

RESOLUTION NO. 2012-27

AMENDING RESOLUTION NO. 2004-124 TO REVISE THE PROGRAM
MANUAL FOR DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION
FOR FEDERALLY FUNDED CONTRACTS TO INCLUDE A SMALL BUSINESS
PARTICIPATION PLAN

WHEREAS, the Board of Trustees adopted Resolution No. 2004-124 on September 21, 2004, approving a revised Program Manual for Disadvantaged Business Enterprise (DBE) Participation for federally-funded contracts; and

WHEREAS, The U.S. Department of Transportation (US DOT) / Federal Transit Administration (FTA) regulation Section 49 of the Code of Federal Regulations (CFR), Part 26, require Transit Authorities to have an approved DBE Program Manual; and

WHEREAS, Section 49 CFR Part 26 also requires that as significant changes occur in the DBE program that the Greater Cleveland Regional Transit Authority (the Authority) incorporate any such changes into a revised DBE Program Manual that must be approved by the FTA; and

WHEREAS, The US DOT has issued a new rule on Fostering Small Business Participation (49 CFR 26.39) that requires the Authority to include element(s) in its DBE Program that structure contracting requirements to facilitate competition by small business concerns, and which represents a significant change to the DBE program, and

WHEREAS, the Authority has revised and updated its DBE Program Manual to comply with all current federal mandates as provided in the Code of Federal Regulations, including 49 CFR Part 26.39 on Fostering Small Business Participation.

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

Section 1. That the Authority's program manual for DBE participation is revised to include Attachment A, which is fully incorporated herein.

Section 2. That Resolution No. 2004-124 is hereby amended to include the Small Business Participation Plan (Attachment A), which is effective October 1, 2012.

Section 3. That the revised Program Manual for Disadvantaged Business Enterprise is hereby approved by the Board of Trustees of the Greater Cleveland Regional Transit Authority.

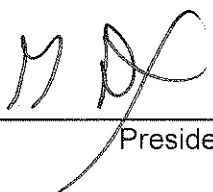
Section 4. That the General Manager is directed to submit to the Federal Transit Administration this Program Manual in accordance with the requirements of 49 CFR Part 26.39.

Section 5. That this resolution shall become effective immediately upon its adoption.

Attachment A – Small Business Participation Plan

Adopted: March 20, 2012

Attest: 
CEO, General Manager/Secretary-Treasurer



President

GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY SMALL BUSINESS PARTICIPATION PLAN

A. Overview

The Greater Cleveland Regional Transit Authority (the Authority) supports the U.S. Government's objective to foster the development and continued viability of small businesses. These firms, that by definition include DBE firms and non-DBE women and minority-owned small businesses, have been integral partners in the Authority's work over the years and have contributed significantly to the quality products and services we provide to clients.

The Authority is committed to developing relationships and increasing business participation with small business concerns in a fiscally responsible manner. In compliance with 49 Code of Federal Regulation (CFR) Part 26.39: Fostering Small Business Participation, the Authority hereby establishes a Small Business Participation Plan to assist small business concerns and ensure they participate in a fair proportion of the Authority's contracts and purchases. The effective date will be October 1, 2012.

B. Standards

Under Section 49 CFR Part 26.39, the Authority must take all reasonable steps to eliminate obstacles that may preclude participation of small businesses as prime or subcontractors. The Authority has set a non-binding administrative target to award 5%-10% of its total annual addressable spend to contractors and subcontractors that are small business concerns, which businesses shall be determined as defined by the Small Business Administration's size standards contained in 13 CFR Part 121.

Addressable spend excludes such items as transit motor vehicles, real estate, proprietary contracts, and/or procurements where it has been demonstrated small business concerns are not represented in local markets. The Authority will verify the size standards of companies for companies it reports to have been awarded contracts as small business concerns.

C. Program Administration

The efforts to ensure fair opportunities are made available to the small business concerns are spelled out in the Administrator's duties. The Director of Office of Business Development shall have overall responsibility for administering the Plan, with the support of the Director of Procurement. These duties include, but are not limited to, the following activities:

- Develop and maintain a bidder's lists of small businesses;
- Ensure Procurements and solicitations are designed to permit and encourage participation of small business concerns;
- Ensure small business concerns are included on the source lists for all solicitations for products, commodities and services for which they are capable of providing.
- Educate small business participants regarding procurement policies and procedures.

GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY SMALL BUSINESS PARTICIPATION PLAN

- Maintain an up-to-date database of small business concerns to ensure procurement staff has information needed to solicit products and services from firms and invite them to compete for contracts and purchase orders.
- Ensure periodic rotation of potential small business concerns on bidders lists.
- Maintain database of award of contracts and subcontracts awarded to small business concerns, monitor performance, and conduct a semi-annual review and assess the extent to which small businesses are participating in purchases and contracts and make any adjustments necessary to achieve the Plan goals.
- Develop and promote policy and program initiatives that demonstrate support for awarding contract and subcontracts to small business concerns, to include providing copies of Invitations for Bids, Requests for Proposals and Request for Quotations to organizations and associations such as the SBA, Council on Smaller Enterprises (COSE), Urban League, Women and Veteran Business Associations, etc., for dissemination to members.

D. Strategies to Support Small Business Participation

- The Authority will proactively encourage the use of small business concerns in larger procurements by including a clause entitled "Utilization of Small Business Concerns" in all contracts that offer subcontracting opportunities; and all contractors (except small business concerns) that receive contracts will be responsible to make good faith efforts to include small business concerns as subcontractors.
- The Authority will ensure a reasonable number of prime contracts are of a size that small businesses can reasonable perform.
- The Authority will sponsor and actively participate in outreach activities and to identify and engage small businesses.
- The Authority will provide networking opportunities and technical assistance to ensure small businesses are aware of contracting opportunities, and know how to prepare responsive bids as a prime contractor or subcontractor.
- The Authority will establish a Small Business Participation Advisory Council (the Council to help successfully implement the Small Business Participation Plan). The Council will be comprised of 5-7 members to include representatives from local businesses and/or economic development organizations, and management executives from at least two (2) established local small business concerns. The Authority's General Manager and/or Deputy General Manager, Director of Procurement, and/or Director of the Office of Business Development also will serve on the Council, which will meet on a semi-annual basis and will provide a report to the Authority's Board annually.



TITLE/DESCRIPTION: AMENDING THE DISADVANTAGED BUSINESS ENTERPRISE PROGRAM TO INCLUDE A SMALL BUSINESS PARTICIPATION PLAN	Resolution No.: 2012-27
	Date: March 15, 2012
	Initiator: Office of Business Development
ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

- 1.0 **PURPOSE/SCOPE:** This action will allow the Greater Cleveland Regional Transit Authority (Authority) to comply with the federal regulations of the U.S. Department of Transportation (49 CFR, Part 26) and the Federal Transit Administration (FTA) that require the Authority to update its Disadvantaged Business Enterprise (DBE) Program Manual when significant changes occur in the Authority's approved DBE program.

- 2.0 **DESCRIPTION/JUSTIFICATION:** The Authority's DBE Program Manual provides an overview of program requirements and establishes policy and guidelines for program compliance.

 It is the policy of the U.S. Department of Transportation (US DOT) and the Authority to encourage and increase DBE participation in contracts and programs funded by US DOT.

- 3.0 **PROCUREMENT BACKGROUND:** Does not apply.

- 4.0 **DBE/AFFIRMATIVE ACTION BACKGROUND:** This action supports the compliance with the US DOT 49 CFR Part 26 on Disadvantaged Business Enterprise (DBE) Program Regulations, and specifically addresses newly adopted requirements on Fostering Small Business Participation.

- 5.0 **POLICY IMPACT:** This action updates the Authority's policy with regard to the DBE Program.

- 6.0 **ECONOMIC IMPACT:** This action supports the continuation of the Authority's eligibility for federal financial assistance. The Federal Transit Administration provides grants in support of the Authority's capital program.

- 7.0 **ALTERNATIVES:** Do not approve this resolution. This would prevent the Authority from complying with the federal regulations requiring program manual updates as significant changes occur. This would not be in compliance with the federal regulations and jeopardize federal funding.

- 8.0 **RECOMMENDATION:** The Small Business Participation Plan was discussed at the March 6, 2012 Committee of the Whole Board meeting and recommended for approval to the Board of Trustees. It is recommended that the Board approve a revised Disadvantaged Business Enterprise Program Manual to include the Small Business Participation Plan.

9.0 ATTACHMENTS: None.

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.


CEO, General Manager/Secretary-Treasurer