

Municipality of Añasco, Puerto Rico



Commonwealth of Puerto Rico
Estado Libre Asociado de Puerto Rico
Municipality of / Municipio de Añasco
Collective Transportation Office
Oficina de Transporte Colectivo



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Disadvantaged Business Enterprise – DBE Plan For Fiscal Years 2021-2023

Hon. Kabir Solares García - Mayor

DBE Goal Actualized for 2024-2026

DBE Liaison Officer (DBELO)- Actualized

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Director Programa de Transporte Colectivo
787-826-9999 - jvelez@anasco.pr.gov

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POLICY STATEMENT

Sections 26.1, 26.23 Objectives/Policy Statement

The Municipality of Añasco has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The Municipality of Añasco requests and receives federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the Municipality has signed an assurance that it will comply with 49 CFR Part 26.

The Municipality of Añasco hereby expresses its commitment to support to the policy of providing the fullest possible participation of firms owned and controlled by socially and economically disadvantaged individuals in programs and projects receiving assistance under the DOT programs.

It is the policy of the Municipality of Añasco that no person shall be excluded from participation, denied the benefits of otherwise discriminated against in relation with the award and performance of any contract covered by this Program, on the grounds of race, color or national origin. In this regard, the Municipality of Añasco is committed to a program of providing equal opportunity and affirmative action to disadvantaged business enterprises and small businesses as defined under 49 CFR Part 26. Implementation of the DBE program by the Municipality of Añasco is a legal obligation and failure to carry out its terms shall be treated as a violation whereby sanctions may be imposed as provided under 49 CFR Part 26. In administering the DBE Program, the Municipality of Añasco shall not use criteria or methods that would have the effect of defeating or substantially impairing accomplishments of the objectives of the program with respect to individuals of a particular race, color, sex, or national origin.

It is our policy to:

Ensure nondiscrimination in the award and administration of DOT-assisted contracts;

Create a structure upon which DBEs and other small businesses can compete fairly for DOT- assisted contracts;

Guarantee that the DBE Program is narrowly tailored in accordance with applicable law;

Secure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBE;

Help remove barriers to the participation of DBEs other small businesses in DOT-assisted contracts;

Coordinate technical assistance for firms to become successful in competing for DBE and other outside DBE contracts; and,

Provide appropriate flexibility to recipients of federal financial assistance and establishing and providing opportunities for DBEs and other small businesses.

The Transportation Program Director of the Municipality of Añasco has been delegated as the DBE Liaison Officer. In that capacity, the Liaison Officer 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 included by the Municipality of Añasco on its financial assistance agreements with the Department of Transportation.

The Municipality of Añasco will disseminate this policy statement to the Municipal Legislature and all of the components of our municipal organization. We will distribute this statement to DBE and non-DBE business communities that will perform work for us on DOT-assisted contracts. This statement and its program will be posted on all municipal dependencies related to transportation.

July 14, 2021

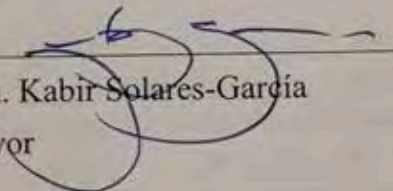
Hon. Kabir Solares-García
Mayor

Date

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July 14, 2021



Hon. Kabir Solares-García
Mayor

Date

Declaración de Política

Secciones 26.1, 26.23 Objetivos/Declaración de Política

El Municipio de Añasco ha establecido un Programa de Empresas en Desventaja (*DBE*) en concordancia con la reglamentación del Departamento de Transportación de los Estados Unidos (*DOT*), *49 CFR Parte 26*. El Municipio de Añasco solicita y recibe asistencia federal del Departamento de Transportación (*DOT*) y como condición para obtener esa asistencia, el Municipio ha firmado una certificación de que cumplirá con el *49 CFR Parte 26*.

El Municipio de Añasco expresa su compromiso de apoyar la política de proporcionar la mayor participación posible de las empresas propiedad y controladas por individuos social y económicamente desfavorecidos en programas y proyectos que reciben asistencia en el marco de los programas del *DOT*.

Es la política del Municipio de Añasco que ninguna persona será excluida de la participación, negada a los beneficios o de otra manera discriminada en relación con la adjudicación y ejecución de cualquier contrato cubierto por este Programa, por motivos de raza, color o origen nacional. En este sentido, el Municipio de Añasco está comprometido con un programa de igualdad de oportunidades y acción afirmativa a las empresas en desventaja y a las pequeñas empresas, tal como se define en *49 CFR Parte 26*. La implementación del programa *DBE* por parte del Municipio de Añasco es una obligación legal y el incumplimiento de sus términos será tratado como una violación por la cual las sanciones pueden ser impuestas según lo dispuesto en *49 CFR Parte 26*. Al administrar el Programa *DBE*, el Municipio de Añasco no utilizará criterios o métodos que tengan el efecto de derrotar o menoscabar sustancialmente los logros de los objetivos del programa con respecto a individuos de una raza en particular, color, sexo u origen nacional.

Nuestra política es:

Garantizar la no discriminación en la adjudicación y administración de los contratos asistidos por *DOT*;

Crear una estructura sobre la cual los *DBE* y otras pequeñas empresas puedan competir equitativamente por los contratos asistidos por *DOT*;

Garantizar que el Programa *DBE* se adapte de manera estrecha de acuerdo con la legislación aplicable;

Asegurar que solo las empresas que cumplan plenamente con las normas de elegibilidad de *49 CFR Parte 26* pueden participar como *DBE*;

Ayudar a eliminar los obstáculos a la participación de otras pequeñas empresas en los contratos asistidos por *DOT*;

Coordinar la asistencia técnica para que las empresas tengan éxito en competir por *DBE* y otros contratos externos de *DBE*; y

Proporcionar la flexibilidad adecuada a los beneficiarios de asistencia financiera federal y establecer y proporcionar oportunidades para los DBEs y otras empresas pequeñas.

El Director del Programa de Transportación del Municipio de Añasco ha sido delegado como Oficial de Enlace de DBE. En esa capacidad, el Oficial de Enlace es responsable de implementar todos los aspectos del programa DBE. La implementación del programa DBE tiene la misma prioridad que el cumplimiento de todas las demás obligaciones legales incluidas por el Municipio de Añasco en sus acuerdos de asistencia financiera con el Departamento de Transportación.

El Municipio de Añasco difundirá esta declaración de política a la Legislatura Municipal y a todos los componentes de nuestra organización municipal. Distribuiremos esta declaración a las comunidades empresariales de DBE y no DBE que realizarán trabajos para nosotros en contratos asistidos por DOT. Esta declaración y su programa se divulgará en todas las dependencias municipales relacionadas con transportación.

14 de julio de 2021

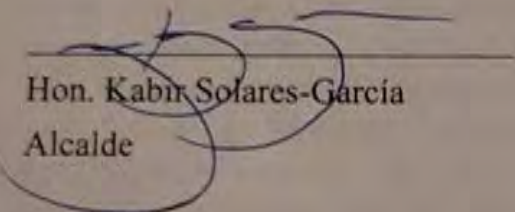
Hon. Kabir Solares-García
Alcalde

Fecha

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Hon. Kabir Solares-García
Alcalde

Fecha

SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

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

Section 26.3 Applicability

The Municipality of Añasco will be the recipient of federal assistance transportation funds authorized under [Fixing America's Surface Transportation \(FAST\) Act](#) and reauthorizing surface transportation programs through Fiscal Year 2021 and subsequent amendments.

Section 26.5 Definitions

The Municipality of Añasco will adopt the definitions contained in Section 26.5 for this program, as follows:

§26.5 What do the terms used in this part mean?

Affiliation has the same meaning the term has in the Small Business Administration (SBA) regulations, 13 CFR part 121.

Except as otherwise provided in 13 CFR part 121, concerns are affiliates of each other when, either directly or indirectly:

One concern controls or has the power to control the other; or

A third party or parties controls or has the power to control both; or

An identity of interest between or among parties exists such that affiliation may be found.

In determining whether affiliation exists, it is necessary to consider all appropriate factors, including common ownership, common management, and contractual relationships. Affiliates must be considered together in determining whether a concern meets small business size criteria and the statutory cap on the participation of firms in the DBE program.

Alaska Native means a citizen of the United States who is a person of one-fourth degree or more Alaskan Indian (including Tsimshian Indians not enrolled in the Metlaktla Indian Community), Eskimo, or Aleut blood, or a combination of those bloodlines. The term includes, in the absence of proof of a minimum blood quantum, any citizen whom a Native village or Native group regards as an Alaska Native if their father or mother is regarded as an Alaska Native.

Alaska Native Corporation (ANC) means any Regional Corporation, Village Corporation, Urban Corporation, or Group Corporation organized under the laws of the State of Alaska in accordance with the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, *et seq.*).

Assets mean all the property of a person available for paying debts or for distribution, including one's respective share of jointly held assets. This includes, but is not limited to, cash on hand and in banks, savings accounts, IRA or other retirement accounts, accounts receivable, life insurance, stocks and bonds, real estate, and personal property.

Business, business concern or business enterprise means an entity organized for profit with a place of business located in the United States, and which operates primarily within the United States or which makes a significant contribution to the United States economy through payment of taxes or use of American products, materials, or labor.

Compliance means that a recipient has correctly implemented the requirements of this part.

Contingent Liability means a liability that depends on the occurrence of a future and uncertain event. This includes, but is not limited to, guaranty for debts owed by the applicant concern, legal claims and judgments, and provisions for federal income tax.

Contract means a legally binding relationship obligating a seller to furnish supplies or services (including, but not limited to, construction and professional services) and the buyer to pay for them. For purposes of this part, a lease is considered to be a contract.

Contractor means one who participates, through a contract or subcontract (at any tier), in a DOT-assisted highway, transit, or airport program.

Days mean calendar days. In computing, any period of time described in this part, the day from which the period begins to run is not counted, and when the last day of the period is a Saturday, Sunday, or Federal holiday, the period extends to the next day that is not a Saturday, Sunday, or Federal holiday. Similarly, in circumstances where the recipient's offices are closed for all or part of the last day, the period extends to the next day on which the agency is open.

Department or DOT means the U.S. Department of Transportation, including the Office of the Secretary, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the Federal Aviation Administration (FAA).

Disadvantaged business enterprise or DBE means a for-profit small business concern:

That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and

Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

DOT-assisted contract means any contract between a recipient and a contractor (at any tier) funded in whole or in part with DOT financial assistance, including letters of credit or loan guarantees, except a contract solely for the purchase of land.

Home state means the state in which a DBE firm or applicant for DBE certification maintains its principal place of business.

Immediate family member means father, mother, husband, wife, son, daughter, brother, sister, grandfather, grandmother, father-in-law, mother-in-law, sister-in-law, brother-in-law, and domestic partner and civil unions recognized under State law.

Indian tribe means any Indian tribe, band, nation, or other organized group or community of Indians, including any ANC, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or is recognized as such by the State in which the tribe, band, nation, group, or community resides. See definition of “tribally- owned concern” in this section.

Joint venture means an association of a DBE firm and one or more other firms to carry out a single, for-profit business enterprise, for which the parties combine their property, capital, efforts, skills and knowledge, and in which the DBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.

Liabilities mean financial or pecuniary obligations. This includes, but is not limited to, accounts payable, notes payable to bank or others, installment accounts, mortgages on real estate, and unpaid taxes.

Native Hawaiian means any individual whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

Native Hawaiian Organization means any community service organization serving Native Hawaiians in the State of Hawaii which is a not-for-profit organization chartered by the State of Hawaii, is controlled by Native Hawaiians, and whose business activities will principally benefit such Native Hawaiians.

Noncompliance means that a recipient has not correctly implemented the requirements of this part.

Operating Administration or *OA* means any of the following parts of DOT: the Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA). The “Administrator” of an operating administration includes his or her designees.

Personal net worth means the net value of the assets of an individual remaining after total liabilities are deducted. An individual's personal net worth does not include: The individual's ownership interest in an applicant or participating DBE firm; or the individual's equity in his

or her primary place of residence. An individual's personal net worth includes only his or her own share of assets held jointly or as community property with the individual's spouse.

Primary industry classification means the most current North American Industry Classification System (NAICS) designation, which best describes the primary business of a firm. The NAICS is described in the North American Industry Classification Manual—United States, which is available on the Internet at the U.S. Census Bureau Web site:<http://www.census.gov/eos/www/naics/>.

Primary recipient means a recipient which receives DOT financial assistance and passes some or all of it on to another recipient.

Principal place of business means the business location where the individuals who manage the firm's day-to-day operations spend most working hours. If the offices from which management is directed and where the business records are kept are in different locations, the recipient will determine the principal place of business.

Program means any undertaking on a recipient's part to use DOT financial assistance, authorized by the laws to which this part applies.

Race-conscious measure or program is one that is focused specifically on assisting only DBEs, including women-owned DBEs.

Race-neutral measure or program is one that is, or can be, used to assist all small businesses. For the purposes of this part, *race-neutral* includes gender-neutrality.

Recipient is any entity, public or private, to which DOT financial assistance is extended, whether directly or through another recipient, through the programs of the FAA, FHWA, or FTA, or who has applied for such assistance.

Secretary means the Secretary of Transportation or his/her designee.

Set-aside means a contracting practice restricting eligibility for the competitive award of a contract solely to DBE firms.

Small Business Administration or *SBA* means the United States Small Business Administration.

SBA certified firm refers to firms that have a current, valid certification from or recognized by the SBA under the 8(a) BD or SDB programs.

Small business concern means, with respect to firms seeking to participate as DBEs in DOT-assisted contracts, a small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in §26.65(b).

Socially and economically disadvantaged individual means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who has been subjected to racial or ethnic prejudice or cultural bias within American society because of his or her identity as a members of groups and without regard to his or her individual qualities. The social disadvantage must stem from circumstances beyond the individual's control.

Any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis. An individual must demonstrate that he or she has held himself or herself out, as a member of a designated group if you require it.

Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:

Black Americans - which includes persons having origins in any of the Black racial groups of Africa;

Hispanic Americans - which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

Native Americans - which includes persons who are enrolled members of a federally or State recognized Indian tribe, Alaska Natives, or Native Hawaiians;

Asian-Pacific Americans - which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), Republic of the Northern Marianas Islands, Samoa, Macao, Fiji, Tonga, Kirbati, Tuvalu, Nauru, Federated States of Micronesia, or Hong Kong;

Subcontinent Asian Americans - which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal, or Sri Lanka;

Women;

Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

Being born in a particular country does not standing alone, mean that a person is necessarily a member of one of the groups listed in this definition.

Spouse means a married person, including a person in a domestic partnership or a civil union recognized under State law.

Transit vehicle manufacturer means any manufacturer whose primary business purpose is to manufacture vehicles specifically built for public mass transportation. Such vehicles include, but are not limited to: Buses, rail cars, trolleys, ferries, and vehicles manufactured specifically for paratransit purposes. Producers of vehicles that receive post-production alterations or retrofitting to be used for public transportation purposes (e.g., so-called cutaway vehicles,

vans customized for service to people with disabilities) are also considered transit vehicle manufacturers. Businesses that manufacture, mass-produce, or distribute vehicles solely for personal use and for sale “off the lot” are not considered transit vehicle manufacturers.

Tribally-owned concern means any concern at least 51 percent owned by an Indian tribe as defined in this section.

You refers to a recipient, unless a statement in the text of this part or the context requires otherwise (i.e., ‘You must do XYZ’ means that recipients must do XYZ).

Section 26.7 Non-discrimination Requirements

The Municipality of Añasco 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, the Municipality of Añasco 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.

Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11 (a) & (b)

(a) We will report DBE participation to DOT on a semiannual basis with the Uniform Report of DBE Commitments /Awards and Payments Form, which included as an attachment.

(b) We will continue to provide data about our DBE program to the Department as directed by DOT operating administrations.

Bidders List: 26.11(c)

The Municipality of Añasco will create and maintain a bidders list, consisting of information about all DBE and non-DBE firms and sub-contractors that bid or quote on the US Department of Transportation (DOT) and other federally assisted contracts. The purpose of this requirement is to allow use of the bidders list approach to calculating overall goals. The bidder list will include the following information about DBE and Non-DBE contractors: firm’s name, firm’s address, firm’s status as a DBE or non-DBE, age of the firm, the annual gross receipts of the firm, and other relevant information. (See Form as Attachment II.)

We will collect this information in the following ways:

- The Contract Compliance Specialist, which in the Municipality of Añasco is the Municipal Secretary's Office, will be provided with the names and addresses of all firms (including subcontractors) bidding or quoting on federally assisted contracts. This will be obtained by a bid or proposal clause requiring prime bidders or proponents to report the names/addresses, and possibly other information, of all firms who quote to them on subcontracts.
- All firms quoting on subcontractors will be required to report information directly to the Municipality of Añasco, Transportation Program /DBE Liaison.
- The DBE Liaison will maintain records documenting a firm's compliance with the requirements of this part. At a minimum, the DBE Liaison will keep a complete application package for each certified firm and all affidavits of no-change, change notices, and on-site reviews. These records will be retained in accordance with applicable record retention requirements for the recipient's financial assistance agreement. Other certification or compliance related records will be retained for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the municipality's financial assistance agreement, whichever is longer.
- The municipality will promote bidders to become certified under the State DBE Program, Civil Rights Office, PR DOT, and Public Works Highway and Transportation Authority.

Section 26.13 Federal Financial Assistance Agreement

The Municipality of Añasco has signed the following assurances, applicable to all DOT- assisted contracts and their administration:

Assurance: 26.13(a)

The Municipality of Añasco 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 recipient'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 Municipality of Añasco of its failure to carry out its approved program, the Department may impose sanction 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: 26.13b

We will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

The contractor, subrecipient, 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.

SUBPARTB--ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

The Municipality of Añasco will continue to carry out this program as we are and will be requesting federal assistance during the next fiscal years. We will provide to DOT annual updates representing significant changes in the program.

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

We have designated the following individual as our DBE Liaison Officer:

Mr. Johnny Vélez Bellido
Director Programa de Transporte Colectivo
787-826-9999 - jvelez@anasco.pr.gov

In that capacity, the DBE-LO is responsible for implementing all aspects of the DBE program and ensuring that the Municipality of Añasco complies with all provision of 49 CFR Part 26. The DBE-LO has direct, independent access to the Mayor concerning DBE program matters. An organization chart displaying the DBE-LO's position in the organization is found as Attachment I. to this program.

The DBE-LO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBE-LO has a staff of three to assist in the administration of the program, this staff includes the compliance officer, the administrative assistant, and an in-house consultant. 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 requests 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 attainment and identifies ways to improve progress.
6. Analyzes the Municipality of Añasco's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO\governing body on DBE matters and achievement.
9. Chairs the DBE Advisory Committee.
10. Participates in pre-bid meetings.
11. Provides outreach to DBEs and community organizations to advise them of opportunities.

Within the Municipality of Añasco, the Directors of the major organizational units (Municipal Administrator, Municipal Secretary, Public Works and Finance Department directors), or their designated representatives are responsible to notify the DBE Liaison Office of any forthcoming awards or contracts which may involve federal financing of any nature; and thereby ascertain through conference with the Municipal Secretary proper documentation necessary for each appropriate contract activity. Upon bid opening, these same representatives are responsible to provide the Municipal Secretary with all submitted DBE documents for review and accuracy.

Section 26.27 DBE Financial Institutions

It is the policy of the Municipality of Añasco to investigate 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 contract to make use of these institutions. The Municipality thoroughly investigated the services offered by DBE financial institutions and has made reasonable efforts to use these institutions.

The DBE financial institutions serving this area are identified on Attachment VI.

The municipality will re-evaluate every 24 months the inception of new DBE serving institutions into the Añasco area as well as the DBE services offered during this period by the existing institutions.

Section 26.29 Prompt Payment Mechanisms

Prompt payment 26.29 a – As part of this DBE Program, the Municipality of Añasco requires the prime contractor to contractors to include as a part of every subcontract (including second tier subcontracts) for work and material a *Prompt Payment Clause*. The *Prompt Payment Clause* will also stipulate the return of retainage within thirty (30) days after the subcontractor achieves the specified work as verified by payment from the Municipality. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the Municipality of Añasco. This clause applies to both DBE and non-DBE subcontracts.

The Municipality of Añasco will include the following clause on 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 20 days from the receipt of each payment the prime contract receives from the Municipality of Añasco. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the Municipality of Añasco. This clause applies to both DBE and non-DBE subcontracts.”

“Any disputes that arise regarding the satisfactory completion of work by a subcontractor may be brought to the attention of the Municipality, which will make a determination. Any delay of payment from the above-referenced time frame may occur only for good cause following written approval from the Municipality. This clause applies to both DBE and non- DBE subcontractors.”

“The failure by the prime contractor to carry out the requirements of the *Prompt Payment Clause* and/or timely return of retainage, without just cause, is a material breach of this contract, which may result in the Municipality withholding payment from the prime contractor until all delinquent payments have been made (no interest will be paid for the period that payment was withheld), termination of this contract, or other such remedy as the Municipality deems appropriate.”

NOTE: The prime contractor may withhold payment only for just cause, and must notify the Municipality in writing of its intent to withhold payment prior to actually withholding payment. The prime contractor shall not withhold, delay or postpone payment without first receiving written approval from the Municipality.

The municipality will allow 3-5 days from the date shown on the “Contractor Payments” page to determine when the Prime Contractor has actually received payment. The Prompt Payment Clause will begin at that time.

Monitoring and Enforcement: 26.29(d) - The Municipality of Añasco has established the following to monitor and enforce that prompt payment and return of retainage is in fact occurring:

1. Requiring prime contractors (in sub-contracts in excess of \$10,000), to provide subcontractors with all contract provisions, including the prompt payment provision. This will ensure that the subcontractors are knowledgeable of the prompt payment requirement.
2. Because the contract requires prompt payment by the prime contractor to the subcontractor, the subcontractor is entitled to prompt payment. Because subcontractors will be aware of this right, and it is in their greatest financial interest to assure that this right is respected, we believe it is reasonable to expect that subcontractors not receiving prompt payment will contact the Municipality.
3. If the Municipality is contacted by a subcontractor regarding possible violation of the prompt payment clause by the prime contractor we will make inquiries to the prime contractor. Any delay or postponement of payment from the above referenced period may occur only for good cause following written approval from the Municipality. This language applies to both DBE and non-DBE subcontracts. Failure to satisfy prompt payment to subcontractors no later than thirty (30) calendar days from the receipt of payment from the Municipality may constitute a breach of contract and may result in termination of the Contractor for default or such other remedy the Municipality may deem appropriate.

Section 26.31 Directory

The Municipality of Añasco will use the most current Puerto Rico Department of Transportation's Disadvantaged Business Enterprise Directory of Certified DBE Firms, in order to maintain and fulfill its obligation under 49 CFR Part 26. The Directory lists the firm's name, address, telephone number, date of expiration of the most recent certification, and the type of work the firm has been certified to perform as a DBE. The PR Department of Transportation revises the directory annually at a minimum, usually monthly. The latest version of the directory may be obtained by contacting: <https://act.dtop.pr.gov/derechos-civiles/>. The address is:

DBE Coordinator, Civil Rights Office
PR DOT and Public Works
Highway and Transportation Authority
<https://act.dtop.pr.gov/derechos-civiles/>
P.O. Box 42007
San Juan, PR 00940-2007
Centro Gubernamental Minillas Edif. Sur, Piso 10 Santurce
Phone: (787) 721-8787, ext 1205
Fax: (787) 721-2621
Email: ADeLMoral@act.dtop.gov.pr

The Municipality of Añasco does not intend the listing of names in the Puerto Rico Department of Transportation's Disadvantaged Business Enterprise Directory of Certified DBE Firms to be constructed as an endorsement or recommendation of said firms.

The municipality will assist all DBEs and small businesses in the bidders list, as well those that visit the municipality looking for contract opportunities, in becoming certified under the Uniform Certification Program.

Section 26.33 Overconcentration

The Municipality of Añasco has not identified that overconcentration exists in the types of work that DBEs perform. However, if the Municipality finds that DBE overconcentration has occurred to such an extent as to unduly burden the opportunity of non-DBE firms to participate in DOT programs, it will develop procedures to address this. The procedures will be submitted to the appropriate operating administration for review and approval prior to implementation. We will examine overconcentration every 24 months.

Section 26.35 Business Development Programs

The Municipality of Añasco has not implemented a business development program. The Municipality will, through the Federal Office and Citizens Services Office staff, develop outreach and educational activities regarding the benefits of DBE certification for minority and women

owned businesses. The purpose is to provide education, access, and visibility for the DBE community to aid in business development and eventual self-sufficiency.

Section 26.37 Monitoring and Enforcement Mechanisms

The Municipality of Añasco will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26:

1. 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. Consider similar action under our own legal authorities, including responsibility determinations in future contracts.
3. Provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by requiring the consultant or subgrantee to provide DBE payment information with each invoice submitted to the Municipality for payment. Failure of the consultant or subgrantee to provide DBE payment information and documentation may result in the invoice not being paid until the information has been provided.
4. Keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

Section 26.39 Fostering Small Business Participation

The Municipality of Añasco has incorporated the following non-discriminatory elements to its DBE program, in order to facilitate competition on federally-assisted public works projects by small business concerns (both DBEs and non-DBE small businesses):

1. Removal of unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors.
2. Requiring bidders on large contracts to identify and/or provide specific subcontracts appropriate for small business participation.
3. Identifying alternative acquisition strategies and structuring procurements to facilitate the ability of consortia or joint ventures consisting of small businesses, including DBEs, to compete for and perform prime contracts.

4. Ensure that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

The Municipality of Añasco does not use set asides or quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment II. to this program. This section of the program will be updated every three years.

In accordance with Section 26.45(f) the Municipality of Añasco will submit its overall goal to DOT on August 1 every year. Before establishing the overall goal each year, the municipality will consult with the PR Highways and Transportation Authority's DBE Program the US County Business Patterns and with as well as with the Municipal Secretary's Office to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the municipality'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 the municipality's Federal Programs Office for 30 days following the date of the notice, and informing the public that the municipality and DOT will accept comments on the goals for 45 days from the date of the notice. Normally, we will issue this notice by June 1 of each year. The notice must include addresses to which comments may be sent and addresses where the proposal may be reviewed.

Our overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses.

We will begin using our overall goal on October 1 of each year, unless we have received other instructions from DOT. 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.

Section 26.51(a-c) Breakout of Estimated Race-Neutral & Race-Conscious Participation

The breakout of estimated race-neutral participation can be found in Attachment II. to this program. This section of the program will be updated annually when the goal calculation is updated. The municipality will not use Race-Conscious participation.

Section 26.51 Contract Goals

Contract goals are established in such a manner that over the period to which the overall goals apply, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met using race neutral means.

We 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.)

We will express our contract goals as a percentage of the total amount of a DOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to CFR Part 26, included in Attachment IV. of this document.

The following personnel are 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:

Our DBE Liaison Officer:

Johnny Vélez Bellido
Director Programa de Transporte Colectivo
787-826-9999 - jvelez@anasco.pr.gov

We will ensure that all information is complete and accurate and adequately documents the bidder/offer's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

Information to be submitted (26.53(b))

The Municipality of Añasco treats bidder/offers' compliance with good faith efforts' requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require the 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 15 days of being informed by the municipality that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official:

Hon. Kabir Solares-García
Mayor
Box 1385
Añasco, Puerto Rico 00610-1385

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 our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. We will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder 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.

Sample Bid 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 the Municipality of Añasco 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 _____ percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 1), included in this document as Attachment V, 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/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 (5) if the contract goal is not met, evidence of good faith efforts.

When a contract goal is established pursuant to the recipient's DBE program, the sample bid specification will be used to notify bidders/offerors of the requirements to make good faith efforts. The form found at Attachment IV. can be used to collect information necessary to determine whether the bidder/offeror has satisfied these requirements. The sample specification is intended for use in both non-construction and construction contracts for which a contract goal has been established. Thus, it will be included in invitations for bid for construction, in requests for proposals for architectural/engineering and other professional services, and in other covered solicitation documents. A bid specification is required only when a contract goal is established.

Section 26.55 Counting DBE Participation

We will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

Section 26.61 - 26.73 Certification Process

The municipality 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. We will make our certification decisions based on the facts as a whole.

The municipality will initially evaluate the applicant utilizing its form included in Attachment II. DBE Participant Information. The municipality will also promote the applicant to be certified under the DBE Coordinator, Civil Rights Office, PR DOT and Public Works Highway and Transportation Authority.

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

Johnny Vélez Bellido

Director Programa de Transporte Colectivo

787-826-9999 - jvelez@anasco.pr.gov

And/or

DBE Coordinator, Civil Rights Office

PR DOT and Public Works

Highway and Transportation Authority

<https://act.dtop.pr.gov/derechos-civiles/>

P.O. Box 42007

San Juan, PR 00940-2007

Centro Gubernamental Minillas Edif. Sur, Piso 10 Santurce

Phone: (787) 721-8787, ext 1205

Fax: (787) 721-2621

Email: ADelMoral@act.dtop.gov.pr

Section 26.81 Unified Certification Programs (UCP)

The municipality is not a member of a UCP at this time. We will coordinate certification as described above.

Section 26.83 Procedures for Certification Decisions

Re-certifications 26.83(a) & (c)

We will review the eligibility of DBEs that meet the standards of Subpart E of Part 26. We will complete this review no later than three years from the most recent certification date of each firm.

Our schedule for this review process will be every three years for firms certified by the municipality. The firms certified by the DBE Coordinator, Civil Rights Office PR DOT and Public Works Highway and Transportation Authority will follow its own schedule.

These reviews will include the following components: a) filing a new application, case by case basis for additional components.

Section 26.83(j)) "No Change" Affidavits and Notices of Change

We will require all DBEs to inform us, in a written affidavit, of any change in its circumstances affecting its ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR Part 26 or of any material changes in the information provided with the municipality's application for certification.

We will also require all owners of all DBEs we have certified to submit, on the anniversary date of their certification, a "no change" affidavit meeting the requirements of 26.83(j). The test of this affidavit is the following:

I swear (or affirm) that there have been no changes in the circumstances of [name of DBE firm] affecting its ability to meet the size, disadvantaged status, ownership, or control requirements of 49 CFR part 26. There have been no material changes in the information provided with [name of DBE]'s application for certification, except for any changes about which you have provided written notice to the [Recipient] under 26.83(j). [Name of firm] meets Small Business Administration (SBA) criteria for being a small business concern and its average annual gross receipts (as defined by SBA rules) over the firm's previous three fiscal years do not exceed \$16.6 million.

We will require DBEs to submit with this affidavit documentation of the firm's size and gross receipts.

We will notify all currently certified DBE firms of these obligations annually. This notification will inform DBEs that to submit the "no change" affidavit, their owners must swear or affirm that they meet all regulatory requirements of Part 26, including personal net worth. Likewise, if a firm's owner knows or should know that he or she, or the firm, fails to meet a Part 26 eligibility requirement (e.g. personal net worth), the obligation to submit a notice of change applies.

Section 26.85 Denials of Initial Requests for Certification

If we deny a firm's application or decertify it, it may not reapply until up to 12 months have passed from our action.

Section 26.87 Removal of a DBE's Eligibility

In the event we propose to remove a DBE's certification, we will follow procedures consistent with 26.87.

Section 26.89 Certification Appeals

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

U.S. Department of Transportation
Departmental Office of Civil Rights

External Civil Rights Programs Division (S-33)

1200 New Jersey Ave., S.E.

Washington, DC 20590

Phone: (202) 366-4754

TTY: (202) 366-9696

Fax: (202) 366-5575

We will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT-assisted contracting.

Attachment I. Organization Chart Displaying the DBE-LO

Alcalde

ADMINISTRADOR MUNICIPAL

AYUDANTE ESPECIAL

AUDITOR INTERNO

FINANZAS

DIRECTORA DE SERVICIOS AL CIUDADANO

SECRETARÍA MUNICIPAL

DIRECTOR ORDENAMIENTO TERRITORIAL

DIRTECTOR DE OBRAS PÚBLICAS

POLICÍA MUNICIPAL

DIRECTOR PROGRAMAS FEDERALES

DIRECTOR DE FINANZAS

DIRECTOR MANEJO DE EMERGENCIAS

DIRECTORA DE RECURSOS HUMANOS

DIRECTORA CULTURA Y TURISMO

BENEFICENCIA

DIRECTOR MECÁNICA Y TRANSPORTACIÓN

DIRECTOR RECREACIÓN Y DEPORTES

DIRECTOR DE COMPRAS

SUB-DIRECTOR PROGRAMAS FEDERALES

RECAUDADOR ESPECIAL

DIR AUXILIAR OFICINA MANEJO EMERGENCIAS

BIBLIOTECA MUNICIPAL

CENTRO ENVEJECIENTES

COORDINADOR RECICLAJE

GIMNASIO MUNICIPAL

OFICIAL DE COMPRAS

PROGRAMA SECCIÓN 8

PAGADOR OFICIAL

DEAMBULANTES

DBE and Title VI Programs
Liason Officer _ Director
Compliance Officer

OFICINA DE PRE-INTERVENCIÓN

PROGRAMA CHILD CARE

Attachment II. DBE Participant Information

Municipality of Añasco

Disadvantaged Business Enterprise - DBE - Participant Information (49 CFR Part 26.11 c)

Name of Business _____

Address of Business _____

Telephone and email of Business _____

State Registration No. _____

Name of Principal _____

Address of Principal _____

Telephone and email of Principal _____

Primary industry classification (NAICS) _____

<http://www.census.gov/eos/www/naics/>

Small Business Size Standard: (Please, access <https://www.sba.gov/size-standards/> to verify your size standard).

Average Annual Receipts _____

Average Number of employees _____

Age of Business (Years in operation) _____

Do you own 51% or more of this business? Yes _____ NO _____

If NO, please list the other owners and their percentage of ownership:

Name	Designated Group (See below)	Percent of Ownership
1.		
2.		
3.		

Status as DBE:

Disadvantaged business enterprise or *DBE* means a for-profit small business concern 49 CFR 26.5) :

That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and

Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

Small business concern means, with respect to firms seeking to participate as DBEs in DOT-assisted contracts, a small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in §26.65(b).

Size standards are mostly based on the average annual receipts or the average number of employees. Please verify your size standard as a small business in:
<https://www.sba.gov/size-standards/>

Socially and economically disadvantaged individual means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who has been subjected to racial or ethnic prejudice or cultural bias within American society because of his or her identity as a members of groups and without regard to his or her individual qualities. The social disadvantage must stem from circumstances beyond the individual's control.

Select from the following :

___ Any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis. An individual must demonstrate that he or she has held himself or herself out, as a member of a designated group if you require it.

___ Any individual in the following designated groups, members of which are rebuttably presumed to be socially and economically disadvantaged:

Designated Groups

___ Black Americans - which includes persons having origins in any of the Black racial groups of Africa;

___ Hispanic Americans - which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

___ Any other group as included in 49 CRF 26.5

____ Women

____ Any additional groups whose members are designated as socially and economically disadvantaged by the SBA (Small Business Administration), at such time as the SBA designation becomes effective.

Signed, Name of Principal

Attachment III. Section 26.45: Overall Goal and Goal Calculations

ANEJO III. SECCIÓN 26.45: CÁLCULO GENERAL DE OBJETIVOS Y OBJETIVOS

AMOUNT OF GOAL

Cantidad de la meta

1. The Municipality of Añasco's overall goal for FY 2024-2026 is the following: **14.0%** of the Federal Financial assistance we will expend in DOT-assisted contracts; exclusive of FTA funds to be used for the purchase of transit vehicles.

1. La meta general del Municipio de Añasco para el año fiscal 2024-2026 es la siguiente: 14.0% de la asistencia financiera federal que gastaremos en contratos asistidos por el DOT; excluyendo los fondos de FTA que se utilizarán para la compra de vehículos de tránsito.

The proposed race-conscious/race-neutral split is 100% RN, 0% RC. The rationale for this determination is that the majority of this market is formed by small, minority, disadvantaged businesses that regardless of race, will benefit from FTA contracts, as they are willing and able to participate.

La división propuesta de conciencia de raza / raza neutral es 100% RN, 0% RC. La razón de esta determinación es que la mayoría de este mercado está formado por pequeñas empresas minoritarias y desfavorecidas que, independientemente de su raza, se beneficiarán de los contratos de FTA, ya que están dispuestas y pueden participar.

METHODOLOGY USED TO CALCULATE OVERALL GOAL

Metodología utilizada para calcular el objetivo general 2. Se utilizó la lista de oferentes municipales para calcular los negocios que se presume que son DBE por su tamaño y origen hispano, con productos o servicios relacionados con el transporte.

1. The level of FTA contracting by the municipality at this time is lower than \$150,000, as the municipality has two capital improvement grants that have not been published for construction; therefore, there are still no substantial contracts in process nor a basis for calculating a weighted average based on existing contracts. There are contracts pending to be issued that sum nearly \$2,000,000.

1. El nivel de contratación de TLC por parte del municipio en este momento es inferior a \$ 150,000, ya que el municipio tiene dos subvenciones para mejoras de capital que no se han publicado para la construcción; Por lo tanto, todavía no hay contratos sustanciales en proceso ni una base para calcular un promedio ponderado basado en contratos existentes. Hay contratos pendientes de emitir que suman aproximadamente \$ 2,000,000.

2. The municipal bidders list was utilized to calculate businesses presumed to be DBE because of their size and Hispanic origin, with products or services related to transportation.

2. Se utilizó la lista de oferentes municipales para calcular los negocios que se presume que son DBE por su tamaño y origen hispano, con productos o servicios relacionados con el transporte.

3. Another source of DBEs was the DBE register from the Civil Rights Office of the Puerto Rico Highways and Transportation Authority. We sorted the registered DBEs according to their relation to transportation activities and then to their location within the Aguadilla Non-Urbanized Area, which is the FTA-designated area for the Añasco municipality and nearby municipalities.

3. Otra fuente de DBE fue el registro DBE de la Oficina de Derechos Civiles de la Autoridad de Carreteras y Transportación de Puerto Rico. Clasificamos los DBE registrados de acuerdo con su relación con las actividades de transporte y luego con su ubicación dentro del Área No Urbanizada de Aguadilla, que es el área designada por FTA para el municipio de Añasco y municipios cercanos.

Attachment III. Section 26.45: Overall Goal and Goal Calculations

Amount of Goal

1. The Municipality of Añasco's overall goal for FY 2020 is the following: **18.7%** of the Federal Financial assistance we will expend in DOT-assisted contracts; exclusive of FTA funds to be used for the purchase of transit vehicles.

The proposed race-conscious/race-neutral split is 100% RN, 0% RC. The rationale for this determination is that the majority of this market is formed by small, minority, disadvantaged businesses that regardless of race, will benefit from FTA contracts, as they are willing and able to participate.

Methodology used to Calculate Overall Goal

1. The level of FTA contracting by the municipality at this time is lower than \$100,000, as the municipality has two capital improvements grants which have not been published for construction, or have not commenced design, therefore, there are still no substantial contracts in process, nor a basis for calculating a weighted average based on existing contracts. There are contracts pending to be issued that sum nearly \$2,000,000.

2. The municipal bidders list was utilized to calculate businesses presumed to be DBE because of its size and Hispanic origin, with products or services related to transportation.

3. Another source of DBEs was the DBE register from the Civil Rights Office of the Puerto Rico Highways and Transportation Authority. We sorted the registered DBEs according to their relation to transportation activities and then to their location within the Aguadilla Non- Urbanized Area, which is the FTA designated area for the Añasco municipality.

4. The denominator or broad base for the estimation was the 2018 County Business Patterns for Añasco Municipality.

5. Copies of the worksheets are included as part of this Attachment III.

Step 1: 26.45(c)

Determine the base figure for the relative availability of DBEs.

The base figure for the relative availability of DBE's was calculated as follows:

- Ready, willing, and able DBEs
- Base figure = _____ $16+33 = 49$ All firms ready, willing and able

The data source or demonstrable evidence used to derive the numerator was:

- Municipality's bidders list = 33
- DBEs register from the PRHTA Civil Rights Office = 16

The data source or demonstrable evidence used to derive the denominator was:

- o 2018 County Business Patterns for Añasco = 261 All establishments.

When we divided the numerator by the denominator (49 ÷ 261) we arrived at the base figure for our overall goal and that number was **18.7%**

Step 2: 26.45(d)

After calculating a base figure of the relative availability of DBEs, evidence was examined to determine what adjustment was needed to the base figure in order to arrive at the overall goal.

In order to reflect as accurately as possible the DBE participation we would expect in the absence of discrimination we have adjusted our base figure by 0_ %.

The data used to determine the adjustment to the base figure was: There was no adjustment to the data, as we understand it reflects the most accurate and probable market for DBE participation.

Municipality of Añasco County Business Patterns- Number of Establishments

All Sectors: County Business Patterns by Legal Form of Organization and Employment Size Class for U.S., States, and Selected Geographies: 2018

TABLE ID: CB1800CBP
 SURVEY/PROGRAM: Annual Economic Surveys
 VINTAGE: 2018
 DATASET: CBP2018

Note: The table shown may have been modified by user selections. Some information may be missing.

Geographic Area Name	2017 NAICS code	Meaning of NAICS code	Meaning of Legal form of organiz	Meaning of Employment size of e	Year	Number of establishments
Añasco Municipio, Puerto Rico	00	Total for all sectors	All establishments	All establishments	2018	261
Añasco Municipio, Puerto Rico	00	Total for all sectors	All establishments	Establishments with less than 5 em	2018	160
Añasco Municipio, Puerto Rico	00	Total for all sectors	All establishments	Establishments with 5 to 9 employe	2018	45
Añasco Municipio, Puerto Rico	00	Total for all sectors	All establishments	Establishments with 10 to 19 empl	2018	26
Añasco Municipio, Puerto Rico	00	Total for all sectors	All establishments	Establishments with 20 to 49 empl	2018	17
Añasco Municipio, Puerto Rico	00	Total for all sectors	All establishments	Establishments with 50 to 99 empl	2018	5
Añasco Municipio, Puerto Rico	00	Total for all sectors	All establishments	Establishments with 100 to 249 err	2018	5
Añasco Municipio, Puerto Rico	23	Construction	All establishments	All establishments	2018	12
Añasco Municipio, Puerto Rico	23	Construction	All establishments	Establishments with less than 5 em	2018	8
Añasco Municipio, Puerto Rico	31-33	Manufacturing	All establishments	All establishments	2018	26
Añasco Municipio, Puerto Rico	31-33	Manufacturing	All establishments	Establishments with less than 5 em	2018	11
Añasco Municipio, Puerto Rico	31-33	Manufacturing	All establishments	Establishments with 5 to 9 employe	2018	6
Añasco Municipio, Puerto Rico	31-33	Manufacturing	All establishments	Establishments with 100 to 249 err	2018	3
Añasco Municipio, Puerto Rico	42	Wholesale trade	All establishments	All establishments	2018	12
Añasco Municipio, Puerto Rico	42	Wholesale trade	All establishments	Establishments with less than 5 em	2018	6
Añasco Municipio, Puerto Rico	42	Wholesale trade	All establishments	Establishments with 5 to 9 employe	2018	3
Añasco Municipio, Puerto Rico	44-45	Retail trade	All establishments	All establishments	2018	57
Añasco Municipio, Puerto Rico	44-45	Retail trade	All establishments	Establishments with less than 5 em	2018	32
Añasco Municipio, Puerto Rico	44-45	Retail trade	All establishments	Establishments with 5 to 9 employe	2018	12
Añasco Municipio, Puerto Rico	44-45	Retail trade	All establishments	Establishments with 10 to 19 empl	2018	8
Añasco Municipio, Puerto Rico	44-45	Retail trade	All establishments	Establishments with 20 to 49 empl	2018	3
Añasco Municipio, Puerto Rico	48-49	Transportation and warehousing	All establishments	All establishments	2018	4
Añasco Municipio, Puerto Rico	48-49	Transportation and warehousing	All establishments	Establishments with less than 5 em	2018	3
Añasco Municipio, Puerto Rico	52	Finance and insurance	All establishments	All establishments	2018	6
Añasco Municipio, Puerto Rico	52	Finance and insurance	All establishments	Establishments with less than 5 em	2018	3
Añasco Municipio, Puerto Rico	53	Real estate and rental and leasing	All establishments	All establishments	2018	7
Añasco Municipio, Puerto Rico	53	Real estate and rental and leasing	All establishments	Establishments with less than 5 em	2018	6
Añasco Municipio, Puerto Rico	54	Professional, scientific, and technic	All establishments	All establishments	2018	11
Añasco Municipio, Puerto Rico	54	Professional, scientific, and technic	All establishments	Establishments with less than 5 em	2018	9
Añasco Municipio, Puerto Rico	56	Administrative and support and wa	All establishments	All establishments	2018	9
Añasco Municipio, Puerto Rico	56	Administrative and support and wa	All establishments	Establishments with less than 5 em	2018	7
Añasco Municipio, Puerto Rico	61	Educational services	All establishments	All establishments	2018	4
Añasco Municipio, Puerto Rico	62	Health care and social assistance	All establishments	All establishments	2018	47
Añasco Municipio, Puerto Rico	62	Health care and social assistance	All establishments	Establishments with less than 5 em	2018	33
Añasco Municipio, Puerto Rico	62	Health care and social assistance	All establishments	Establishments with 5 to 9 employe	2018	8
Añasco Municipio, Puerto Rico	62	Health care and social assistance	All establishments	Establishments with 10 to 19 empl	2018	4
Añasco Municipio, Puerto Rico	72	Accommodation and food services	All establishments	All establishments	2018	39
Añasco Municipio, Puerto Rico	72	Accommodation and food services	All establishments	Establishments with less than 5 em	2018	16
Añasco Municipio, Puerto Rico	72	Accommodation and food services	All establishments	Establishments with 5 to 9 employe	2018	8
Añasco Municipio, Puerto Rico	72	Accommodation and food services	All establishments	Establishments with 10 to 19 empl	2018	8
Añasco Municipio, Puerto Rico	72	Accommodation and food services	All establishments	Establishments with 20 to 49 empl	2018	6
Añasco Municipio, Puerto Rico	81	Other services (except public admi	All establishments	All establishments	2018	22
Añasco Municipio, Puerto Rico	81	Other services (except public admi	All establishments	Establishments with less than 5 em	2018	20

Number of Establishments from Bidders List

List of Bidders/ Contractors Municipality of Añasco, Puerto Rico

Architects	Telephones	Address	Electronic Mail
1. Sánchez Arana	(787) 235-3670	Villa Caparra Calle J Núm. 26 Guaynabo, Puerto Rico	iliasabchezarana@yahoo.com

Consulting Engineers	Telephones	Address	Electronic Mail
2. Antonio Rosario	(787) 264-3003	PO BOX 212 San German, P.R. 00683-0212	Rosario_ambar@yahoo.com
3, 4, 5. Other Consulting Engineers -		From records and RFPs	M. Carrero, Seahorse Wastewater Services, Estructuras.

Construction Contractors	Telephones	Address	Electronic Mail
6. Alvarez & Álvarez Const. Corp.	(787) 826-0778	PO BOX 2194 Añasco PR 00610	
7. Jovan Inc.	(787) 826-4113		alexander@jovaninc.com
8. Justiniano Construct, Inc.	(787) 458-5650	PO BOX 341 Maricao, P.R. 00606	
9. Beltran	(787) 613-9668	RR04 BZN 16090	
10. Sellador de Calidad (El Mago)			
11. CH Construction	(787) 467-4417		
12. Nelson Arroyo	(787) 309-1388	Aptdo. 35 Carreras Añasco, P.R.	
13. Voltar Power System	(787) 231-1791	HC04 Box 14145 Moca, P.R. 00676	
14. CV General Construction	(787) 868-9157	HC61 BOX 5224 Aguada P.R. 00602	

Suppliers	Telephones	Address	Electronic Mail
15. Warren Del Caribe	(787) 757-8600	Barrio Algarrobo, Edificio Núm. 362 Caguas, PR 00725	www.warrenonline.net
15. Puerto Rico Wire Group	(787) 986-8080	PO BOX 363167 San Juan, Puerto Rico 00936-3167	michael.cabrera@puertoricowire.com
17. Transporte Rodríguez Asfalto	(787) 834-2300	Carr. 309 Km. 0.2 San Romualdo Hormigueros, P.R. 00660	
18. Quality Screens	(787) 826-3688	Carr. 109 Km. 1.7 Interior Bo. Pozo Hondo, Añasco	
19 Royal Electric		PO BOX 3166 Bayamón 00960-3166	
20 Interiores del Oeste		Calle Comercio 71 PO BOX 3150 00681	
21 Puerto Rico Home Desings	(787) 229-1244	Carr. 109 Km. 4.3 Añasco, P.R. 00610	
22 Comercial Gonzalez	(787) 826-2413	Aptdo. 174 Añasco, P.R. 00610	
23 Puerto Rico Truck	(787) 630-8083	HC 02 BOX 6700 Hormigueros	
24 Hormigonera Chaparro Inc.		PO BOX 818 Aguada, P.R. 00602	
25 LV Electronics Systems	(787) 241-7803	HC 03 Box 11293 Collores Juana Diaz, P.R. 00795-9505	
26 Hery Sanchez Incorporado	(787) 868-3626	PO BOX 580 Avenida Nativo Alers Aguada, P.R. 00602	herysanchezinc@gmail.com
27 A New Vision In Education	(787) 706-2700	Services and Material, Inc. HC01 Box 29030 Caguas, P.R. 00725-8900	
28 RICO Puerto Rico	(787) 641-4690	P.O. BOX 71459 San Juan P.R. 00936-8559	

Consultants	Telephone	Address	Electronic mail
29 Consulting & Management Group Aracelis Morales Solano	(787) 748-2908	PO BOX 1508 Trujillo Alto, P.R. 00977	
30 Yolanda Vélez Consultores Financing and Development Consultants	(787) 396-9802	PO BOX 6697 Mayagüez, Puerto Rico 00681	yolybcd@gmail.com
31 Management & Technical Consulting Inc.	(787) 758-5145	1608 Calle Bori Suite 221 San Juan, P.R. 00927	www.mtcpr.com
32 Tetra Tech	(787) 632-8229	PO BOX 79192 Carolina, P.R. 00984	
33 Lapislázuli Inc.	(787) 342-2470	Núm. 34 Corrientes Urb. Riachuelo Trujillo Alto. P.R.	

Civil Rights PRHTA DBE Registry – Willing and Able to Purchase in Añasco

DBE Register- PRHTA - Civil Rights Program				Probable to purchase at the Añasco Market Area = 16	
Name of DBE	Type of business	Location	NAICS		
1 Juan Carlos Dávila d/b/a, Juan Carlos Dávila -	Surveying and Mapping (Except Geophysical) Services	Aguada	541370	1	
2 Safety Route, Corp	Highway, Street and Bridge Construction	Aguada	237310	1	
3 Servicios de Ingeniería	Commercial and Institutional Building Construction.	Aguadilla	236220	1	
4 Gill Engineering Group, Inc.	Other Highway and Civil Engineering Construction.	Arecibo	237990		
5 Santa & Co., Corp	Highway, Street and Bridge Construction	Arecibo	237310		
6 Urban Networks, Inc.	Wireless Telecommunication Carrier (Except Satellit	Arecibo	517210		
7 Wholesale Electric Caribe, Inc.	Electrical Apparatus and Equipment.	Barceloneta	423610		
8 Antonio Meléndez & Associates, PSC	Surveying and Mapping (except Geophysical) Services	Bayamón	541360		
9 TSG Consulting, Inc.	Other Scientific and Technical Consulting Services	Bayamón	541690		
10 Z Electric Sales, Inc.	Electrical Apparatus and Equipment.	Bayamón	423610		
11 Comas & Comas Contractors, Corp	Highway, Street and Bridge Construction	Cabo Rojo	237310	1	
12 Avant Technologies of PR, Inc.	Electronic Computer Manufacturing Engineering	Caguas	344111		
13 Caribe Environmental Services, Inc.	Services/Environmental Consulting Service	Caguas	541330		
14 Econet – Soluciones Ambientales, Corp	Environmental Consulting Services	Caguas	541620		
15 Javier E. Bidot & Asociados, Agrimensores, P	Surveying and Mapping	Caguas	561370		
16 PMG & Associates, LLC	Other Scientific and Technical Consulting Services.	Caguas	541690		
17 Pretensados de Puerto Rico, Inc.	Other Concrete Product Manufacturing, Pre-Stress Beam Fabrication	Caguas	327390		
18 Alonso & Carus Iron Works, Inc.	Fabricated Structural Metal Manufacturing.	Cataño	332312		
19 LDG Technical Services, Corp	Metal Window and Door Manufacturing	Cataño	322321		
20 Techno Electric, Inc.	Electrical Contractors and Other Wiring Installation	Cayey	238210		
21 Carro & Carro Enterprises, Inc.	Highway, Street and Bridge Construction and Replacement of Pavement	Ciales	237310		
22 JJC Exterminating, Corp	Exterminating and Pest Control Services	Cidra	561710		
23 MD Engineers, PSC	Engineering Services	Coamo	541330		
24 Kaisen Utility Construction, Corp	Electrical Contractors and Other Wiring Installation	Comerio	541620		
25 Adielco Contractors Corporation	Highway, Street and Bridge Construction.	Corozal	237310		
26 ABC Group Contractor, Inc.	Commercial and Institutional Building Construction	Dorado	236220		
27 Carlos Santana d/b/a Carana Energy Systems	Other Scientific and Technical Services.	Dorado	541690		
28 Guevarez & Guevarez, Corp	Highway, Street, and Bridge Construction	Dorado	237310		
29 MDI Engineers, PSC	Highway, Street and Bridge Construction	Dorado	541330		
30 Terra Landscape, LLC.	Landscaping Services.	Dorado	561730		
31 Atlantic Quality Contractor, Corp	Electrical Contractors and Other Wiring Installation Contracts	Isabela	238210	1	

32	Derek Construction, Inc.	Commercial and Institutional Building Construction	Isabela	236220	1
33	Desarrolladora J. A., Inc.	Commercial and Institutional Building Construction	Isabela	236220	1
34	Isonic, Corp	Architectural Services	Juncos	541310	1
35	CTS, Inc.	Site Preparation Contractor	Luquillo	238910	
36	José A. Rivera, d/b/a Quality Pest Control	Exterminating and Pest Control.	Manatí	561710	
37	HS Mechanical Group, Inc.	Plumbing, Heating and Air Conditioning Contractors	Mayaguez	238220	1
	Master Pavement Line, Corp	Highway, Street and Bridge Construction (Painting Lines On Highways, Guard Rail Installation, Traffic Signs, Drums And Road Products).	Mayaguez	237310	1
38		Highway, Street and Bridge Construction	Mayaguez	237310	1
39	West Corporation	Electrical and Other Wiring Installation Contractors.	Mayagüez	238210	1
40	AM Electric, Inc.	Non-chocolate Confectionery Manufacturing	Moca	311340	1
41	Dulzura Borincana, Inc.	Electronic Contractors and Other Wiring Installation Contractors	Moca	238210	1
42	Pérez Electric Service, Inc.	General Freight trucking, Local; Specialized Freight	Moca	484110	1
43	Transporte Aramis, Inc.	Highway, Street and Bridge Construction.	Morovis	237310	1
44	Traffic Products & Services, Inc.				

Attachment IV. Public Participation

We published our goal information in these publications: Primera Hora Newspaper- Friday July 9, 2021

We received comments from these individuals or organizations: No comments received at this time.

Summaries of these comments are as follows:

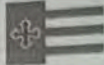
Our responses to these comments are:

Included published public notice:

avisos y subastas



Estado Libre Asociado de Puerto Rico
Gobierno Municipal de Añasco
Programa Transporte Colectivo



P.O. Box 1300 • Añasco, Puerto Rico 00610 • Tel. (787) 826-3100, Ext. 2604

Aviso Público

Meta de Empresas Comerciales en Desventaja (DBE) del Municipio de Añasco para los años fiscales 2021-2023

Según se requiere en la Sección 49 del Código de Reglamentación Federal, Parte 26, el Municipio de Añasco ha determinado una meta total propuesta para los años fiscales 2020-2022 de **18.7%** para la participación de las empresas y negocios en desventaja (DBEs) en las oportunidades de contratos en que el Departamento de Transportación de los Estados Unidos (DOT) proporciona asistencia financiera.

La meta propuesta y la metodología para calcularla estarán disponibles para inspección por 30 días a partir de la fecha de este aviso durante horas de oficina de 8:00-12M – 1:00-4:30 en la Casa Alcaldía, localizada en la Calle 65 Infantería # 72 de Añasco. El Municipio de Añasco y el Departamento de Transportación de los Estados Unidos aceptarán comentarios escritos durante 45 días a partir de la fecha de este aviso. Los comentarios deben ser dirigidos a:

Municipio de Añasco
Mrs. Arlana Pérez-Soto
Directora
Public Transportation Program
aperez@anasco.gobierno.pr
787-826-9999, Ext.2604

y/o

Federal Transit Administration
Office of Civil Rights
1200 New Jersey Avenue SE
Washington, DC 20590

Commonwealth of Puerto Rico Municipality of Añasco Public Notice

Disadvantaged Business Enterprise (DBE) Goal for Municipality of Añasco for Fiscal Years 2021-2023.

In accordance with 49 CFR Part 26, the Municipality of Añasco's overall goal for Fiscal Years 2020-2022 for Disadvantaged Business Enterprise (DBE) participation will be **18.7%** for the combined United States Department of Transportation (DOT) assisted contracting opportunities.

The Municipality of Añasco's proposed goal and methodology will be available for inspection during 30 days from the date of this notice during office hours from 8:00-12M – 1:00-4:30 at City Hall # 72, 65 Infantería St., Añasco.

The US Department of Transportation and the Municipality of Añasco will accept comments on the goals for 45 days from the date of this notice. Comments should be directed to:

Municipio de Añasco
Mrs. Arlana Pérez-Soto
Directora
Public Transportation Program
aperez@anasco.gobierno.pr
787-826-9999, Ext.2604

and/or

Federal Transit Administration
Office of Civil Rights
1200 New Jersey Avenue,
SE Washington, DC 20590



Estado Libre Asociado de Puerto Rico
Gobierno Municipal de Isabela

JUNTA DE SUBASTAS

NOTA ACLARATORIA DE AVISO DE SUBASTA

AVISO DE SUBASTA

Por error involuntario, el anuncio de Subasta del Municipio de Isabela, publicado el Lunes, 5 de julio de 2021 en la página 17 de este circular, debió leer en la fecha de disponibilidad para la entrega de documentos el **miércoles, 14 de Julio de 2021.**

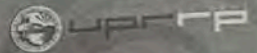
De igual manera, la fecha de la Reunión de Pre-Subasta de la Subasta 21-44: Venta de un (1) Vehículo Land Rover Velar Año 2018 será **Jueves, 15 de Julio de 2021.**

Javier I. Gutiérrez Meléndez
Presidente

Zuleika A. Acevedo Mercado
Secretaria

PO BOX 507 ISABELA, PUERTO RICO 00662 - TEL. 787-872-2100

Recinto de Río Piedras



SEGUNDO AVISO DE SUBASTA FORMAL PARA RECOGIDO Y DISPOSICIÓN DE DESPERDICIOS BIOMÉDICOS

Documento Núm. 220001665

La Presidenta de la Junta de Subastas de Suministros le invita a cotizar para la subasta formal con la siguiente descripción: **Recogido y disposición de desperdicios biomédicos en diferentes áreas satélites en el Recinto.**

Todo proponente interesado en participar de esta subasta vendrá obligado a confirmar su participación a la Junta de Subastas del Recinto de Río Piedras, a la dirección electrónica: junta.subastarp@uprrp.edu, en o antes de las 3:00 p.m. del viernes, 16 de julio de 2021, a la atención de la Presidenta de la JSRP, Sra. Nixalitz Vega Gutiérrez. En ese correo electrónico indicará lo siguiente: en el asunto número y título de la subasta, nombre de compañía según registrada en el Departamento de Estado de Puerto Rico, nombre de persona contacto que representa la compañía, teléfono, dirección postal y dirección del correo electrónico. Una vez se reciba el correo electrónico se enviará confirmación de la participación en la subasta.

Entrega de documentos de la subasta. Junto a la confirmación de participación se le enviará las especificaciones de la subasta y copia de los pliegos. La entrega de los pliegos de la subasta en original se proporcionará el día de la pre subasta.

Reunión Pre subasta: Se celebrará pre subasta, presencial puntual y compulsoria, el **miércoles, 21 de julio de 2021 a las 10:00 a.m.**

Apertura: La apertura se celebrará el **miércoles, 4 de agosto de 2021 a las 10:00 a.m.** El detalle se les dará por correo electrónico a los proponentes participantes debido a la situación del coronavirus.

Es requisito tener los pliegos de subasta para poder participar en la reunión pre subasta. Los licitadores podrán estar presentes en las aperturas de subastas. Toda propuesta debe venir acompañada de una fianza por la cantidad igual al 5% del valor total de su oferta, con vigencia de un mínimo de 90 días. No se enviarán pliegos de subasta por correo.

LA UNIVERSIDAD DE PUERTO RICO SE RESERVARÁ EL DERECHO DE CANCELAR UNA SUBASTA O PARTE DE LA MISMA ANTES O DESPUÉS DE SU ADJUDICACIÓN CUANDO ASÍ LO ESTIME NECESARIO PARA PROTEGER LOS MEJORES INTERESES DE LA INSTITUCIÓN.

Sra. Nixalitz Vega Gutiérrez
Presidenta
Junta de Subastas
Oficina de Compras y Suministros

Attachment V. Municipal Resolution Authorizing and Adopting Añasco DBE Plan and Goal



Estado Libre Asociado de Puerto Rico
Gobierno Municipal de Añasco
Legislatura Municipal



P.O. Box 1385
Añasco, Puerto Rico 00610

Tel. (787) 826-3100 ext. 2013/2039
Fax: (787) 826-2980

ORDINANCE PROJECT NO. 05 A
ORDINANCE NO. 05 A

SERIES 2020-2021
FIRST ORDINARY SESSION

TO AUTHORIZE THE MAYOR OF AÑASCO, PUERTO RICO, THE HON. KABIR B. SOLARES-GARCÍA, TO IMPLEMENT THE DISADVANTAGED BUSINESS ENTERPRISE PROGRAM - DBE AND ITS CORRESPONDING LEGAL REQUIREMENTS AS A PRIMARY RECIPIENT OF THE FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C CHAPTER 53 SUBTITLE A PARTS 23 AND 26 — PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS - OF THE UNITED STATES CODE AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION; AND FOR OTHER PURPOSES.

PRESENTED BY ADMINISTRATION

KSR
WHEREAS: The Federal Transportation Administrator has been delegated authority to award Federal financial assistance for transportation projects. The Municipality of Añasco is a primary recipient of those funds from this agency.

WHEREAS: The Municipality of Añasco, as a condition to receiving any federal financial assistance from the Federal Transit Administration, is required to maintain a DBE Program under Part 26, Sub Part B, 26.21(2) reading as follows: FTA recipients receiving planning, capital and/or operating assistance who will award prime contracts (excluding transit vehicle purchases) the cumulative total value of which exceeds \$250,000 in FTA funds in a Federal Fiscal Year.

WHEREAS: To these effects, the Municipality of Añasco has prepared its DBE Program Plan for the fiscal years 2021-2023. The Municipality of Añasco will inform the contents of the DBE Program Plan to municipal employees, and contractors as well as to the general public through a published public notice.

WHEREAS: The Municipality of Añasco has established its overall DBE contracting goal for FY 2020 as 18.7% of all the FTA funds received for the Fiscal Years 2021-2023.

WHEREAS: The Municipality of Añasco submits this Plan for the evaluation and acceptance by the Honorable Municipal Legislature.

WHEREAS: The Municipality of Añasco is required by the FTA to actualize its DBE Program Goal every three years.

THEREFORE: **BE ORDERED THE FOLLOWING BY THE MUNICIPAL LEGISLATURE OF AÑASCO, PUERTO RICO:**

SECTION I: To authorize the Mayor of Añasco, Puerto Rico, the HON. KABIR B. SOLARES-GARCÍA to adopt and comply with DBE regulations and their

corresponding legal requirements as a recipient of the Federal Transit Administration, an operating administration of the United States Department of Transportation; for federal transportation assistance authorized by U.S.C. Title 49 Chapter 53 Subtitle A Parts 23 And 26 of the United States Code of Federal Regulations and other federal statutes administered by the Federal Transit Administration.

SECTION II: The Mayor of Añasco, Puerto Rico the HON. KABIR B. SOLARES-GARCÍA or his legal successor and his designated officers, is authorized to execute and file with its fund's application, the certifications and assurances and other documents the Federal Transportation Administration requires before awarding a Federal assistance grant or cooperative agreement.

SECTION III: The Mayor of Añasco, Puerto Rico, the HON. KABIR B. SOLARES-GARCÍA is authorized to execute grant and cooperative agreements as primary recipient with the Federal Transportation Administration and as a subrecipient with the Puerto Rico Highways and Transportation Authority, a primary grantee of the Federal Transit Administration, on behalf of the Municipality of Añasco.

SECTION IV: This Resolution, due to its urgency and necessary nature will become in effect once approved by the Municipal Legislature and signed by the Mayor.

SECTION V: It is prohibited to discriminate for reason of age, sex, and race, political or religious belief in the execution of this Ordinance.

SECTION VI: Copy of this Resolution must be sent to the Federal Transit Administration DBE Program, Municipal Federal Programs Office, the Puerto Rico Highways and Transportation Authority, and any other pertinent agencies or departments.

**APPROVED BY THE MUNICIPAL LEGISLATURE OF AÑASCO, PUERTO RICO,
TODAY JUNE 30, 2021.**


HON. WILSON CRESPO VALENTÍN
PRESIDENT
MUNICIPAL LEGISLATURE


MS. ROSA H. PÉREZ MORENO
SECRETARY
MUNICIPAL LEGISLATURE

**SIGNED BY THE MAYOR OF AÑASCO, PUERTO RICO,
TODAY JUNE 30, 2021.**


HON. KABIR B. SOLARES GARCÍA
MAYOR



CERTIFICATION

I, **Rosa H. Pérez Moreno**, Secretary of Municipal Legislature of Añasco, Puerto Rico, at this present time **CERTIFIES**:

That the foregoing is true and exact copy of **ORDINANCE NUMBER 05 A, SERIES 2020-2021**, of the **First Ordinary Session on June 30, 2021**.

TO AUTHORIZE THE MAYOR OF AÑASCO, PUERTO RICO, THE HON. KABIR B. SOLARES-GARCÍA, TO IMPLEMENT THE DISADVANTAGED BUSINESS ENTERPRISE PROGRAM – DBE AND ITS CORRESPONDING LEGAL REQUIREMENTS AS A PRIMARY RECIPIENT OF THE FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C CHAPTER 53 SUBTITLE A PARTS 23 AND 26 — PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS - OF THE UNITED STATES CODE AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION; AND FOR OTHER PURPOSES.

I also **CERTIFY** that the **ORDINANCE** was approved by the affirmative votes of the following members, of this Honorable Legislature:

Hon. Wilson Crespo Valentín
Hon. Lilliam Ojeda Adrián
Hon. Elie Omar Ríos Sojo
Hon. Jannette Rosado Carrero
Hon. Raúl R. Morales Santiago
Hon. Steve Guash Montalvo
Hon. Francisco Ruiz Morales
Hon. Pablo Rivera Reyes
Hon. Wilmarie Villanueva Bonilla
Hon. Roberto L. Díaz Díaz
Hon. William Matías Cortés

AGAINST: None

ABSENTS: Hon. Waleska Avilés Medina
Hon. Myriam M. Talavera Beltrán
Hon. Fernando A. Ruiz Vázquez

ABSTAINED: None

It was sign by the Hon. Kabir B. Solares García, Mayor of Añasco, Puerto Rico on June 30, 2021.

In testimony of which I sign under the official seal of the Municipality of Añasco, on July 01, 2021.



Ms. Rosa H. Pérez Moreno
Secretary
Municipal Legislature



CERTIFICATION

I, **Rosa H. Pérez Moreno**, Secretary of Municipal Legislature of Añasco, Puerto Rico, at this present time **CERTIFIES**:

That the foregoing is true and exact copy of **ORDINANCE NUMBER 05 A, SERIES 2020-2021**, of the **First Ordinary Session on June 30, 2021**.

TO AUTHORIZE THE MAYOR OF AÑASCO, PUERTO RICO, THE HON. KABIR B. SOLARES-GARCÍA, TO IMPLEMENT THE DISADVANTAGED BUSINESS ENTERPRISE PROGRAM – DBE AND ITS CORRESPONDING LEGAL REQUIREMENTS AS A PRIMARY RECIPIENT OF THE FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C CHAPTER 53 SUBTITLE A PARTS 23 AND 26 — PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS - OF THE UNITED STATES CODE AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION; AND FOR OTHER PURPOSES.

I also **CERTIFY** that the **ORDINANCE** was approved by the affirmative votes of the following members, of this Honorable Legislature:

Hon. Wilson Crespo Valentín
Hon. Lilliam Ojeda Adrián
Hon. Elie Omar Ríos Sojo
Hon. Jannette Rosado Carrero
Hon. Raúl R. Morales Santiago
Hon. Steve Guash Montalvo
Hon. Francisco Ruiz Morales
Hon. Pablo Rivera Reyes
Hon. Wilmarie Villanueva Bonilla
Hon. Roberto L. Díaz Díaz
Hon. William Matías Cortés

AGAINST: None


ABSENTS: Hon. Waleska Avilés Medina
Hon. Myriam M. Talavera Beltrán
Hon. Fernando A. Ruiz Vázquez

ABSTAINED: None

It was sign by the Hon. Kabir B. Solares García, Mayor of Añasco, Puerto Rico on June 30, 2021.

In testimony of which I sign under the official seal of the Municipality of Añasco, on July 01, 2021.




Ms. Rosa H. Pérez Moreno
Secretary
Municipal Legislature



1733

P.O. Box 1385
Añasco, Puerto Rico 00610

Estado Libre Asociado de Puerto Rico
Gobierno Municipal de Añasco
Legislatura Municipal



Tel. (787) 826-5100 ext. 2013/2039
Fax. (787) 826-2980

PROYECTO DE ORDENANZA NÚM. 05
ORDENANZA NÚMERO 05

SERIE 2020-2021
PRIMERA SESIÓN ORDINARIA

PARA AUTORIZAR AL ALCALDE DE AÑASCO, PUERTO RICO, EL HON. KABIR B. SOLARES GARCÍA A IMPLEMENTAR EL PLAN DE NEGOCIOS EN DESVENTAJA-DBE, EN INGLÉS CON SUS CORRESPONDIENTES REQUISITOS DE LEY, COMO RECIPIENTE PRIMARIO DE LA ADMINISTRACIÓN FEDERAL PARA LA TRANSPORTACIÓN COLECTIVA (FTA), UNA ADMINISTRACIÓN OPERANTE DEL DEPARTAMENTO DE TRANSPORTACIÓN DE LOS ESTADOS UNIDOS, PARA ASISTENCIA DE TRANSPORTACIÓN FEDERAL, AUTORIZADA POR EL 49 U.S.C. CAPÍTULO 53, PARTES 23 y 26 – PARTICIPACIÓN DE LAS EMPRESAS COMERCIALES EN DESVENTAJA EN LOS PROGRAMAS DE ASISTENCIA FINANCIERA - DEL CÓDIGO DE LOS ESTADOS UNIDOS Y OTROS ESTATUTOS FEDERALES ADMINISTRADOS POR LA ADMINISTRACIÓN FEDERAL DE TRÁNSITO - FTA, EN INGLÉS; Y PARA OTROS FINES.

PRESENTADA POR LA ADMINISTRACIÓN MUNICIPAL

POR CUANTO: Al Administrador de la Administración Federal para la Transportación Colectiva (FTA) de los Estados Unidos se le ha delegado autoridad para otorgar asistencia financiera Federal para proyectos de transportación. El Municipio de Añasco es un recipiente primario de esa agencia.

POR CUANTO: El Municipio de Añasco, como condición para recibir cualquier asistencia financiera de la Administración Federal para la Transportación Colectiva (FTA), se le requiere mantener un Programa de Empresas Comerciales en desventaja –DBE – bajo la parte 26, Sub Parte B 26.21(2) como sigue: Los recipientes de FTA de asistencia de planificación, capital y/o asistencia operacional que otorguen contratos primarios (excluyendo compra de vehículos de tránsito) cuyo valor acumulado excede \$250,000 en fondos FTA en un Año Fiscal Federal.

POR CUANTO: A tales efectos, el Municipio de Añasco ha preparado su Plan del Programa de DBE para el Año Fiscal 2021-2023. El Municipio de Añasco diseminará la información del Plan del Programa DBE a los empleados municipales y contratistas, así como al público en general mediante aviso publicado.

POR CUANTO: El Municipio de Añasco ha establecido en 18.7% su meta general de contratación de empresas en desventaja – DBE – sobre todos los fondos recibidos de la FTA para los Años Fiscales 2021-2023.

POR CUANTO: El Municipio de Añasco somete este plan para la evaluación y aceptación de ésta Honorable Legislatura Municipal.


POR TANTO: ORDÉNESE LO SIGUIENTE POR LA LEGISLATURA MUNICIPAL DE AÑASCO, PUERTO RICO:


SECCIÓN 1RA.: Que el Alcalde, HON. KABIR B. SOLARES GARCÍA, queda autorizado a adoptar y cumplir con la reglamentación del Programa DBE y sus

correspondientes requisitos legales como recipiente de la Administración Federal para la Transportación Colectiva (FTA) para Asistencia Federal, autorizada por el el 49 U.S.C. Capítulo 53, Partes 23 y 26 – del Código de los Estados Unidos y otros Estatutos Federales que autoricen un proyecto administrado por la Administración Federal para la Transportación Colectiva (FTA).


- SECCIÓN 2DA.:** El Alcalde de Añasco, HON. KABIR B. SOLARES GARCÍA o su sucesor legal y sus oficiales designados, quedan autorizados para ejecutar y radicar con su solicitud de fondos las certificaciones y sus garantías y cualquier otro documento que requiera la Administración Federal para la Transportación Colectiva (FTA) previo a otorgar un donativo de asistencia Federal o acuerdo de cooperación.
- SECCIÓN 3RA.:** El Alcalde de Añasco, HON. KABIR B. SOLARES GARCÍA, queda autorizado para ejecutar donativos y acuerdos de cooperación como recipiente primario de la Administración Federal para la Transportación Colectiva (FTA), y con la Autoridad de Carreteras y Transportación de Puerto Rico como sub beneficiario en representación del Municipio de Añasco.
- SECCIÓN 4TA.:** Esta Ordenanza, dada su naturaleza urgente y necesaria, entrará en vigor una vez sea aprobada por la Legislatura Municipal y firmada por el Alcalde.
- SECCIÓN 5TA.:** Se prohíbe el discrimen por razón de edad, sexo, color o motivaciones políticas o religiosas en la implantación de ésta Ordenanza.
- SECCIÓN 6TA.:** Se enviará copia de esta Resolución a la Administración Federal de Tránsito, Programa de Empresas en Desventaja – DBE- la Oficina Municipal de Programas Federales, la Autoridad de Carreteras y Transportación de Puerto Rico y a otras Agencias o Departamentos pertinentes.

**APROBADA POR ESTA LEGISLATURA MUNICIPAL DE AÑASCO,
PUERTO RICO, HOY 30 DE JUNIO DE 2021.**


HON. WILSON CRESPO VALENTÍN
PRESIDENTE
LEGISLATURA MUNICIPAL


SRA. ROSA H. PÉREZ MORENO
SECRETARIA
LEGISLATURA MUNICIPAL

**FIRMADA POR EL ALCALDE DE AÑASCO, PUERTO RICO
HOY 30 DE JUNIO DE 2021.**


HON. KABIR B. SOLARES GARCÍA
ALCALDE



1733

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Fax: (787) 826-2980

CERTIFICACIÓN

Yo, Rosa H. Pérez Moreno, Secretaria de la Legislatura Municipal de Añasco, Puerto Rico, por la presente **CERTIFICO**:

Que el que antecede es el texto original de la **ORDENANZA NÚMERO 05, SERIE 2020-2021**, aprobada por la Legislatura Municipal de Añasco, reunida en la **NOVENA** reunión de la **PRIMERA SESIÓN ORDINARIA** el **30 DE JUNIO DE 2021**.

PARA AUTORIZAR AL ALCALDE DE AÑASCO, PUERTO RICO, EL HON. KABIR B. SOLARES GARCÍA A IMPLEMENTAR EL PLAN DE NEGOCIOS EN DESVENTAJA-DBE, EN INGLÉS CON SUS CORRESPONDIENTES REQUISITOS DE LEY, COMO RECIPIENTE PRIMARIO DE LA ADMINISTRACIÓN FEDERAL PARA LA TRANSPORTACIÓN COLECTIVA (FTA), UNA ADMINISTRACIÓN OPERANTE DEL DEPARTAMENTO DE TRANSPORTACIÓN DE LOS ESTADOS UNIDOS, PARA ASISTENCIA DE TRANSPORTACIÓN FEDERAL, AUTORIZADA POR EL 49 U.S.C. CAPÍTULO 53, PARTES 23 y 26 - PARTICIPACIÓN DE LAS EMPRESAS COMERCIALES EN DESVENTAJA EN LOS PROGRAMAS DE ASISTENCIA FINANCIERA - DEL CÓDIGO DE LOS ESTADOS UNIDOS Y OTROS ESTATUTOS FEDERALES ADMINISTRADOS POR LA ADMINISTRACIÓN FEDERAL DE TRÁNSITO - FTA, EN INGLÉS; Y PARA OTROS FINES.

CERTIFICO: Además, que dicha **ORDENANZA** fue aprobada con los votos afirmativos de los Legisladores presentes:

Honorables Legisladores Municipales:

1. Wilson Crespo Valentín
2. Lilliam Ojeda Adrián
3. Elie Omar Ríos Sojo
4. Jannette Rosado Carrero
5. Raúl R. Morales Santiago
6. Steve Guash Montalvo
7. Francisco Ruiz Morales
8. Pablo Rivera Reyes
9. Wilmarie Villanueva Bonilla
10. Roberto L. Díaz Díaz
11. William Matías Cortés

Abstenidos: Ninguno

Ausentes: Waleska Avilés Medina
Fernando A. Ruiz Vázquez
Myriam M. Talavera Beltrán

Oposición: Ninguno

Esta **ORDENANZA** fue firmada por el Hon. Kabir B. Solares García, Alcalde de Añasco, Puerto Rico el **30 de junio de 2021**.

Y para que así conste, sello la presente con el Sello Oficial de la Legislatura Municipal del Municipio de Añasco, Puerto Rico, y expido copia certificada a cualquier agencia que sea necesario para sus fines y acción pertinente, hoy **01 de julio de 2021**.




Sra. Rosa H. Pérez Moreno
Secretaria Legislatura Municipal



CERTIFICACIÓN

Yo, **Rosa H. Pérez Moreno**, Secretaria de la Legislatura Municipal de Añasco, Puerto Rico, por la presente **CERTIFICO**:

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PARA AUTORIZAR AL ALCALDE DE AÑASCO, PUERTO RICO, EL HON. KABIR B. SOLARES GARCÍA A IMPLEMENTAR EL PLAN DE NEGOCIOS EN DESVENTAJA-DBE, EN INGLÉS CON SUS CORRESPONDIENTES REQUISITOS DE LEY, COMO RECIPIENTE PRIMARIO DE LA ADMINISTRACIÓN FEDERAL PARA LA TRANSPORTACIÓN COLECTIVA (FTA), UNA ADMINISTRACIÓN OPERANTE DEL DEPARTAMENTO DE TRANSPORTACIÓN DE LOS ESTADOS UNIDOS, PARA ASISTENCIA DE TRANSPORTACIÓN FEDERAL, AUTORIZADA POR EL 49 U.S.C. CAPÍTULO 53, PARTES 23 y 26 – PARTICIPACIÓN DE LAS EMPRESAS COMERCIALES EN DESVENTAJA EN LOS PROGRAMAS DE ASISTENCIA FINANCIERA - DEL CÓDIGO DE LOS ESTADOS UNIDOS Y OTROS ESTATUTOS FEDERALES ADMINISTRADOS POR LA ADMINISTRACIÓN FEDERAL DE TRÁNSITO - FTA, EN INGLÉS; Y PARA OTROS FINES.

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Honorables Legisladores Municipales:

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8. Pablo Rivera Reyes
9. Wilmarie Villanueva Bonilla
10. Roberto L. Díaz Díaz
11. William Matías Cortés

Abstenidos: Ninguno

Ausentes: Waleska Avilés Medina
Fernando A. Ruiz Vázquez
Myriam M. Talavera Beltrán

Oposición: Ninguno

Esta **ORDENANZA** fue firmada por el Hon. Kabir B. Solares García, Alcalde de Añasco, Puerto Rico el **30 de junio de 2021**.

Y para que así conste, sello la presente con el Sello Oficial de la Legislatura Municipal del Municipio de Añasco, Puerto Rico, y expido copia certificada a cualquier agencia que sea necesario para sus fines y acción pertinente, hoy **01 de julio de 2021**.




Sra. Rosa H. Pérez Moreno
Secretaria Legislatura Municipal

Attachment VI. Appendix A to Part 26—Guidance Concerning Good Faith Efforts

I. When, as a recipient, you establish a contract goal on a DOT-assisted contract for procuring construction, equipment, services, or any other purpose, a bidder must, in order to be responsible and/or responsive, make sufficient good faith efforts to meet the goal. The bidder can meet this requirement in either of two ways. First, the bidder can meet the goal, documenting commitments for participation by DBE firms sufficient for this purpose. Second, even if it doesn't meet the goal, the bidder can document adequate good faith efforts. This means that the bidder must show that it took all necessary and reasonable steps to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not fully successful.

II. In any situation in which you have established a contract goal, Part 26 requires you to use the good faith efforts mechanism of this part. As a recipient, you have the responsibility to make a fair and reasonable judgment whether a bidder that did not meet the goal made adequate good faith efforts. It is important for you to consider the quality, quantity, and intensity of the different kinds of efforts that the bidder has made, based on the regulations and the guidance in this Appendix.

The efforts employed by the bidder should be those that one could reasonably expect a bidder to take if the bidder were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE contract goal. Mere pro forma efforts are not good faith efforts to meet the DBE contract requirements. We emphasize, however, that your determination concerning the sufficiency of the firm's good faith efforts is a judgment call. Determinations should not be made using quantitative formulas.

III. The Department also strongly cautions you against requiring that a bidder meet a contract goal (i.e., obtain a specified amount of DBE participation) in order to be awarded a contract, even though the bidder makes an adequate good faith efforts showing. This rule specifically prohibits you from ignoring bona fide good faith efforts.

IV. The following is a list of types of actions which you should consider as part of the bidder's good faith efforts to obtain DBE participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

A. (1) Conducting market research to identify small business contractors and suppliers and soliciting through all reasonable and available means the interest of all certified DBEs that have the capability to perform the work of the contract. This may include attendance at pre-bid and business matchmaking meetings and events, advertising and/or written notices, posting of Notices of Sources Sought and/or Requests for Proposals, written notices or emails to all DBEs listed in the State's directory of transportation firms that specialize in the areas of of the project.

(2) The bidder should solicit this interest as early in the acquisition process as practicable to allow the DBEs to respond to the solicitation and submit a timely offer for the subcontract. The

bidder should determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.

B. Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units (for example, smaller tasks or quantities) to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces. This may include, where possible, establishing flexible timeframes for performance and delivery schedules in a manner that encourages and facilitates DBE participation.

C. 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 with their offer for the subcontract.

D. (1) Negotiating in good faith with interested DBEs. 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.

(2) A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.

E. (1) Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal. Another practice considered an insufficient good faith effort is the rejection of the DBE because its quotation for the work was not the lowest received. However, nothing in this paragraph shall be construed to require the bidder or prime contractor to accept unreasonable quotes in order to satisfy contract goals.

(2) A prime contractor's inability to find a replacement DBE at the original price is not alone sufficient to support a finding that good faith efforts have been made to replace the original DBE. The fact that the contractor has the ability and/or desire to perform the contract work with its own forces does not relieve the contractor of the obligation to make good faith efforts to find a replacement DBE, and it is not a sound basis for rejecting a prospective replacement DBE's reasonable quote.

F. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.

G. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.

H. Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, State, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.

V. In determining whether a bidder has made good faith efforts, it is essential to scrutinize its documented efforts. At a minimum, you must review the performance of other bidders in meeting the contract goal. For example, when the apparent successful bidder fails to meet the contract goal, but others meet it, you may reasonably raise the question of whether, with additional efforts, the apparent successful bidder could have met the goal. If the apparent successful bidder fails to meet the goal, but meets or exceeds the average DBE participation obtained by other bidders, you may view this, in conjunction with other factors, as evidence of the apparent successful bidder having made good faith efforts. As provided in §26.53(b)(2)(vi), you must also require the contractor to submit copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract to review whether DBE prices were substantially higher; and contact the DBEs listed on a contractor's solicitation to inquire as to whether they were contacted by the prime. Pro forma mailings to DBEs requesting bids are not alone sufficient to satisfy good faith efforts under the rule.

VI. A promise to use DBEs after contract award is not considered to be responsive to the contract solicitation or to constitute good faith efforts. [79 FR 59600, Oct. 2, 2014]

Forms 1 & 2 for Demonstration of Good Faith Efforts/ Formularios 1 y 2 para demostración de esfuerzos de buena fe

[Forms 1 and 2 should be provided as part of the solicitation documents.

Los formularios 1 y 2 deben proporcionarse como parte de los documentos de solicitud

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

FORMULARIO 1: UTILIZACIÓN DE EMPRESAS EN DESVENTAJA (DBE)

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner (please, check the appropriate space):

El licitador/ofereante suscrito ha cumplido los requisitos de la especificación de licitación de la siguiente manera (por favor, compruebe el espacio adecuado):

_____ The bidder/offeror is committed to a minimum of _____ % DBE utilization on this contract.

_____ El licitador/ofereante se compromete a un mínimo de _____ % **de** utilización de DBE en este contrato.

_____ The bidder/offeror (if unable to meet the DBE goal of _____ %) is committed to a minimum of _____ % DBE utilization on this contract a submits documentation demonstrating good faith efforts.

_____ El licitador/ofereante (si no puede cumplir el objetivo DBE de _____ %) se compromete a un mínimo de utilización de _____ % DBE en este contrato, una documentación presenta documentación que demuestra esfuerzos de buena fe.

Name of bidder/offeror's firm: _____

Nombre de la firma del licitador/ofereante: _____

State Registration No. _____

Registro de estado Núm.. _____

By (Por) _____

(Signature/Firma)

Date /Fecha

FORM 2: LETTER OF INTENT

FORMULARIO 2: CARTA DE INTENCIÓN

Name of bidder/offeror's firm: _____

Nombre de la firma del licitador/ofereante: _____

Address: _____

Dirección: _____

City: _____ State: _____ Zip: _____

Ciudad: _____ Estado: _____ Código postal _____

Name of DBE firm: _____

Nombre de la firma DBE: _____

Address: _____

Dirección: _____

City: _____ State: _____ Zip: _____

Ciudad: _____ Estado: _____ Código postal _____

Description of work to be performed by DBE firm:

Descripción del trabajo que realizará la firma DBE:

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is \$ _____.

El licitador/ofereante se compromete a utilizar la empresa DBE antes mencionada para el trabajo descrito anteriormente. El valor en dólares estimado de este trabajo es \$ _____

Affirmation (Afirmación)

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

La firma DBE, mencionada anteriormente, afirma que realizará la parte del contrato por el valor estimado en dólares como se indicó arriba.

By (Por) _____

Signature (Firma)

Title(Título)

Date(Fecha)

If the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void./Si el licitador/ofereante no recibe laudo del contrato prime, todas y cada una de las representaciones de esta Carta de Intención y Afirmación serán nulas

Attachment VII. DBE Financial Institutions Serving the Añasco Area

1. Banco Popular de Puerto Rico
Carr. 2 Km. 143.3, Esq. Carr.402,
Bo.Caracol, Añasco, P.R. 00610
(787) 826-1520

2. Anascoop Cooperativa de Ahorro y Crédito de Añasco
Carr. #2 Km. 142.8
Añasco, Puerto Rico 00610
787-826-2655

Attachment VIII. Regulations

49 CFR Part 26: Title 49: Transportation

PART 26—PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF
TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS

49 CFR Part 26 can be located via the internet using the following link:

<http://www.ecfr.gov/cgi-bin/textidx?>

[SID=77475b33bc3b634c72efb67cbe53bf47&node=se49.1.26_151&rgn=div](http://www.ecfr.gov/cgi-bin/textidx?SID=77475b33bc3b634c72efb67cbe53bf47&node=se49.1.26_151&rgn=div)

Attachment IX. Sample DBE Semiannual Report

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 checked="" type="checkbox"/> FTA-Vendor Number 5567									
2. AIP Numbers (FAA Recipients Only):									
3. Federal fiscal year in which reporting period falls: FY 2020 4. Date This Report Submitted:									
5. Reporting Period <input checked="" 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									
6. Name and address of Recipient: Municipality of Humacao									
7. Annual DBE Goal(s): Race Conscious Goal Race Neutral Goal 0.00% OVERALL Goal 0.00%									
AWARDS/COMMITMENTS MADE DURING THIS REPORTING PERIOD (total contracts and subcontracts committed during this reporting period)	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)	Percentage of total dollars to DBEs
8. Prime contracts awarded this period	\$0	0	\$0	0	\$0	0	\$0	0	
9. Subcontracts awarded/committed this period									#VALUE!
TOTAL									
DBE AWARDS/COMMITMENTS THIS REPORTING PERIOD-BREAKDOWN BY ETHNICITY & GENDER	A	B	C	D	E	F	G	H	I
	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
10. Total Number of Contracts (Prime and Sub)		0							
11. Total Dollar Value		\$0							
ACTUAL PAYMENTS ON CONTRACTS COMPLETED THIS REPORTING PERIOD	A		B		C		D		E
	Number of Prime Contracts Completed		Total Dollar Value of Prime Contracts Completed		DBE Participation Needed to Meet Goal (Dollars)		Total DBE Participation (Dollars)		Percentage of Total DBE Participation
12. Race Conscious									
13. Race Neutral	1		\$0				\$0		
14. Totals	1								
15. Submitted by (Print Name of Authorized Representative)					16. Signature of Authorized Representative				
17. Phone Number:					18. Fax Number:				