



**Diverse Business Enterprise (DBE) Program
Updated 8/26/2025**

Luzerne Transportation Authority (LCTA) Disadvantaged Business Enterprise Program

POLICY STATEMENT

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

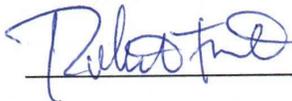
LCTA's policy ensures that DBEs, as defined in Part 26, have equal opportunities to receive and participate in DOT-assisted contracts. Our policy includes:

1. Ensuring nondiscrimination in the award and administration of DOT-assisted contracts.
2. Creating a level playing field where DBEs can compete fairly for DOT-assisted contracts.
3. Tailoring the DBE Program narrowly in accordance with applicable laws.
4. Allowing only firms that fully meet the eligibility standards of 49 CFR Part 26 to participate as DBEs.
5. Removing barriers to DBE participation in DOT-assisted contracts.
6. Supporting the development of firms that can compete successfully in the marketplace outside the DBE Program.

LCTA's Director of Finance, currently Randy Lisman, has been designated as the DBE Liaison Officer (DBELO). In that capacity, the Director of Finance is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded to the same priority as compliance with all other legal obligations incurred by LCTA in its financial assistance agreements with the Department of Transportation.

LCTA has disseminated this policy statement to its Board of Directors and the County of Luzerne 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 via mail, and electronic mail, and this information is posted on the LCTA website: www.LCTAabus.com.



Robert Fiume, Executive Director, LCTA

6-17-25

Date

Table of Contents

Contents

Table of Contents	4
SUBPART A – GENERAL REQUIREMENTS	5
SUBPART B – ADMINISTRATIVE REQUIREMENTS	7
SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING	11
SUBPARTS D & E – CERTIFICATION	17
SUBPART F – COMPLIANCE AND ENFORCEMENT	18
Appendix A – Definitions:	19
ATTACHMENTS	25
Attachment 2 DBE Directory	28
Attachment 3 - Monitoring and Enforcement Mechanisms/Legal Remedies	29
Attachment 4 - Section 26.45: Overall Goal Calculation	30
Attachment 5 - Forms for Demonstration of Good Faith Efforts	31
FORM 1: Disadvantaged Business Enterprise (DBE) Utilization	31
FORM 2: Letter of Intent	32
FORM 3: Monitoring	33
Attachment 6 - PA Unified Certification Program Contact Information	34
Attachment 7- Pre-Screening Questionnaire	38
LCTA DBE Supplier Pre-Screening Questionnaire	38
Certification	39
Attachment 8 – Regulations 49 CFR Part 26	40
Attachment 9 - Federal Transit Administration (FTA) Triennial (FFY 2024 to 2026) Goal Setting Methodology for Participation of Disadvantaged Business Enterprises (DBE) (double click file image on next page to open)	40

SUBPART A – GENERAL REQUIREMENTS

Section 26.1, 26.23 Objectives

The objectives are found in the policy statement on the first page of this program. A signed and dated copy of this policy was circulated throughout the organization (LCTA) and to the DBE and non-DBE business entities with whom LCTA conducts business activities.

Section 26.3 Applicability

LCTA is the recipient of federal transit funds authorized by Titles I, III, V, and VI of SAFTI-LU, Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, II, and V of the Teas-21, Pub. L. 105-178.

Section 26.5 Definitions

LCTA adopts the definitions contained in Section 26.5 of Part 26 for this program. These are included herein as Appendix A.

- 1) These definitions were taken directly from Part 26, Section 26.5 of the FTA DBE regulations and are current as of November 9, 2017.
- 2) LCTA will add and include any new/amended definitions as they are provided by USDOT and/or FTA; and
- 3) We have not included any definitions for terms not included in the definitions found in Section 26.5 of Part 26.

Section 26.7 Non-discrimination Requirements

LCTA 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 based on race, color, sex, or national origin.

In administering its DBE program, LCTA 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

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

LCTA will report DBE participation to FTA using the Uniform Report of DBE Awards or Commitments and Payments, found in Appendix B to the DBE regulation.

Bidders List: 26.11(c)

LCTA will obtain the bidders information about all DBE and non-DBEs who bid as prime contractors and subcontractors on each of our federally assisted contracts and maintain records for reporting in Uniform Report:

1. Firm name;
2. Firm address including ZIP code;
3. Firm's status as a DBE or non-DBE;
4. Race and gender information for the firm's majority owner;
5. NAICS code applicable to each scope of work the firm sought to perform in its bid;
6. Age of the firm; and
7. The annual gross receipts of the firm.

LCTA will refer to a bidders list containing information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidder's list approach to calculating overall goals. The source of this list is the Pennsylvania Department of Transportation's list derived from the process included in their adopted Uniform Centralized Program for DBE certification. LCTA will also include a clause in all contracts requiring prime bidders to report the names/addresses, telephone numbers and contact information of all firms who quote to them on subcontracts for reference for future projects.

All solicitations will contain information about LCTA's DBE program and requirements as well as annual goals and specific goals as they may relate to the project/proposal at hand.

Section 26.13 Assurances

LCTA has signed the following assurances, applicable to all DOT assisted contracts and their administration:

Federal Financial Assistance Agreement Assurance: 26.13(a)

LCTA 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 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. LCTA'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 recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR 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 verbatim as it is stated in 26.13(a) will appear in financial assistance agreements with sub-recipients.

Contract Assurance: 26.13b

LCTA will ensure that the following clause will be used verbatim as it is stated in 26.13(b) 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, which may include, but is not limited to:

- (1) Withholding monthly progress payments;*
- (2) Assessing sanctions;*
- (3) Liquidated damages; and/or*
- (4) Disqualifying the contractor from future bidding as non-responsible.*

SUBPART B – ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

Since LCTA awards Federal contracts annually at or over \$670,000 in a federal fiscal year, we will continue to carry out this program. We will provide DOT updates representing significant changes in the program.

Section 26.25 DBE Liaison Officer (DBELO)

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

Randy Lisman, Finance Director
Luzerne County Transportation Authority (LCTA)
300 South Pennsylvania Avenue
Wilkes-Barre, PA 18701
570-288-9356 x213
rlisman@lctabus.com

The DBELO is responsible for implementing all aspects of the DBE program and ensuring that LCTA complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the Executive Director/CEO concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 1 herein.

The DBELO is responsible for developing, implementing, and monitoring the DBE program, in coordination with other appropriate officials. The DBELO is assisted by the finance staff. 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 LCTA's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Executive Director and Board of Directors on DBE matters and achievement.
9. Chairs a DBE Advisory Committee should the need for one arise to effectively implement this program.
10. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
11. Plans and participates in DBE training seminars.
12. Verifies certification of DBE's via the PA Uniform Certification Program (UCP) and acts as liaison to the Uniform Certification Process in the Commonwealth of Pennsylvania.
13. Provides outreach to DBEs and community organizations to advise them of opportunities.
14. Maintains LCTA's Bidders' List and ensures Vendor/Bidder status as certified DBEs is accurate and updated.

The DBELO is assisted by various staff in:

- ☐ Meeting program requirements;
- ☐ Development of specifications for bid or proposal documents; and
- ☐ Maintaining records and filing reports.

Section 26.27 DBE Financial Institutions

LCTA will 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.

Section 26.29 Prompt Payment Mechanisms

Prompt Payment: 26.29(a)

LCTA 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 fifteen (15) days from the receipt of each payment the prime contract receives from LCTA. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of LCTA or its designated project manager, engineer or agent." This clause applies to both DBE and non-DBE subcontracts.

Retainage: 26.29(b)

The prime contractor agrees to return retainage payments to each subcontractor within 30 (thirty) days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced period may occur only for good cause following written approval of LCTA or its project manager, engineer or agent. This clause applies to both DBE and non-DBE subcontracts.

Monitoring and Enforcement: 26.29(d)”

LCTA has established prompt payment contract clauses and reporting requirements to monitor and enforce that prompt payment and return of retainage is in fact occurring.

LCTA will apply all legal and contract remedies available to it under federal, state, and local law to ensure compliance with Part 26 requirements by all participants in the DBE program.

LCTA 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, sections 103, 107 and 109. LCTA will also consider similar action under its own legal authorities, including responsibility determinations in future contracts.

Section 26.31 Directory

LCTA refers to the Pennsylvania Uniform Certification program directory, which maintains a directory identifying all firms eligible to participate as DBEs. The directory lists the firm’s name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. A link to the PA Uniform Certification program directory is provided on the LCTA website, LCTAbus.com.

Section 26.33 Overconcentration

LCTA has not identified that overconcentration exists in the types of work that DBEs perform.

Section 26.35 Business Development Programs

LCTA has not established a business development program. We will re-evaluate the need for such a program every 36 months.

Section 26.37 Monitoring and Enforcement Mechanisms

LCTA will apply all legal and contract remedies available to it under federal, state, and local law to ensure compliance with Part 26 requirements by all participants in the DBE program.

LCTA will implement enhanced oversight measures to ensure DBE participation is accurately reported and enforced:

1. Prime contractors must submit Monthly DBE Utilization Reports.
2. LCTA will track actual DBE payments against contract commitments.
3. Non-compliance penalties: Prime contractors failing to meet DBE commitments without valid justification may face payment holds, penalties, or contract termination

LCTA 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. LCTA will also consider similar action under its own legal authorities, including responsibility determinations in future contracts.

LCTA will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

Section 26.39 Small Business Participation

LCTA has incorporated the following non-discriminatory element to its DBE program, to facilitate competition on DOT assisted public works projects by small business concerns (both DBEs and non-DBE small businesses). Small business program elements include, but are not limited to:

- Removal of unnecessary and unjustified bundling of contract requirements;
- Examining insurance requirements on contracts with the intent of reducing unnecessary insurance requirements, when feasible;
- Simplifying or reducing bonding requirements where feasible;
- Requiring bidders on large contracts to identify and/or provide specific subcontracts appropriate for small business participation;
- Development of acquisition strategies and structuring procurements to facilitate bids by and awards to small business consortia or joint ventures;
- Letting prime contracts (as appropriate) of a size that small businesses can reasonably compete for and perform;
- Hosting periodic workshops for small businesses providing technical assistance on how to prepare a successful proposal and how to certify as a small-business; and
- Providing consideration to small businesses, when evaluating proposals.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

LCTA does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

Amount of goal: LCTA's overall goal for FFY 2021 – 2024 is 4.65% of the federally assisted projects identified in our FY2021-FY2024 goal methodology. This goal is exclusive of FTA funds used for the purchase of transit vehicles; under separate goal requirements for transit vehicle purchases.

LCTA will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurement, to certify that it has complied with DBE requirements for vehicle manufacturers. In addition, this goal excludes other federally assisted procurements, in accordance with FTA guidance. For more information on LCTA's FFY 2021 – 2024 goal methodology, please see Attachment 4, below.

Summary of the method used to calculate the goal: Base figure: The Luzerne Transportation Authority's FFY 2024-2026 base figure, 4.65% of available Federal financial assistance, as follows:

As a first step in the process, LCTA's Capital Grants Management Team reviewed the projects on the metropolitan area's TIP for FFY 2021 through 2024. The team identified the projects to which DBE requirements apply and also have the potential for DBE participation were identified. Second, the NAICS codes for the types of firms that could perform the work necessary for the identified projects were determined using the NAICS directory (<https://www.naics.com/six-digit-naics/>). The number of firms and eligible Luzerne County DBE businesses within the NAICS codes were then derived from the Commonwealth of Pennsylvania DBE directory (PA Unified Certification Program <https://www.paucp.com/>). The market area used for PA Unified Certification Program database was LCTA's service area of Luzerne County, Pennsylvania. The type of work envisioned is routinely provided to LCTA by firms in Luzerne County. These NAICS code(s) for each project was then identified along with the number of total firms and DBEs. Next, the percentage of federal funds to be expended for each project were identified.

The final base figure of 4.65% represents the relative availability of DBEs in all categories within Luzerne County.

The contracting opportunities in the upcoming triennial period are similar in scope and project size to contracting opportunities in the previous triennial period. In addition, the DBE participation rate for the three federal fiscal years in LCTA's previous triennial review period was reviewed and the total DBE Participation during the three-year reporting period was identified as 4.65%.

Goal submission process:

LCTA will submit its three-year overall goal to DOT on or before August 1 every third year on the cycle established by FTA. LCTA will begin using its overall goal at the start of the federal fiscal year, unless otherwise directed by DOT, or, for goals established on a project basis, by the time of the first solicitation for a DOT assisted contract for the project.

Before establishing its triennial overall goal, LCTA will consult with local business groups, including the area's Chambers of Commerce to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, effects of discrimination on opportunities for DBEs, and LCTA's efforts to establish a level playing field for the participation of DBE's.

Following this consultation, LCTA will publish a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours for 30 calendar days following the date of the notice and that LCTA and DOT will accept comments on the goals for 45 calendar days following the date of the notice. LCTA will publish the goal in the local newspaper, "Passenger Transport," and by distribute to any available business groups and minority focus media, trade publications, websites, etc. The notice will state that comments, requests to review the proposal or for copies of the proposal and the rationale used in its development should be addressed to LCTA, 300 South Pennsylvania Avenue, Wilkes-Barre, PA 18701-3303. LCTA's overall goal submission to DOT will summarize information/comments received during the public participation process and LCTA's responses to those comments.

Section 26.47 Goal Setting and Accountability

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

1. Analyze the reason for the difference between the overall goal and the actual awards/commitments;
2. Establish specific steps and milestones to correct the problems identified in the analysis; and
3. Complete analysis within 90 days of the end of the affected fiscal year, retain the analysis and corrective actions in our records for three years, and make it available to FTA on request for their review.

Section 26.49 Transit Vehicle Manufacturers Goals

LCTA 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.

Section 26.51 Meeting Overall Goals/Contract Goals

Breakout of Estimated Race Neutral and Race Conscious Participation: LCTA will meet the maximum feasible portion of its overall goal by using race neutral means of facilitating DBE participation, using the following race neutral means to increase DBE participation:

- ☐ Encouraging prime contractors to subcontract portions of the work where feasible;
- ☐ Arranging solicitations, time to present bids/proposals, bid quantities, specifications, quantities and delivery schedules to facilitate DBE and small business participation where feasible;
- ☐ Simplifying or reducing bonding requirements where feasible;
- ☐ Providing information to bidders on potential subcontractors where feasible;
- ☐ Offering instructions on bid specifications, procedures, and general bidding requirements;
- ☐ Hosting periodic workshops for DBE's and non-DBE's providing technical assistance on how to prepare a successful proposal and how to certify as a DBE; and
- ☐ Examining insurance requirements on contracts with the intent of reducing unnecessary insurance requirements, when feasible.

LCTA's intent is to meet its overall goal of 4.65% from race neutral participation. Race conscious measures will only be used if goals cannot be met and there is sufficient number of DBE contractors available to assure competition. This approach to race neutral and race conscious DBE participation is based on past private sector DBE participation.

LCTA will adjust the estimated breakout of race neutral and race conscious participation as needed to reflect actual DBE participation (see 26.51 (f)) and will track and report race neutral and race conscious participation separately. For reporting purposes, race neutral DBE participation includes, but is not necessarily limited to, the following:

- ☐ DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures;
- ☐ DBE participation through a subcontract on a prime contract that does not carry a DBE goal;
- ☐ DBE participation on a prime contract exceeding a contract goal; and
- ☐ DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

Section 26.53 Good Faith Efforts Procedures

LCTA will treat bidder/offeror compliance with good faith efforts requirements as a responsibility matter. Each solicitation with an established contract goal will require bidders/offerors to submit the following information either with the bid/proposal or within a specified number of calendar days, to be identified in the bid or proposal solicitation, after the bid/proposal submission deadline.

- ☐ The names and addresses of DBE firms that will participate in the contract, description of the work each DBE will perform and dollar amount of the participation of each DBE firm;
- ☐ 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; and
- ☐ If the contract goal is not met, evidence of good faith efforts.

Where contract goals are established, bidders/offerors are obligated to demonstrate that good faith efforts to achieve the goal have been made, by either meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to part 26 and will be made available upon request.

The DBELO and contract administrator 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 responsible. LCTA will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before a contract is awarded to a bidder/offeror.

If LCTA notifies a bidder/offeror that it has not documented sufficient good faith efforts in meeting contract goals, the bidder/offeror may request administrative reconsideration. A bidder/offeror request for administrative reconsideration must be made in writing within seven (7) calendar days of the bidder/offeror's receipt of LCTA's notification that it is not responsive because it has not documented sufficient good faith efforts. The request must be submitted to:

Randy Lisman, Finance Director
Luzerne County Transportation Authority
300 South Pennsylvania Avenue, Wilkes-Barre, PA 18701-3303.

However, if the DBELO is acting as contract administrator for a particular contract, and therefore has participated in the original determination that the bidder/offeror did not sufficiently document good faith efforts, Mr. Robert Fiume, Executive Director, shall be named as the individual to whom the request for administrative reconsideration should be directed.

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

If a DBE is terminated or otherwise has failed to complete its work on a contract, the prime contractor must demonstrate good faith efforts to replace the DBE with another certified DBE, to the extent needed to meet the contract goal. The prime contractor must notify the DBELO immediately of the DBE's inability or unwillingness to perform. Where a replacement DBE is proposed, the prime contractor is required to obtain prior approval from LCTA for the substitution and to provide copies of new or amended subcontracts. Where no replacement DBE is found, the prime contractor must document its good faith efforts to locate another DBE, in the same manner and by the same means as good faith efforts are identified for prime contract awards. If the contractor fails or refuses to comply in the time specified, LCTA will issue an order stopping all or part of outstanding payment/work until satisfactory action has been taken. If the contractor still fails to comply within twenty-one (21) calendar days after the date that such an order is issued, LCTA may initiate termination for default proceedings.

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 LCTA 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.

DBE contract goals may be established for individual contracts. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 1), to meet the contract goal for DBE participation in the performance of this contract.

When a contract goal is established, 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; and
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.

Section 26.55 Counting DBE Participation

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

LCTA will count DBE participation toward contract goals only when the DBE:

1. Performs work with its workforce and equipment.
2. Procures its materials independently from the prime contractor.
3. Manages and controls the execution of its contracted work.
4. Subcontracts only to other DBEs to retain full credit toward participation goals.

Supplier and Distributor Credit

LCTA will implement the following changes based on the latest federal rule updates:

- a. DBE Regular Dealers: 60% of the cost of materials or supplies will be counted.
- b. DBE Distributors: 40% of the cost of materials or supplies will be counted.
- c. Non-dealer DBE Suppliers: Only service fees or commissions will be counted toward DBE participation.
- d. Prime contractors must provide documentation before contract award to determine whether a DBE supplier qualifies as a regular dealer or distributor.

LCTA will pre-screen DBE suppliers through:

- Questionnaires (Attachment 7)
- Inventory reviews
 - o Key areas:
 - Warehouse or Storage Facility Verification – Confirm that the DBE has a physical location where inventory is stored and managed.

- Stocked Material Evaluation – Assessing whether the DBE regularly stocks and sells the items required for contract performance.
 - Inventory Management System Review – Ensuring the DBE has a system for tracking stock levels, orders, and sales.
 - Ownership and Purchase Records – Review purchase orders, invoices, and inventory records to verify that the DBE owns and controls the products being sold.
 - Distribution Capability Check – Determining whether the DBE has equipment, contracts, or agreements to effectively distribute materials.
- on-site verification before awarding credit.

DBE Trucking Participation

For DBE trucking firms, LCTA will ensure:

- a. Allow full credit for transportation services performed with DBE-owned and operated trucks for respective contracts.
- b. Provide full credit of the contract for leased trucks from another certified DBE.
- c. Provide limited credit for non-DBE leased trucks, only up to the value of DBE-owned trucks used.
 - o Unless leased trucks are operated by DBE drivers
- d. Verify lease agreements to ensure DBEs maintain operational control over leased trucks and leased trucks must display the DBE's name and ID number.

Commercially Useful Function (CUF)

LCTA will ensure that DBEs perform a Commercially Useful Function (CUF) through:

- ❑ Pre-Award CUF Evaluations: Assessing DBE capabilities before contract approval.
- ❑ Ongoing CUF Monitoring: Conducting site visits, if applicable, and inspections to verify DBE's role and responsibilities.
- ❑ Reporting Requirements: Prime contractors must submit monthly CUF compliance reports if the project duration is longer than 30 days.
- ❑ If a DBE subcontracts more than 30% of its contract work, it must demonstrate its ability to supervise and manage the subcontracted work.

SUBPARTS D & E – CERTIFICATION

Section 26.81 Unified Certification Programs

LCTA is a member of a Unified Certification Program (UCP) administered by the Pennsylvania Department of Transportation. The UCP will meet all of the requirements of this section. LCTA will use and count for DBE credit only those DBE firms certified by the Commonwealth of Pennsylvania's UCP.

Section 26.83-26.91 Procedures for Certification Decisions

A copy of the Pennsylvania Department of Transportation's certification procedures and/or UCP program contact information is included in Attachment 6 - PA Unified Certification Program Contact Information. Where appropriate, LCTA will follow the certification processes of Subpart E of Part 26 to determine the eligibility of firms to participate as DBEs in DOT- assisted contracts

Any firm or complainant may appeal a PA Unified Certification Program decision in a certification matter to DOT. Such appeals may be sent to:

U.S. Department of Transportation
Office of Civil Rights Certification Appeals Branch
1200 New Jersey Ave. SE
West Building, 7th Floor
Washington, D.C. 20590

We will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT- assisted contracting (e.g., count a subcontractor towards a contract goal).

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

LCTA 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, LCTA will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

Monitoring Payments to DBEs

LCTA 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 available for inspection upon request by any authorized representative of LCTA or DOT. This reporting requirement also extends to any certified DBE subcontractor.

LCTA will perform interim audits of contract payments to DBEs. These audits will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts states in the schedule of DBE participation.

Confidentiality

LCTA will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with federal, state, and local law. Only authorized staff of the Luzerne Transportation Authority or federal funding sources will have access to such confidential information. However, unless otherwise prohibited by federal, state, or local law, names of DBEs, type and dollar amount of participation and status of certification will be considered public information. Notwithstanding any contrary provisions of state or local law, LCTA will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

Appendix A – Definitions:

What do the terms used in this document mean?

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

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

(i) One concern controls or has the power to control the other; or

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

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

(2) 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 -

- (1) 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
- (2) 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.

Good faith efforts means efforts to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement.

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.

- (1) 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.
- (2) Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:
 - (i) “Black Americans,” which includes persons having origins in any of the Black racial groups of Africa;
 - (ii) “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;
 - (iii) “Native Americans,” which includes persons who are enrolled members of a federally or State recognized Indian tribe, Alaska Natives, or Native Hawaiians;
 - (iv) “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, Kiribati, Tuvalu, Nauru, Federated States of Micronesia, or Hong Kong;
 - (v) “Subcontinent Asian Americans,” which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;
 - (vi) Women;
 - (vii) Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.
- (3) 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).

[64 FR 5126, Feb. 2, 1999, as amended at 64 FR 34570, June 28, 1999; 68 FR 35553, June 16, 2003; 76 FR 5096, Jan. 28, 2011; 79 FR 59592, Oct. 2, 2014]

ATTACHMENTS

Attachment 1: Organizational Chart Attachment 2: DBE Directory references

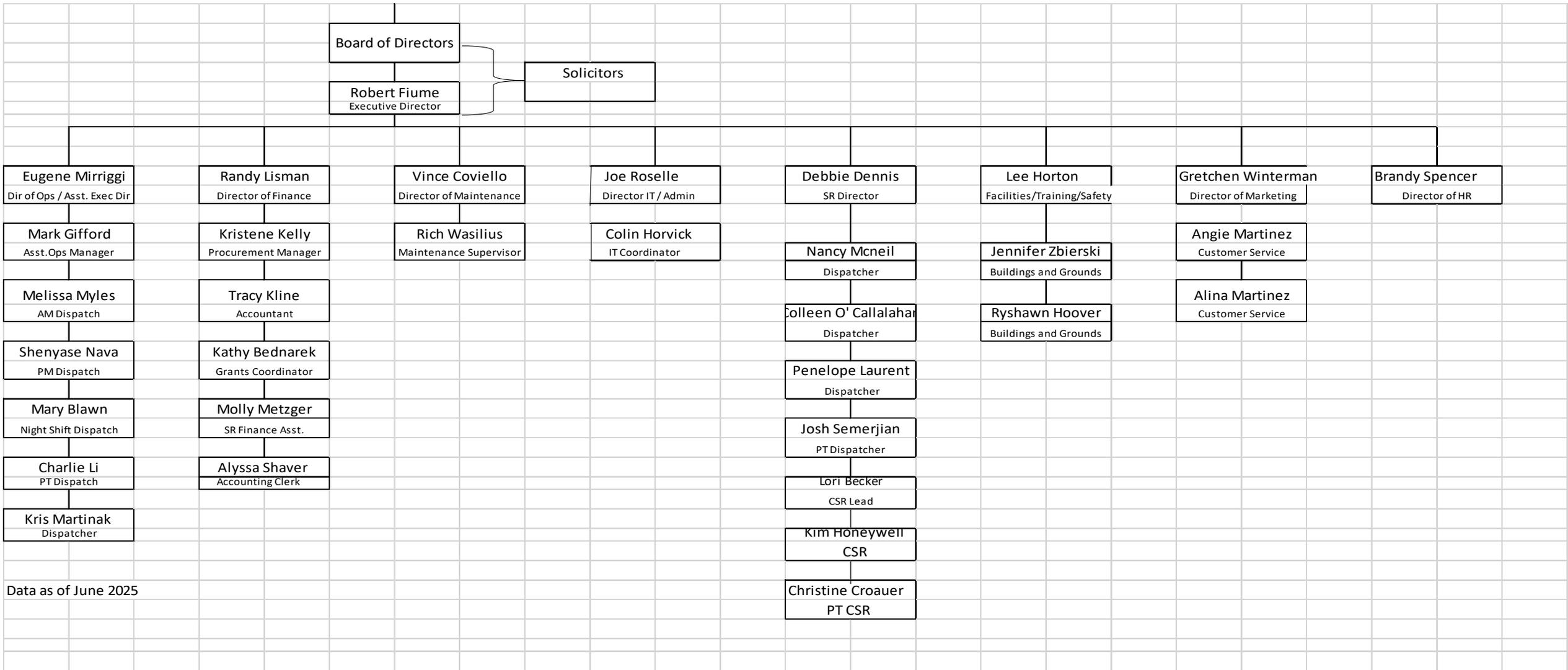
Attachment 3: Monitoring and Enforcement Mechanisms/Legal Remedies Attachment 4: Goal Setting Methodology

Attachment 5: Good Faith Efforts Forms Attachment 6: Certification Forms Attachment 7 Pre-Screening Questionnaire

Attachment 8: DBE Regulation, 49 CFR Part 26

Attachment 9: LCTA DBE Goal Methodology 2024-2026

ATTACHMENT 1: LCTA 2025 ORGANIZATION CHART



Attachment 2 DBE Directory

DBE Directory – PA UCP
<http://www.paucp.com/>

Pennsylvania Departments of Transportation’s DBE Supportive Services Center:
<http://www.pennsylvaniadbe.com>

Attachment 3 - Monitoring and Enforcement Mechanisms/Legal Remedies

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

1. Breach of contract action, pursuant to the terms of the contract;
2. Breach of contract action, pursuant to Enforcement actions pursuant to Pennsylvania Unified Program for Disadvantaged Business Enterprises.

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

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

Attachment 4 - Section 26.45: Overall Goal Calculation

Please see [Attachment 9](#) for LCTA's goal calculation methodology file

Attachment 5 - Forms for Demonstration of Good Faith Efforts

FORM 1: Disadvantaged Business Enterprise (DBE) Utilization

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

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

_____ The bidder/offeror (if unable to meet the DBE goal of _____%) is committed to a minimum of _____% DBE utilization on

this contract submits documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: _____

State Registration No. _____

By _____ (Signature) Title

FORM 2: Letter of Intent

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE firm:

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 \$ _____.

Affirmation

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

By _____

(Signature) (Title)

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.

(Submit this page for each DBE subcontractor.)

FORM 3: Monitoring

LCTA Monthly CUF Compliance Report

Instructions: This report must be completed by the Prime Contractor and submitted to LCTA's DBE Compliance Officer by the 15th of each month for each contract that includes Disadvantaged Business Enterprise (DBE) participation. Failure to submit may result in non-compliance penalties.

Section 1: General Contract Information

1. Prime Contractor Name: _____
2. Contract Number: _____
3. Project Name: _____
4. Project Location: _____
5. Reporting Month: _____
6. Contract Start Date: _____
7. Estimated Completion Date: _____

Section 2: DBE Participation Overview

8. Total DBE Firms on Contract: _____
9. DBE Participation Goal (%): _____
10. Current DBE Participation Achieved (%): _____

Section 3: DBE Firm Compliance Review

For each DBE subcontractor, complete the following:

DBE Firm Name	Scope of Work	Work Completed This Month (%)	CUF Verified? (Yes/No)	Site Visit Conducted? (Yes/No)	Notes
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Section 4: CUF Monitoring & Verification

11. Did the DBE firm perform the work with its own workforce? Yes No
12. Did the DBE firm manage and supervise its own work? Yes No
13. Did the DBE firm procure materials independently (not from the Prime Contractor)? Yes No
14. Was a site visit conducted to verify CUF compliance this month? Yes No
15. Were any compliance issues identified? Yes No (If yes, explain below)

Compliance Issues Identified & Corrective Actions Taken:

Section 5: Payment Verification

16. Total Amount Paid to DBEs This Month (\$): _____
17. Total Amount Paid to DBEs to Date (\$): _____
18. Are all payments to DBEs in compliance with LCTA's 15-day prompt payment policy? Yes No
19. Have all DBE firms confirmed receipt of their payments? Yes No

Section 6: Certification & Submission

I certify that the information provided in this report is accurate and complete to the best of my knowledge. I understand that falsification or misrepresentation may result in contract penalties or non-compliance actions.

Prime Contractor Representative Name: __ Title: _____

Signature: _____

Date: _____

Submit this completed form to:

For LCTA Internal Use Only:

- Reviewed By: _____
- Date of Review: _____
- Compliance Status: Compliant Non-Compliant (Reason: _____)

Attachment 6 - PA Unified Certification Program Contact Information

The following is the contact information of all certifying participants.

Organization	Address	Phone	Email
Allegheny County Dept of MBE/WBE/DBE	204 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219	412-350-4309	mwdbe@alleghenycounty.us
PA Department of Transportation (PENNDOT) Bureau of Equal Opportunity	P.O. Box 3251, Harrisburg, PA 17105- 3251	717-787-5891	penndotucpinfo@pa.gov
Port Authority – Diverse and Disadvantaged Enterprises	345 Sixth Avenue, Pittsburgh, PA 15222	412-566-5257	cwilliams@portauthority.org
Southeastern Pennsylvania Transportation Authority		215-580-7278	LClaitt@septa.org
City of Philadelphia – Office of Business Diversity, DBE Program Office	Executive Offices - Terminals D & E, Third Floor, Philadelphia, PA 19153	215-937-1801	kathleen.padilla@phl.org

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

As a member of the Pennsylvania Unified Certification Program (PA UCP), the Department uses the certification standards of Part 26, Subpart D to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. Additionally, the Department utilizes 49 CFR Part 23, Subpart C, to determine the eligibility of airport concessionaries to participate as Airport Concessionaire DBEs (ACDBE) in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. The Department will make certification decisions based on all the facts in the record as required by Parts 26 and 23.

Attachment 6 continued:

For information on applying for certification and/or the certification process, firms may contact Department at the following address or they may contact any Certifying Participant in the PA UCP by visiting www.paucp.com.

Pennsylvania Department of Transportation
Bureau of Equal Opportunity
DBE/Title VI Division
Commonwealth Keystone Building, 5th Floor 400
North Street
Harrisburg, PA 17120
717-787-5891
800-468-4201
717-772-4026 (fax)
penndotucpinfo@pa.gov

Pennsylvania Unified Certification Program – DBE Certification Application

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 - Unified Certification Program

The Department is a member of a Pennsylvania Unified Certification Program (PA UCP) and abides by the Cooperative Memorandum of Agreement, as amended, having established a Unified DBE Certification Program between and among DOT recipients in the Commonwealth of Pennsylvania. The PA UCP received its approval of the agreement from DOT on January 20, 2004. The PA UCP meets all of the requirements of Part 26, Section 26.81.

CERTIFYING PARTICIPANTS in the PA UCP are Allegheny County Department of MBE/WBE/DBE, the City of Philadelphia, the Port Authority of Allegheny County, the Southeastern Pennsylvania Transportation Authority, and the Department.

The PA UCP utilizes its Standards and Procedures Manual (Procedures Manual) to provide uniformity in the implementation of the DBE certification process. The Department amends its Procedures Manual as corrective amendments to Parts 26 and 23 are issued that impact the DBE certification standards and procedures.

The PA UCP is structured so that a DBE applicant can submit its application to any CERTIFYING PARTICIPANT. However, upon receipt by a given CERTIFYING PARTICIPANT, the application will either be handled internally or forwarded to another CERTIFYING PARTICIPANT where a backlog or geographic considerations make it more cost-efficient for another CERTIFYING PARTICIPANT to entertain the application. The CERTIFYING PARTICIPANTS make all certification decisions on

Attachment 6 Continued:

behalf of all DOT recipients in the Commonwealth. Once a DBE applicant has been certified by any of the CERTIFYING PARTICIPANTS, all other DOT recipients within the Commonwealth recognize the certification. This comports with the “one-stop shopping” component of Part 26, Section 26.81 and ensures that a prospective DBE applicant will need to apply only once for a DBE certification that will be honored by all recipients. If a CERTIFYING PARTICIPANT or other PA RECIPIENT/SIGNATORY is unwilling to abide by a decision made by a PA UCP CERTIFYING PARTICIPANT, an internal mechanism for dispute resolution is in place to address issues as they arise.

The PA UCP currently does not process applications for certification from a firm having its principal place of business outside the Commonwealth, if the firm is not currently certified by the Unified Certification Program in their home state.

The PA UCP has not formed regional reciprocity with other states at this time.

Section 26.83 - Procedures for Certification Decisions

The PAUCP reviewed the eligibility of DBEs that were certified under former Part 23 to ensure that the firm met the standards of Subparts D and E of Part 26.

DBEs that are reviewed and found to be eligible in accordance with 49 CFR Part 26 are certified until they are removed from the Program under procedures outlined under Part 26, Section 26.87.

A DBE is required to submit a *Notice of Change Affidavit* for circumstances that may affect its ability to meet size, disadvantaged status, ownership, or control criteria of Part 26 or of any material changes in the information provided with DBE’s application for certification.

A DBE is required to submit an *Annual Affidavit* affirming that there have been no changes in the firm’s circumstance affecting the ability to meet size, disadvantaged status, ownership, or control criteria of Part 26 or of any material changed in the information provided with DBE’s application for certification. Approximately one (1) month prior to the anniversary date, the DBE will be sent an *Annual Affidavit* to be completed and returned to any CERTIFYING PARTICIPANT.

A DBE may be required to provide additional information to determine continued eligibility for the Program. Additionally, the Department reserves the right to revisit or investigate a firm if there is a reason to suspect that the firm is no longer eligible to participate as a DBE.

Attachment 6 Continued:

Certification and Removal of Eligibility Procedures

Section 26.86 - Denials of Initial Requests for Certification

In the event of a denial of certification, a firm may reapply for certification six (6) months from the date the denial was issued. Firms are advised of the right to receive an informal administrative hearing/appeal before the PA UCP's Certification Appeals Committee (Committee) or to appeal a decision directly to DOT.

Attachment 9 Certification and Removal of Eligibility Procedures

Section 26.87 - Removal of Eligibility

In the event of removal of eligibility of a DBE, the procedures outlined in Part 26 are followed. The firm may reapply for certification six (6) months from the date of removal of eligibility was issued. Prior to removing eligibility, the DBE is notified of its right to an administrative due process hearing where a stenographer is present to create a verbatim transcript of the proceedings. When a DBE's eligibility is removed, the firm is advised of its right to appeal the decision to the DOT. To ensure separation of functions in a removal of eligibility proceeding, the Committee ensures that the initial decision-maker has not participated in any way in the earlier removal decision against the firm or the decision to initiate such proceeding.

Attachment 9 Certification and Removal of Eligibility Procedures

Section 26.89 - Certification Appeals to DOT

Any firm denied certification or whose eligibility has been removed may appeal to DOT. Such appeals are sent to:

U.S. Department of Transportation
Departmental Office of Civil Rights
1200 New Jersey Avenue, SE W-35
Washington, DC 20590

Certification appeal decisions affecting the eligibility of DBEs are promptly implemented as required by Part 26.

Attachment 7- Pre-Screening Questionnaire

LCTA DBE Supplier Pre-Screening Questionnaire

Instructions: Please complete this questionnaire to assist LCTA in evaluating your eligibility for DBE supplier credit. Attach any supporting documentation where applicable. Incomplete forms may delay the pre-screening process.

General Business Information

1. Company Name: _____
 2. DBE Certification Number: _____
 3. Primary Contact Name: _____
 4. Phone Number: _____
 5. Email Address: _____
 6. Business Address: _____
 7. Years in Business: _____
 8. NAICS Code(s): _____
 9. Are you currently certified as a DBE with PAUCP? Yes No
-

Inventory and Distribution Capabilities

10. Do you maintain a warehouse or storage facility for inventory? Yes No
 - o If yes, provide the address: _____
 - o Approximate size of facility (sq. ft.): _____
 - o Is the facility owned or leased? Owned Leased
 11. Do you stock and regularly sell the materials or supplies required under contracts? Yes No
 12. Do you have a system in place to track inventory levels and sales? Yes No
 13. Provide a list of materials/supplies regularly stocked: _____
 14. Do you have distribution agreements with manufacturers? Yes No (Attach copies if applicable)
-

Transportation and Logistics

15. Do you own or lease distribution equipment (trucks, forklifts, etc.)? Yes No
 16. Do you handle deliveries with your own staff and equipment? Yes No
 17. If you use third-party transportation, do you assume ownership of materials before delivery? Yes No (Attach supporting documentation such as purchase orders or Bills of Lading)
-

Business Operations and Compliance

18. Are you responsible for negotiating pricing, determining quantity, and making purchase orders independently? Yes No

19. Do you pay for materials and supplies directly? Yes No

20. Have you previously supplied materials or services for government-funded projects? Yes

No

- If yes, please list the contracts and agencies: _____
-

Supporting Documentation

Please attach the following:

- DBE Certification Documentation
 - Inventory Records (if applicable)
 - Manufacturer Agreements (if applicable)
 - Distribution Equipment Ownership/Lease Documentation
 - Recent Purchase Orders or Bills of Lading
-

Certification

I certify that the information provided in this questionnaire is accurate and complete to the best of my knowledge. I understand that misrepresentation of facts may result in disqualification from DBE credit eligibility.

Authorized Representative Name: _____

Title: _____

Signature: _____

Date: _____

For LCTA Internal Use Only:

- Reviewed By: _____
- Date of Review: _____
- Pre-Screening Approval: Approved Denied
- Notes: _____

Attachment 8 – Regulations 49 CFR Part 26

[Regulations: 49 CFR Part 26](#)

<https://www.ecfr.gov/current/title-49/subtitle-A/part-26?toc=1>

A link to the 49 CFR Part 26 can be found on the LCTA website, www.LCTAbus.com

Attachment 9 - Federal Transit Administration (FTA) Triennial (FFY 2024 to 2026) Goal Setting Methodology for Participation of Disadvantaged Business Enterprises (DBE) (double click file image on next page to open)

SHARED RIDE
2000 WYOMING AVE.
FORTY FORT, PA 18704
(570) 288-8420
FAX (570) 288-7455



FIXED ROUTE
315 NORTHAMPTON ST.
KINGSTON, PA 18704
(570) 288-0555
FAX (570) 288-7327
www.lctabus.com

Federal Transit Administration (FTA) Triennial (FFY 2024 to 2026) Goal Setting Methodology for Participation of Disadvantaged Business Enterprises (DBE)



Submitted in fulfillment of:
Title 49 Code of Federal Regulations Part 26

FTA ID: 1432
Effective: 10/1/2023 to 9/30/2026