overall goal submission to DOT will include: the goal; a copy of the methodology, worksheets, etc. used to develop the goal; a summary of information and comments received during this public participation process and our responses; and proof of publication of the goal in media outlets listed above.

We will begin using our overall goal on October 1 of each year, unless we have received other instructions from FTA. If we establish 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. Our goal will remain effective for the duration of the three-year period established and approved by FTA.

### **Section 26.47 Goal Setting and Accountability**

If the awards and commitments shown on Tangipahoa Parish Government Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall applicable to that fiscal year, we will:

1. Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments;
2. Establish specific steps and milestones to correct the problems identified in the analysis; and
3. Perform an internal analysis, establish and implement a corrective action plan and maintain information/records regarding the analysis and efforts made.

### **Section 26.49 Transit Vehicle Manufacturer Goals**

Tangipahoa Parish Government does not purchase transit vehicles, although its subcontract with the third party vendor does purchase vehicles. The subcontractor will provide their DBE to the Parish Government on an annual basis.

### **Section 26.51(a-c)**

The breakout of estimated race-neutral and race-conscious participation can be found in **Attachment 4 in** this program. This section of the program will be updated annually when the goal calculation is updated.

### **Section 26.51(d-g) Contract Goals**

Tangipahoa Parish Government will use contract goals to meet any portion of the overall goal the Parish 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 our overall goal that is not projected to be met through the use of race-neutral means.

The Parish will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We 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).

The Parish will express the contract goals as a percentage of the total amount of a DOT-assisted contract.

## **Section 26.53 Good Faith Efforts Procedures**

### Award of Contracts with a DBE Contract Goal: 26.53(a)

In those instances where a contract-specific DBE goal is included in a procurement/solicitation, Tangipahoa Parish Government will not award the contract to a bidder 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 to demonstrate that it has made sufficient good faith efforts prior to submission of its bid.

### Evaluation of Good Faith Efforts Goal: 26.53(a) & (c)

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

The process used to determine whether good faith efforts have been made by a bidder are as follows:

1. The bidder solicited through all reasonable and available means 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 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. 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 DBEs 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.
5. The bidder cannot reject a DBE firm as unqualified, without sound reasons based on a thorough investigation of their capabilities.
6. The bidder must make an effort to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.

7. The bidder must make an effort to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
8. The bidder effectively used the services of available minority/women community organizations; minority/women contractors' group; local, state, and Federal minority/women business assistance office; and other organizations, as allowed on a case-by-case basis, to provide assistance in the recruitment and placement of DBEs.

Tangipahoa Parish Government will ensure that all information is complete, accurate, and adequately documents the bidder/offeror's good faith efforts, before the Parish commits to the performance of the contract by the bidder/offeror.

Information to be submitted: 26.53(b)

Tangipahoa Parish Government treats bidders/offerors' compliance with good faith efforts requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require all bidders/offerors to submit the following information:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract, as provided in the prime contractors commitment; and
6. If the contract goal is not met, evidence of good faith efforts.

Administrative reconsideration: 26:53(d)

Within seven (7) days of being informed by the Tangipahoa Parish Government that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidders/Offerors should make this request in writing to the following reconsideration official: Donna Domiano, Tangipahoa Parish Government, P. O. Box 215, Amite, LA 70422-0215, Phone: 985-748-3211. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with the Parish reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. The Parish will send the bidder/offeror a written decision on

reconsideration, explaining the basis for finding that the bidder/offeror 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 Department of Transportation.

Good faith efforts when a DBE is terminated/replaced on a contract with contract goals: 26.53(f)

Tangipahoa Parish Government requires that prime contractors not terminate a DBE subcontractor listed on a bid/contract with a DBE contract goal, without the Parish'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 Tangipahoa Parish Government its request to terminate, 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 the Parish prior to consideration of the request to terminate. The DBE will then have five (5) days to respond and advise Tangipahoa Parish Government of why it objects to the proposed termination.

In those instances where "good cause" exists to terminate a DBE contractor, Tangipahoa Parish Government will require the prime contractor make a good faith effort 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 the contract goal. We will require the prime contractor to notify the DBE Liaison Officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

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

If the contractor fails or refuses to comply in the time specified, our contracting office 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.

Sample Bid – Quote Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of Tangipahoa Parish Government to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of **10%** (as determined in the **goal calculation Attachment 4** and FTA goals) has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part

26 (Appendix A), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) written documentation of the bidder's/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) written confirmation from the DBE that it is participating in the contract, as provided in the commitment made under (4); and (6) if the contract goal is not met, evidence of good faith efforts.

### **Section 26.55 Counting DBE Participation**

Tangipahoa Parish Government will count DBE participation toward overall and contract goals, as provided in 49 CFR 26.55.

### **SUBPART D & E - CERTIFICATION**

Tangipahoa Parish Government 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. The Parish will make certification decisions based upon the facts as a whole.

For information about the DBE certification process or to apply for certification, firms should contact:

Attn: Staci Messina  
Louisiana Department of Transportation and Development  
Compliance Programs Section  
P. O Box 94245  
Baton Rouge LA 70804-9245  
Phone: (225) 379 1382

### **Section 26.81 Unified Certification Programs**

Tangipahoa Parish Government is the member of a Unified Certification Program (UCP) administered by the Louisiana Department of Transportation (LADOTD). The UCP will meet all of the requirements of this section. The Parish will use and count for DBE credit only those DBE firms certified by the Louisiana Unified Certification Program (LUCP).

The following is a description of the UCP: LADOTD may certify any firm doing business in the State of Louisiana. Tangipahoa Parish Government is located in LADOTD Region 2.



## Section 26.83-26.91 Procedures for Certification Decisions

Tangipahoa Parish will follow Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. A copy of the Louisiana UCP's certification procedures is available at <http://www8.dodt.louisiana.gov/ucp/>.

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

US Department of Transportation  
Office of Civil Rights Certification Appeals Branch  
1200 New Jersey Ave., S.E.  
West Building, 7<sup>th</sup> Floor  
Washington, DC 20590

Tangipahoa Parish Government will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for DOT-assisted contracting (e.g., certify a firm, if DOT has determined that the denial of its application was erroneous) when appeal decisions are provided to the Parish.

## **SUBPART F – COMPLIANCE AND ENFORCEMENT**

### **Section 26.109 Information, Confidentiality, Cooperation**

Tangipahoa Parish Government will safeguard from disclosure to third parties 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, Tangipahoa Parish Government will not release personal financial information submitted in response to personal net worth requirement to a third party (other than DOT), without the written consent of the submitter.

### **Monitoring Payments to DBEs**

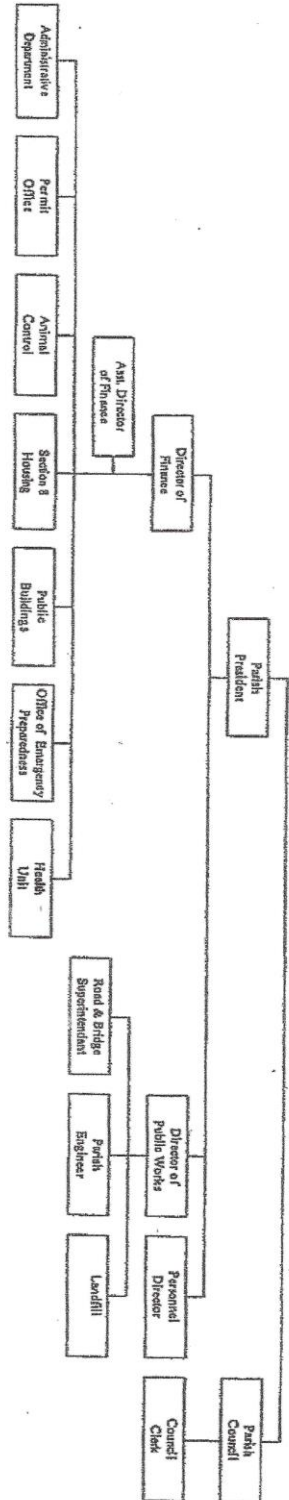
Tangipahoa Parish Government will require prime contractors to maintain records and documents of payments to DBEs for three (3) years, following the performance of the contract. These records will be made available for inspection upon request by authorized representative of Tangipahoa Parish Government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

Tangipahoa Parish Government 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 am

# Attachment 1: Organizational Chart – Tangipahoa Parish

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## Tangipahoa Parish Government Organizational Chart



## ATTACHMENT 2:

- DBE Directory\*

\*The DBE Directory can be found at website link:

<http://www.wapps.dotd.la.gov/engineering/lettings/subsdbed/dbhq20140709.aspx>

*This DBE Directory information is updated annually by State of Louisiana DOTD and by Tangipahoa Parish Government.*

Should you have any questions concerning the information contained in this DBE Directory list, please contact

- ◆ Louisiana DOTD Compliance Programs Section, (225) 379-1382 or Email: [Remy.Graves@la.gov](mailto:Remy.Graves@la.gov)

OR

- ◆ Tangipahoa Parish Government, Donna Domiano, (985) 748-3211 or Email: [purchasing@tangipahoa.org](mailto:purchasing@tangipahoa.org)

### ATTACHMENT 3:

- Monitoring and Enforcement Mechanisms/Legal Remedies
- Compliance Checklist for Sponsor

## Monitoring and Enforcement Mechanisms

Tangipahoa Parish has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

1. Breach of contract action, pursuant to the terms of the contract;
2. Breach of contract action, pursuant to State law – Louisiana Revised Statute 39:1673
3. All criminal penalties provided under State law (Louisiana Revised Statute 49)
4. Disbarment or suspension of a contractor from participation in the Parish's programs.

In addition, the federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE program, including but not limited to, the following:

1. Suspension or debarment pursuant to CFR 49 Part 26
2. Enforcement action pursuant to 49 CFR Part 31
3. Prosecution pursuant to 18 USC 1001

Tangipahoa Parish will use the attached DBE forms, to assist in compliance monitoring. In addition, the Parish will use the DOT Uniform Report of DBE Commitments/Awards and Payments, along with the instructions, to provide 6-month updates of DBE activities.

**Schedule of DBE Participation**  
*(Must be submitted at the time of bid)*

Section 26.53(b)

Bid# \_\_\_\_\_

Name of Prime Contractor/Vendor \_\_\_\_\_

Name of DBE	Address	Type of Work/Service/Product	Reason Unavailable

*Failure to fill out DBE forms is a ground for rejection of the bid. The making of a material misrepresentation of a fact is a ground for consideration of disqualification. Note: This document will become a binding, contractual agreement, when signed by both the Prime Contractor and the disadvantaged business contractor.*

\_\_\_\_\_  
 Signature or Prime Contractor Official

Date: \_\_\_/\_\_\_/\_\_\_\_\_

\_\_\_\_\_  
 Signature of DBE Firm Official      Date: \_\_\_/\_\_\_/\_\_\_\_\_

\_\_\_\_\_  
 Signature of DBE Firm Official      Date: \_\_\_/\_\_\_/\_\_\_\_\_

\_\_\_\_\_  
 Signature of DBE Firm Official      Date: \_\_\_/\_\_\_/\_\_\_\_\_

\_\_\_\_\_  
 Signature of DBE Firm Official      Date: \_\_\_/\_\_\_/\_\_\_\_\_

Schedule of DBE Unavailability  
*(Must be submitted at the time of bid)*

Section 26.53(b)
------------------

Bid# \_\_\_\_\_

Name of Prime Contractor/Vendor \_\_\_\_\_

Name of DBE	Address	Type of Work/Service/Product	Reason Unavailable

*The undersigned certifies that the above DBE(s) was/were contacted, in good faith, and the said DBE(s) was/were unable to submit an acceptable responsive bid. Failure to fill out DBE forms is a ground for rejection of the bid. The making of a material misrepresentation of fact is a ground for consideration of disqualification.*

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Signature

Title: \_\_\_\_\_

Certification of Lack of DBE Availability

I, \_\_\_\_\_, \_\_\_\_\_  
 Name Title

Of \_\_\_\_\_  
 Prime or General Contractor

certify that on \_\_\_\_\_, 20\_\_\_\_, I contacted the following disadvantaged contractor to obtain a bid for work to be performed on the following contract

\_\_\_\_\_  
 Name and/or Number of Contract

DBE Contractor		Work Items Sought
Name		
Company Name:		
Address		
Phone		

To the best of my knowledge and belief, said disadvantaged contractor was unavailable (exclusive of unavailability due to lack of agreement on price) for work on this project, or unable to prepare a bid for the following reasons:

\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_\_\_

\_\_\_\_\_ was offered an opportunity to bid on the above-identified work/project on \_\_\_/\_\_\_/\_\_\_\_\_ by \_\_\_\_\_

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

Signature of DBE Contractor: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_\_\_



**REPORT OF CERTIFIED DBE CONTRACTORS USED ON FTA-ASSISTED CONTRACTS**

NAME OF CONTRACT: \_\_\_\_\_

NAME OF SPONSOR: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

GOAL PERIOD: FROM \_\_\_\_/\_\_\_\_/\_\_\_\_ TO \_\_\_\_/\_\_\_\_/\_\_\_\_

PREPARER: \_\_\_\_\_

PHONE: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

DATE PREPARED: \_\_\_\_/\_\_\_\_/\_\_\_\_

Name of DBE Firm: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ ST \_\_\_\_\_ ZIP \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Type of Work/NAICS: \_\_\_\_\_

\$ Amount of Work: \_\_\_\_\_ FTA Grant# \_\_\_\_\_

Disadvantaged Group:

- Black American       Hispanic American       Native American  
 Subcontract.     Asian American       Asian Pacific American  
 Non-Minority Women       Other (not of any group listed here) \_\_\_\_\_

Name of DBE Firm: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ ST \_\_\_\_\_ ZIP \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Type of Work/NAICS: \_\_\_\_\_

\$ Amount of Work: \_\_\_\_\_ FTA Grant# \_\_\_\_\_

Disadvantaged Group:

- Black American       Hispanic American       Native American  
 Subcontract.     Asian American       Asian Pacific American  
 Non-Minority Women       Other (not of any group listed here) \_\_\_\_\_

UNIFORM REPORT OF DBE COMMITMENTS/AWARDS AND PAYMENTS																	
**Please refer to the instructions sheet for directions on filling out this form**																	
1. Submitted to (check only one): <input type="checkbox"/> FHWA <input type="checkbox"/> FAA <input type="checkbox"/> FTA-Vendor Number																	
2. AIP Numbers (FAA Recipients Only):																	
3. Federal fiscal year in which reporting period falls: FY <input type="checkbox"/> Report due June 1 (for period Oct. 1-Mar. 31) <input type="checkbox"/> Report due Dec. 1 (for period April 1-Sept. 30) <input type="checkbox"/> FAA annual report due Dec. 1																	
4. Date This Report Submitted:																	
6. Name and address of Recipient:																	
7. Annual DBE Goal(s):																	
Race Conscious Goal					Race Neutral Goal					OVERALL Goal							
A	B	C	D	E	F	G	H	I									
Total Dollars	Total Number	Total to DBEs (dollars)	Total to DBEs (number)	Total to DBEs /Race Conscious (dollars)	Total to DBEs/Race Conscious (number)	Total to DBEs/Race Neutral (dollars)	Total to DBEs/Race Neutral (number)	Total to DBEs (dollars)	Percentage of total dollars to DBEs								
<b>AWARDS/COMMITMENTS MADE DURING THIS REPORTING PERIOD</b> (total contracts and subcontracts committed during this reporting period)																	
8. Prime contracts awarded this period																	
9. Subcontracts awarded/committed this period																	
<b>TOTAL</b>																	
10. Total Number of Contracts (Prime and Sub)																	
11. Total Dollar Value																	
A		B		C		D		E		F		G		H		I	
Number of Prime Contracts Completed	Total Dollar Value of Prime Contracts Completed	DBE Participation Needed to Meet Goal (Dollars)	DBE Participation (Dollars)	Black American	Hispanic American	Native American	Subcont. Asian American	Asian-Pacific American	Non-Minority Women	Other (i.e. not of any other group listed here)	TOTALS (for this reporting period only)	Year-End TOTALS	Total DBE Participation (Dollars)	Percentage of Total DBE Participation			
<b>ACTUAL PAYMENTS ON CONTRACTS COMPLETED THIS REPORTING PERIOD</b>																	
12. Race Conscious																	
13. Race Neutral																	
14. Totals																	
15. Submitted by (Print Name of Authorized Representative)																	
16. Signature of Authorized Representative																	
17. Phone Number:																	
18. Fax Number:																	

Instructions for completing Uniform Report of DBE Commitments/Awards & Payments can be found at: [http://www.fta.dot.gov/documents/Semi-Annual\\_Form\\_\(website\).pdf](http://www.fta.dot.gov/documents/Semi-Annual_Form_(website).pdf)

ATTACHMENT 4:

- Demonstration of Good Faith Efforts

PUBLIC NOTICE  
TANGIPAHOA PARISH GOVERNMENT DBE

The Parish of Tangipahoa Government, as Sponsor of FTA Urban Transit System for the Hammond Urbanized Area, hereby announces its fiscal year 2015 goal of 10% Disadvantaged Business Enterprise (DBE) related construction projects or operating programs. The proposed DBE plan, goals, and its rationale are available for inspection between 8:00am and 4:00pm, Monday through Friday at the Parish Government Annex, 206 East Mulberry St., Amite, LA 70422 for 30 days from the date of this publication.

Public comments or questions on the DBE goal will be accepted for 45 days from the date of this publication and can be sent to the following:

*Missy Cowart  
Tangipahoa Parish Govt.  
P O Box 215  
Amite, LA 70422-0215*

*Or  
Federal Aviation Administration  
Civil Rights Staff, ASW-9  
2601 Meacham Blvd.  
Fort Worth, TX 76137-0009*

**Contract Goals:**

The Parish of Tangipahoa will use contract goals to meet any portion of the overall goal that the recipient does not project being able to meet using RN 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 the recipient's overall goal that is not projected to be met through RN means.

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

The Parish will express its contract goals as a percentage of the total amount of DBE-assisted contracts.

## EXAMPLES OF GOOD FAITH EFFORT DOCUMENTATION

The following is a list of types of actions a bidder/offeror should take when documenting good faith efforts. This list is not intended to be exclusive or exhaustive, nor are all the actions mandatory. Other factors or types of efforts may be relevant in appropriate cases.

Solicitation / Advertisement Efforts: should include efforts to solicit quotes through all reasonable and available means, the interest of all certified firms who have the capability to perform the work of the contract. The bidder/offeror should ensure that the request are made within sufficient time to allow DBE firms to respond. The contractor should take the initiative to contact firms that have indicated an interest in participating as subcontractor/supplier.

Negotiation Efforts: should include efforts to make a portion of the project work available consistent with the availability and capabilities of DBE firms, in order to facilitate DBE participation. Plans and specifications should be made available to the DBE firms that have shown an interest in participating. Contractors should consider price, capability, and project goals.

Assistance Efforts: efforts to assist DBE firms in obtaining bonding, lines of credit, insurance, equipment, materials, supplies or other project-related assistance. Contractors are encouraged to assist firms with independently obtaining these resources. Contractor may not provide these resources to the DBE firm, unless allowed by DOTD's prior approval. Level of assistance should be limited to referral sources, introductions, initial contacts with industry representatives on the DBEs behalf.

Additional Efforts: any additional efforts to utilize the services of minority or women organizations, groups; local, state and/or federal business offices which provide assistance in the recruitment and placement of DBE firms. Utilizing the services offered by the department's DBE supportive services for assistance with advertisement and recruitment efforts. Contractors are encouraged to document any efforts taken in their attempt to fulfill the project goal.

BIDDER/OFFEROR'S DBE PARTICIPATION ASSURANCE FORM

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner. (Please summarize below and check the appropriate space):

Name & Address of Participating DBE Firm	Description of work that each DBE firm will perform	\$ Amount of the participation of each DBE firm	DBE's participation %percentage
		\$	%
		\$	%
		\$	%
		\$	%
Total DBE Participation		\$	%
Total Bid Price (Prime & All Sub-Contractors)		\$	%

\_\_\_\_\_The bidder/offeror is committed to a minimum of \_\_\_% DBE utilization on this contract, as documented by the attached forms signed by the DBE firms.

\_\_\_\_\_The bidder/offeror (if unable to meet the DBE goal of \_\_\_%) is committed to a minimum of \_\_\_% DBE utilization on this contract, as documented by the attached forms and other described good faith efforts.

Bidder/Offeror FIRM: \_\_\_\_\_

By (signature): \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

State Registration#: \_\_\_\_\_

DBE GOOD FAITH EFFORT DOCUMENTATION FORM

The intent of this form is to document the good faith effort attempts made by the apparent low bidder in soliciting DBE firms to meet the DBE project goal. Please note that the project goal will not be waived and the contractor must make efforts to achieve the goal throughout the life of the contract.

Every work type where there is a certified DBE, the apparent low bidder must submit the form as follows:

- 1 available DBE – must contact 1 DBE
- 2-5 available DBEs – must contact 3 DBEs minimum
- 6-7 available DBEs – must contact 4 DBEs minimum
- 8-9 available DBEs – must contact 5 DBEs minimum
- 10 or more available DBEs – must contact 6 DBEs minimum

All information submitted on this form is subject to audit by the DBE Goal Committee.

Date Submitted: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

State Project# \_\_\_\_\_ Parish: \_\_\_\_\_

Contractor Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ St \_\_\_\_\_ Zip: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone#(\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Email: \_\_\_\_\_

Project Goal Percentage: \_\_\_\_\_ %

Commitment Percentage: \_\_\_\_\_ %

Unattained Percentage: \_\_\_\_\_ %

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I certify that the information contained in this good faith effort documentation form is true and correct to the best of my knowledge. I further understand that any willful falsification, fraudulent statement or misrepresentation will result in appropriate sanctions which may involve debarment and/or prosecution under applicable State and Federal laws.

Bidder/Authorized Representative Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

## ATTACHMENT 5:

Note: The Tangipahoa Parish FTA-funded Transit Program will use the State of Louisiana DBE Unified Certification Program and its application and forms to qualify eligible DBE businesses. Links to the DBE-UCP Program Information and Application can be found at the links listed below:

### **LOUISIANA UNIFIED CERTIFICATION PROGRAM (LA UCP) for Disadvantaged Business Enterprises (DBE):**

**Website:** <http://www.laucp.org/ucp/>

[Unified Certification Program \(UCP\) Application and Miscellaneous Forms](http://www8.dotd.la.gov/UCP/UCPDownloads.aspx) <http://www8.dotd.la.gov/UCP/UCPDownloads.aspx>

#### **UCP Links and Other Useful Information:**

<http://www8.dotd.la.gov/UCP/UCPLinks.aspx>

#### **UCP/DBE Agreement**

[http://www8.dotd.la.gov/UCP/LADOTD\\_UCP\\_Agreement.pdf](http://www8.dotd.la.gov/UCP/LADOTD_UCP_Agreement.pdf)

Provides information about what is the Unified Certification Program for Disadvantaged Business Enterprises and its purpose.

#### **Personal Net Worth Form:**

<http://www8.dotd.la.gov/UCP/sba413-PersonalFinancialStatement.pdf>

#### **UCP Plan and Process** [http://www8.dotd.la.gov/UCP/UCP\\_Plan\\_Process.pdf](http://www8.dotd.la.gov/UCP/UCP_Plan_Process.pdf)

Describes how the Unified Certification Program works.

#### **UCP Directory Search** <http://www8.dotd.la.gov/UCP/UCPSearch.aspx>

Find a Certified DBE Company by Company Name, Region, parish, type of service and/or type of work performed.



## ATTACHMENT 6:

Disadvantaged Business Enterprise Program (DBE) for Tangipahoa Parish  
Hammond Area Urbanized Transit (Section 5307 Funds) (*updated annually*)

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### **BIDDER'S LIST**

- **DYNA-PLAY, LLC**  
P O BOX 6497  
METAIRIE, LA 70009  
(504) 262-0060
  
- **FIRST TRANSIT**  
6600 ALMONASTER  
NEW ORLEANS LA 70126  
(504) 262-0060
  
- 
  
- **RELIANT TRANSPORTATION**  
P.O. BOX 67009  
LINCOLN, NE 68506  
4411 S 86TH ST, LINCOLN, NE 68526  
(888) 464-7771
  
- **RIVER PARISHES TRANSIT**  
149 WOODLAND DRIVE  
LAPLACE LA 70068  
(985) 651-1141
  
- **TANGIPAHOA VOLUNTARY COUNCIL ON AGING (TVCOA)**  
207 E CHURCH ST, HAMMOND, LA 70401  
(985) 345-5000

## ATTACHMENT 7:

- Electronic Code of Federal Register 49 CFR Transportation Subtitle A Office of the Secretary of Transportation (*information and application for participation by disadvantaged business enterprises in Department of Transportation Financial Assistance Programs*)

See website:

[http://www.ecfr.gov/cgi-bin/text-idx?SID=68d402115c87cbc45387558c00b2c624&tpl=/ecfrbrowse/Title49/49cfr26\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?SID=68d402115c87cbc45387558c00b2c624&tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl)