

Resolution No. 1991- 42

A RESOLUTION ADOPTING REVISIONS TO THE DISADVANTAGED
BUSINESS ENTERPRISE/WOMEN'S BUSINESS ENTERPRISE PROGRAM
(ADOPTED APRIL 16, 1985) FOR THE
GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY

WHEREAS, the Civil Rights Act of 1964, as Amended, provides: Section 601. "No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial Assistance"; and

WHEREAS, on April 16, 1985, the Board of Trustees of the Greater Cleveland Regional Transit Authority adopted a revised Disadvantaged Business Enterprise/Women's Business Enterprise Program for the Authority (Resolution No. 1985-87); and

WHEREAS, on March 31, 1980, the U. S. Department of Transportation, Urban Mass Transportation Administration published Federal Register Vol. 45, No. 63, entitled Participation by Minority Business Enterprise in Department of Transportation Programs, as amended by Federal Register Vol. 46, No. 80, published April 27, 1981, under the same title; and

WHEREAS, the Surface Transportation Uniform Relocation Assistance Act of 1987, provides at Section 106(C): "Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts authorized to be appropriated under Titles I & III of this act or obligated under titles I, II, and III (other than section 203) of the Surface Transportation Assistance Act of 1982 after the date of the enactment of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals;" and

WHEREAS, the Department of Transportation has implemented the provisions of said Section 106(C) through the promulgation of regulations entitled Participation by Minority Business Enterprises in Department of Transportation Programs, 49 CFR, Part 23, and published in the Oct. 21, 1987, Federal Register, Vol. 52 No. 203; and

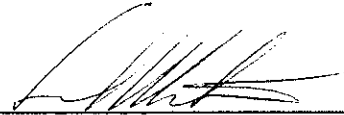
WHEREAS, it has become necessary to amend the Affirmative Action Plan of the Authority in order to bring the Minority Business Enterprise component of said plan into compliance with the requirements of the Surface Transportation and Uniform Relocation Assistance Act of 1987 and the aforesaid federal regulations:

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority:

Section 1. That the Revisions for the Disadvantaged Business Enterprise Program (a copy of which is attached hereto), are fully incorporated herein and made a part thereof, be and are hereby adopted as a policy of the Greater Cleveland Regional Transit Authority.

Section 2. That this resolution is effective immediately upon its adoption.

Adopted: February 19, 1991



President

Attest: Ronald J. Ives
General Manager/Secretary-Treasurer

ATTACHMENT A

GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY
1991 Revisions to DBE Program

The following revisions to the GCRTA Disadvantaged Business Enterprise (DBE) Program are proposed to improve the Program and insure its compliance with UMTA regulations:

1. Certification of DBE firms

The current GCRTA Program requires DBE firms to be either SBA 8(a) certified or certified by the GCRTA. To expand the number of DBE's eligible for GCRTA consideration and reduce the financial and administrative burdens on DBE's, certification of DBE status will be accepted by the GCRTA when the DBE is certified by at least one of the following organizations:

- City of Cleveland (U.S. Commerce Dept., Minority Business Development Agency).
- State of Ohio.
- Washington Metropolitan Area Transit Authority (WMATA).
- Maryland Dept. of Transportation.
- Chicago Transit Authority.
- Southern California Rapid Transit District (SCRTD).

2. Annual DBE Goal Setting Methodology

- a. In order to ascertain the availability of qualified DBE firms for the annual goal setting phase, staff will review the list of DBE firms maintained by the City of Cleveland and the State of Ohio in addition to the SBA 8(a) and GCRTA lists for the Greater Cleveland area.
- b. In addition to evaluating contracting opportunities in the coming year and the availability of DBE firms (a. above), staff will also review goal attainment during the previous, as well as current, Federal fiscal year. The purpose of the review will be to determine the reasons why or why not the goal was achieved and their implications for goal attainment in the coming Federal fiscal year.

3. Women owned firms.

To conform with UMTA regulations, women will be included among socially and economically disadvantaged individuals under the GCRTA Program.

4. Definition of DBE Firm

The definition portion of the Program will be revised as follows:

- a. Only a "small business concern" may qualify.
- b. DBE's will be considered ineligible for continued participation in and will be graduated from the DBE Program if their average annual gross receipts from all sources during the previous three (3) years exceed \$14 million. (This is as required by UMTA regulations.)

5. Certification of other groups as disadvantaged

The section of the Program on certification will be revised to allow that on a case-by-case basis, other groups (eg. handicapped, veterans, Appalachian white males, and Hasidic Jews) or individuals may be determined to be socially and economically disadvantaged for purposes of participation in the Program. In this regard, the standards established by UMTA for determining DBE status will be employed.

6. Appeals of Certification Denial

The Appeals section of the Program will be revised to provide that while an appeal of certification denial is pending, the determination of GCRTA will remain in effect unless, and until, reversed by the U.S. Dept. of Transportation.

7. Value of Contract Allowable

The percentage of the dollar value of a contract let to a DBE supplier who is not a manufacturer of the product or service that will be counted toward goal achievement will be increased to 60% versus the current 20%. (This is required by UMTA regulations.)

8. Minor language changes

A number of minor language changes not materially effecting the content of the Program will be made.

1/31/91