

**CITY OF WAUSAU/METRO RIDE  
DBE PROGRAM**

*Approved by  
City of Wausau Transit Commission  
April 15, 2021*

**Objectives/Policy Statement** (Sections 26.1, 26.23)

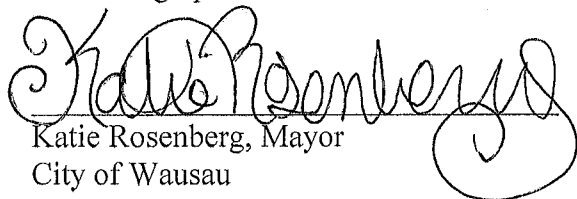
The City of Wausau/Metro Ride has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The City of Wausau/Metro Ride has received Federal financial assistance from the Department of Transportation,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

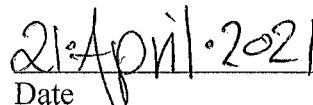
It is the policy of the City of Wausau/Metro Ride to ensure that DBEs, as defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts; and
6. To assist the development of firms that can compete successfully in the marketplace outside the DBE Program.

Greg Seubert, Transit Director has been delegated as the DBE Liaison Officer. In that capacity, he is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the City of Wausau/Metro Ride in its financial assistance agreements with the Department of Transportation.

The City of Wausau/Metro Ride has disseminated this policy statement to the City of Wausau Transit Commission and all the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts through direct mail and through procurement solicitations.

  
Katie Rosenberg, Mayor  
City of Wausau

  
Date

### **Applicability** (Section 26.3)

The City Of Wausau is the recipient of federal transit funds authorized by Titles I, III, V, or VI of ISTEA, Pub. L. 102-240 or by federal transit laws in Title 49, U.S. Code or Titles I, II or V of the TEA-21, Pub. L. 105-178, Title 49, U.S. Code, FAST Act, Pub. L. 114-94, Section 5307 and Section 5339.

### **Definitions** (Section 26.5)

The terms used in this program have the meanings defined in Section 26.5 of for this program.

### **Non-discrimination** (Section 26.7)

The City of Wausau/Metro Ride 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 City of Wausau/Metro Ride 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.

### **Record Keeping Requirements** (Section 26.11)

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

The City of Wausau/Metro Ride will report DBE participation to the Federal Transit Administration using the Uniform Awards or Commitments and Payments, found in Appendix 1 of this plan.

#### Bidders List: 26.11(c)

The City of Wausau/Metro Ride will create a bidders list, consisting of information about DBE and non-DBE firms that bid or quote on DOT-assisted Contracts. This will allow the use of the bidder list approach to calculating overall goals. The bidder list will include the name, address, DBE/non-DBE status, age and gross receipts of firms.

We will collect this information in the following ways:

- Utilize the Wisconsin Department of Transportation DBE directory to identify all firms eligible to participate as DBEs. The directory is available online and it lists the firm's name, address, phone number, date of most recent certification, and the type of work the firm has been certified to perform as a DBE.
- Include contract clauses requiring prime bidders to report all firms who quote to them on subcontracts.
- Request in all solicitations that firms quoting on subcontracts report information directly to the City of Wausau/Metro Ride.

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

The City of Wausau/Metro Ride has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

### Assurance: Section 26.13(a)

The City of Wausau/Metro Ride 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. City of Wausau/Metro Ride shall take all necessary and reasonable steps under 49 CFR, part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. City of Wausau/Metro Ride'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 City of Wausau/Metro Ride of its failure to carry out its approved program, the Department may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

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

### Contract Assurance: 26.13(b)

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

The contractor, sub-recipient or subcontractor shall not discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR, part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

*[This language will be used verbatim, as is stated in 26.13 (b)]*

## **SUBPART B – ADMINISTRATIVE REQUIREMENTS**

### **DBE Program Updates (Section 26.21)**

The City of Wausau/Metro Ride will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program.

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

The City of Wausau/Metro Ride has designated the following individual as our DBE Liaison Officer:

Greg Seubert, Transit Director  
420 Plumer Street, Wausau, WI 54403  
Phone: 715-842-9287, Fax: 715-842-1541  
Email: Greg.Seubert@ci.wausau.wi.us.

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the City of Wausau/Metro Ride complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the Mayor of the City of Wausau concerning DBE program matters. A DBE Organization Chart is attached (Appendix 1).

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination other appropriate officials. The DBELO has a staff of one (1) to assist in the administration of the program. 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 monitors results;
6. Analyzes City of Wausau/Metro Ride's progress toward goal 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. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance;
10. Plans and participates in DBE training seminars;
11. Refers DBEs to the Wisconsin DOT certification office and acts as liaison to the Uniform Certification Process in Wisconsin;
12. Provides outreach to DBEs and community organizations to advise them of opportunities.
13. Monitors the Wisconsin DOT directory on certified DBEs;
14. Receives and works to resolve all DBE related complaints.

## **DBE Financial Institutions**

It is the policy of the City of Wausau/Metro Ride 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 contracts to make use of these institutions. The

following efforts have made to identify and use such institutions:

The Wisconsin Department of Transportation DBE Directory is monitored to identify such institutions. To date, no such institutions have been identified.

### **Prompt Payment Mechanisms (Section 26.29)**

#### Prompt Payment:26.29(a)

The City of Wausau/Metro Ride will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contractor receives from the City of Wausau/Metro Ride. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the City of Wausau/Metro Ride. This clause applies to both DBE and non-DBE subcontractors.

#### Retainage: 26.29(b)

The prime contractor agrees to return retainage payments to each subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the City of Wausau/Metro Ride. This clause applies to both DBE and non-DBE subcontractors.

### **Monitoring and Enforcement (Section 26.29)**

The City of Wausau/Metro Ride shall include language in all FTA funded contracts that allows the City to monitor and enforce the prompt payment and return of retainage requirements. We will require contractors to provide written documentation of efforts to obtain DBE subcontractors as well as documentation of prompt payment and return of retainage to subcontractors.

Sanctions/Consequences of Noncompliance may include:

- Require prime contractors to provide documentation of prior payments to subcontractors before any future payments from the City of Wausau/Metro Ride are made to the prime contractor.
- Termination of contractor for default.
- Prohibit prime contractor from bidding on any future City of Wausau/Metro Ride contracts.
- 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. We will also consider similar action under our own

legal authority, including responsibility determinations in future contracts.

### **Directory (Section 26.31)**

The City of Wausau/Metro Ride utilizes the State of Wisconsin DBE Directory compiled by the Wisconsin Department of Administration DBE directory to identify all firms eligible to participate as DBEs. The directory lists the firm's name, address, phone number, email address, date DBE certification expires and the type of work the firm has been certified to perform as a DBE. A searchable database of all certified DBE firms is available on the Wisconsin Department of Transportation website at <https://wisconsin.gov/Pages/doing-bus/civil-rights/dbe/certified-firms.aspx>. Contact information for the DBE program is below:

DBE Support Services Office  
6150 W. Fond du Lac Avenue  
Milwaukee, WI 53218  
Phone: (414) 438-4583  
Fax: (414) 438-5392

### **Overconcentration (Section 26.33)**

The City of Wausau/Metro Ride has not identified that overconcentration exists in the types of work the DBE's perform.

### **Business Development Programs (Section 26.35)**

The City of Wausau/Metro Ride has not established a business development program.

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

The City of Wausau will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. We will require contractors to provide written documentation of efforts to obtain DBE subcontractors as well as documentation of prompt payment to sub-contractors.
2. We 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.
3. We also will consider similar action under our own legal authorities, including responsibility determinations in future contracts. The following regulations, provisions and remedies are included in our procurement documents and are available to us in the event of non-compliance with the DBE regulation by a participant in our procurement activities.

DBE Requirements - Where the Contractor is found to have failed to exert sufficient reasonable and good faith efforts to involve DBE's in the work provided, The City of

Wausau/Metro Ride may declare the contractor noncompliant and in breach of contract.

Federal Changes - The Contractor shall at all times comply with all applicable FTA regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the Agreement (Form FTA MA (2) dated October, 1995) between Purchaser and FTA , as they may be amended or promulgated from time to time during the term of this contract. Contractor's failure to so comply shall constitute a material breach of this contract.

Termination for Default - If the Contractor does not deliver supplies in accordance with the contract delivery schedule, or, if the contract is for services, the Contractor fails to perform in the manner called for in the contract, or if the Contractor fails to comply with any other provisions of the contract, City of Wausau/Metro Ride may terminate this contract for default. Termination shall be effected by serving a notice of termination on the contractor setting forth the manner in which the Contractor is in default. The contractor will only be paid the contract price for supplies delivered and accepted, or services performed in accordance with the manner of performance set forth in the contract.

4. We will also provide monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by DBEs. This will be accomplished by reviewing records and monitoring worksites where DBEs are performing. These monitoring activities shall occur on each contract where DBEs perform. Written certification of monitoring activities shall be maintained in project files.
5. We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contact award.

#### **Small Business Participation (Section 26.39)**

The City of Wausau/Metro Ride has incorporated the following non-discriminatory element to its DBE program, in order to facilitate competition on DOT-assisted public works projects by small business concerns (both DBEs and on-DBE small businesses):

For projects that are larger in scope, the RFP will be developed in a manner to allow for the use of small businesses to participate. The following methods will be considered.

1. Remove unnecessary and unjustified bundling of contract requirements.
2. Require prime contractors to provide subcontracting opportunities of the type and size that small businesses, including DBEs can reasonably perform.
3. Work with the Small Business Administration and/or other agencies as appropriate to ensure good faith efforts to foster small business participation.

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

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

The City of Wausau/Metro Ride does not use quotas in any way in the administration of this DBE program.

### **Overall Goals (Section 26.45)**

The overall goal was calculated by comparing the number of DBE firms available in the local procurement area to the total number of all firms available to provide transit parts, supplies, materials or services. The list of DBE firms was compiled using a directory prepared and maintained by the State of Wisconsin Department of Administration. Economic census data was used to identify available firms in our local procurement area offering goods or services suitable to our operation. The level of DBE participation during the previous year was also considered. It was assumed that the types of contracts awarded during the upcoming year would be similar to previous years, and no new race/gender neutral methods were anticipated.

For the purpose of calculating the DBE goal, the local procurement area is defined as all of Marathon County Wisconsin. The Wausau urban area lies within the boundaries of Marathon County. Census data for Marathon County is readily available to assist in the calculation of the DBE goal.

The Metro Ride is a department of the City of Wausau. Many of the support services necessary for transit system operations are provided “in-house” by Metro Ride employees or other City of Wausau departments. Contracting opportunities do exist for transit supplies and materials.

In accordance with Section 26.45(f) the City of Wausau/Metro Ride will submit its overall goal to DOT on August 1 of each year.

Before establishing the overall goal each year, the City of Wausau/Metro Ride will consult with the Wausau Region Chamber of Commerce and the Wausau Area Hmong association to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the efforts by the City of Wausau/Metro Ride 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 your principal office for 30 days following the date of the notice, and informing the public that we will accept comments on the goals for 45 days from the date of the notice. The notice will be published in the Wausau Daily Herald and any available minority-focus media, trade publications or websites in the area. Normally, we will issue this notice by June 1 of each year. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed. Our overall goal submission to DOT will include 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.



### **Transit Vehicle Manufacturers Goals (Section 26.49)**

The City of Wausau/Metro Ride will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, the City of Wausau/Metro Ride may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

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

The City of Wausau/Metro Ride will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. We will use the following race-neutral means to increase DBE participation:

1. Arranging solicitations, times for presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE, and other small businesses participation;
2. Providing assistance in overcoming limitations such as inability to obtain bonding or financing;
3. Providing technical assistance and other services;
4. Carrying out information and communications programs on contracting procedures and specific contract opportunities;
5. Providing services to help DBEs and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;
6. Ensuring distribution of the WisDOT DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and
7. Assisting DBEs and other small businesses, to develop their capacity to utilize emerging technology and conduct business through electronic media.

The City of Wausau/Metro Ride will use contract goals only if necessary to meet any portion of the overall goal the City of Wausau/Metro Ride does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

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 Federal share of a DOT-assisted contract.

### **Good Faith Efforts (Section 26.53(a))**

In those instances where a contract-specific DBE goal is included in the procurement/solicitation, the City of Wausau/Metro Ride will not award the contract to a bidder who does not either: (1) meet the contract goal with verified, countable DBE participation; or (2) documents it has made adequate good faith efforts to meet the DBE contract goal, even though it was unable to do so. It is the obligation of the bidder to demonstrate it has made sufficient good faith efforts prior to submission of its bid.

### **Evaluation of Good Faith Efforts** (Section 26.53(a) & (c))

The DBE Liaison Officer is responsible for determining whether a bidder/offeror who has submitted contract goals has documented sufficient good faith effort to be regarded as responsive.

The kinds of efforts that will be considered demonstrative of good faith efforts include, but are not limited to, the following:

- When other bidders on the procurement met the DBE goal;
- When the contractor selected portions of the work to be performed by DBEs and where appropriate, broke out contract work items into feasible units to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own workforce;
- When the contractor has effectively used the services of available minority/women community organizations, contractors' groups, and other organizations to provide assistance in the recruitment and placement of DBEs;
- When the contractor made efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, related assistance, services, bonding, lines of credit, or insurance;
- When the contractor negotiated in good faith with DBEs. (Evidence of such negotiation may include names, addresses, and phone numbers of DBEs who were considered; description of the plans and specifications for the work to be subcontracted; and reasons why additional agreements could not be reached;
- When the contractor has solicited, through all reasonable and available means, to determine the interest of all certified DBEs who have the capability to perform the work to be contracted.

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

### **Information to be Submitted** (Section 26.53(b))

The City of Wausau/Metro Ride treats bidders/offeror's 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/offeror to submit the following information prior to contract award.

- The names and addresses of DBE firms that will participate in the contract;

- A description of the work that each DBE will perform;
- The dollar amount of the participation of each DBE firm's participation;
- Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
- Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment;
- If the contract goal is not met, evidence of good faith efforts.

### **Administrative Reconsideration (26.53(d))**

Within 14 days of being informed by the City of Wausau/Metro Ride that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offeror should make this request in writing to the following reconsideration official; Maryanne Groat, Finance Director, 407 Grant Street, Wausau, WI 54402, phone 715-261-6645, fax 715-261-6626, email [maryanne.groat@ci.wausau.wi.us](mailto:maryanne.groat@ci.wausau.wi.us). 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.

### **Good Faith Efforts When a DBE is Replaced on a Contract (Section 26.53(f))**

We will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime contractor to notify the DBE Liaison Officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. If the contractor fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

### **Counting DBE Participation (Section 26.55)**

We will count DBE participation toward overall and contract goals as provided in 49 CFR Section 26.55. DBE participation will be reported using the Uniform Report of DBE Awards or Commitments and Payments (Appendix II).

## **SUBPART D & E CERTIFICATION**

### **Certification Process (Section 26.61 - 26.73)**

The City of Wausau/Metro Ride will piggyback on the Wisconsin Department of Transportation's certification program which uses the certification standards of Subpart E 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. WisDOT will make certification decisions based on the facts as a whole. For information about the certification process or to apply for certification, firms should visit the WisDOT DBE website at [www.dot.wisconsin.gov](http://www.dot.wisconsin.gov) or contact:

Wisconsin Department of Transportation (WisDOT)  
DBE Support Services  
6150 W. Fond du Lac Avenue  
Milwaukee WI 53218  
(414) 438-2154 Phone  
(414) 438-5389 Fax

### **Unified Certified Certification Program (Section 26.81)**

The City of Wausau/Metro Ride participates in the Unified Certification Program (UCP) administered by State of Wisconsin. The UCP meets all of the requirements of this section. The City of Wausau/Metro Ride will use and count for DBE credit only those DBE firms certified by the Wisconsin UCP.

### **Procedures for Certification Decisions (Section 26.83-26.91)**

If WisDOT completes their review of the application and does not find the firm eligible for DBE status, they will send a letter giving the DBE applicant the opportunity to schedule an informal hearing to appeal the decision. The informal hearing process has two steps:

1. Request an informal hearing;
2. WisDOT will respond with a location of hearing letter.

There are three reasons in the DBE application process that can lead to a final denial letter:

1. The contractor fails to respond within 21 days of the Notice of Intent to Deny;
2. The contractor fails to respond in 15 days or elects not to request an informal hearing;
3. The hearing committee elects to deny the application.

Once the final denial letter is sent, the DBE application process is complete.

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

Department of Transportation  
Office of Civil Rights  
Certification Appeals Branch

1200 New Jersey Avenue SE  
West Building, 7<sup>th</sup> Floor  
Washington, DC 20590

We will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT-assisted contracting (e.g., certify a firm if DOT has determined that our denial of its application was erroneous).

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

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

We will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law.

Notwithstanding any contrary provisions of state or local law, we will not release personal financial information submitted in response to the personal net worth requirements to a third party (other than the DOR) without written consent of the submitter.

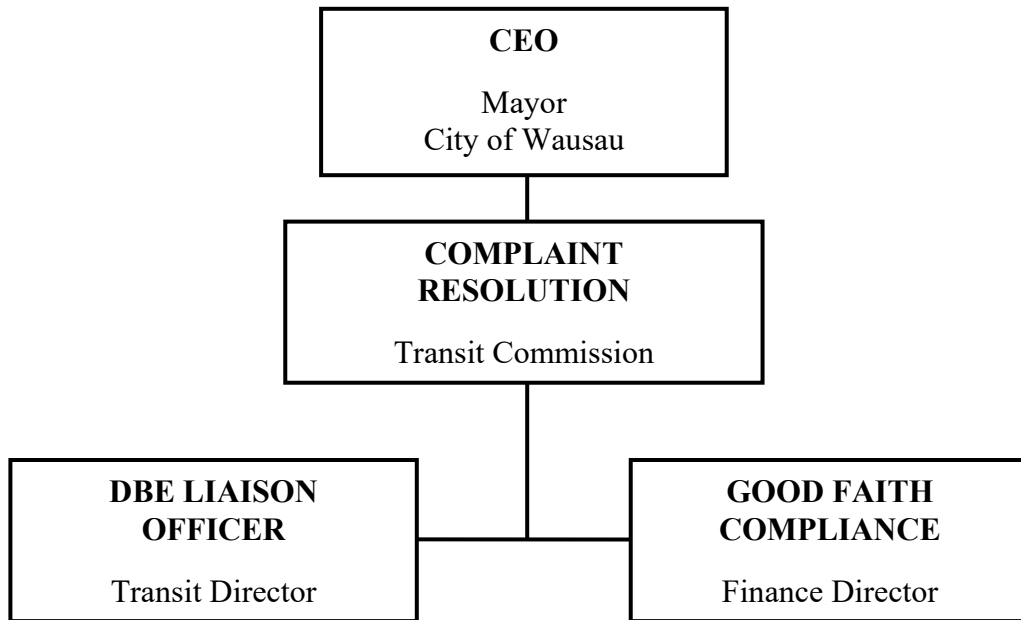
### Monitoring Payments to DBEs

We will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by an authorized representative of the City of Wausau/Metro Ride or DOT. This reporting requirement also extends to any certified DBE subcontractor.

We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

**APPENDIX 1**

**DBE ORGANIZATIONAL CHART**



**APPENDIX 2**  
**UNIFORM REPORT OF DBE AWARDS OR COMMITMENTS AND PAYMENTS**

UNIFORM REPORT OF DBE AWARDS OR COMMITMENTS 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
2. AIP Numbers (FAA Recipients): Grant Number (FTA Recipients):	
3. Federal fiscal year in which reporting period falls:	4. Date This Report Submitted:
5. Reporting Period	<input type="checkbox"/> Report due June 1 (for period Oct. 1-Mar. 31) <input type="checkbox"/> Report due Dec. 1 (for period April 1-Sept. 30)
6. Name and address of Recipient:	
7. Annual DBE Goal(s):	Race Conscious Protection      Race Neutral Protection 0.00%      Overall Goal

AWARDS/COMMITMENTS MADE DURING THIS REPORTING PERIOD (total contracts and subcontracts awarded or committed during this reporting period)	Awards/Commitments this Reporting Period								
	A	B	C	D	E	F	G	H	I
8. Prime contracts awarded this period	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
9. Subcontracts awarded/committed this period									
10. TOTAL									

BREAKDOWN BY ETHNICITY & GENDER	Contracts Awards to DBEs this Period					
	A	B	C	D	E	F
	Total to DBE (dollar amount)					
	Women	Men	Total	Women	Men	Total
11. Black American						
12. Hispanic American						
13. Native American						
14. Asian-Pacific American						
15. Subcontinent Asian Americans						
16. Non-Minority						
17. TOTAL						

**Payments Made this Period**

PAYMENTS ON ONGOING CONTRACTS (REPORT ACTIVITY OF ONGOING CONTRACTS)	Payments Made this Period					
	A	B	C	D	E	F
18. Prime and sub contracts currently in progress	Total Number of Contracts	Total Dollars Paid	Total Number of Contracts with DBEs	Total Payments to DBE firms	Total Number of DBE firms Paid	Percent to DBEs

TOTAL PAYMENTS ON CONTACTS COMPLETED THIS REPORTING PERIOD	TOTAL PAYMENTS ON CONTACTS COMPLETED THIS REPORTING PERIOD					
	A	B	C	D	E	F
19. Race Conscious	Number of Contracts Completed	Total Dollar Value of Contracts Completed	DBE Participation Needed to Meet Goal (dollars)	Total DBE Participation (dollars)	Percent DBEs	
20. Race Neutral						
21. Totals						
21. Submitted By:	24. Signature					25. Phone Number: