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RESOLUTION

RESOLUTION OF THE OCALA MARION TRANSPORTATION PLANNING ORGANIZATION (TPO) UPDATING AND APPROVING THE DISADVANTAGED BUSINESS ENTERPRISE PROGRAM.

WHEREAS, the Ocala Marion Transportation Planning Organization (TPO) has been designated by the Governor of the State of Florida as the body responsible for the urban transportation planning process for Marion County; and

WHEREAS, the TPO has developed a program to assure that Disadvantaged Business Enterprises (hereinafter called "DBE"), shall have the maximum practicable opportunity to participate in the performance of contracts financed in whole or in part with funds derived from the U.S. Department of Transportation for the TPO; and

WHEREAS, Florida Statutes 49 CFR Part 26 requires as a condition of the receipt of federal capital or operating assistance, have a continuing, cooperative, and comprehensive DBE process that results in plans and programs taking all necessary and reasonable steps to ensure that all DBE's have an opportunity to compete for and perform the contract work of the TPO in a non-discriminatory manner: and

WHEREAS, engaging the public in the decision-making process is important to the success of all of the TPO's transportation planning programs and activities; and

WHEREAS, the purpose of public engagement is to provide goals and guidelines to ensure that public participation and access to information regarding transportation decision making is facilitated and tracked for the general public and disadvantaged or traditionally underserved populations; and

WHEREAS, the Disadvantaged Business Enterprise Program has been amended to include clear objectives, and specific strategies to comply with federal and state guidelines; and

NOW, THEREFORE BE IT RESOLVED that the Ocala Marion Transportation Planning Organization Disadvantaged Business Enterprise Program for the Marion County area is adopted and approved.

Passed and adopted this 29th day of November, 2022

Ocala Marion Transportation Planning Organization



Ire Bethea, Sr., Chair

ATTEST:

Signature 

Rob Balmes, TPO Director

POLICY STATEMENT

The Ocala Marion Transportation Planning Organization (TPO) has established a Disadvantaged Business Enterprise (DBE) program in accordance with rules and regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. As a condition of receiving federal financial assistance from DOT, the TPO has signed an assurance that it will comply with 49 CFR Part 26. As a recipient of federal aid funding through the Florida Department of Transportation (FDOT), the TPO must comply with FDOT's DBE Program Plan. The DBE Program Plan may be found at: <https://www.fdot.gov/equalopportunity/dbe-plan>.

It is the policy of the TPO to ensure that DBE's, as defined in 49 CFR part 26, have an equal opportunity to receive and participate in DOT-assisted contracts without discrimination. It is also the TPO's policy:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts.
2. To create a level playing field on which DBE's 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 DBE's.
5. To help remove barriers to the participation of DBE's in DOT-assisted contracts.
6. To promote the use of DBE's in all types of federally-assisted contracts and procurement activities.
7. To assist the development of firms that can compete successfully in the marketplace outside the DBE program.
8. To provide appropriate flexibility in establishing and providing opportunities for DBE's.

The TPO, and its consultants, shall take all necessary and reasonable steps to ensure that all DBE's have an opportunity to compete for and perform the contract work of the TPO in a non-discriminatory manner.

The TPO shall require its consultants to not discriminate on the basis of race, color, national origin, sex, age, disability, religion, income or familial status in the award and performance of its contracts. The TPO does not tolerate discrimination in any of its programs, services, or activities. This is in accordance with applicable federal regulations and statutory references contained in the Disadvantaged Business Enterprise Program, Chapters 337 and 339, Florida Statutes, and Rule Chapter 14-78, Florida Administrative Code.



Ire Bethea, Sr.
Chair

11/29/22
Date



Robert Balmes
TPO Director

11/29/22
Date

OVERVIEW

What is a Disadvantaged Business Enterprise (DBE)? A DBE is a for-profit small business that is at least 51% owned, controlled and managed by individuals who are socially and economically disadvantaged such as women, minorities or any other group classified as disadvantaged by the US Small Business Administration (SBA). For more information on DBE's go to the U.S. Department of Transportation's Office of Civil Rights website: <https://www.civilrights.dot.gov/disadvantaged-business-enterprise/do-you-qualify-dbe>.

In 1983, Congress enacted the first DBE statutory provision. This provision required that at least 10% of the funds authorized for the highway and transit financial assistance programs be expended with DBE's. Several years later Congress re-authorized and amended the statutory DBE program to include women to the groups presumed to be disadvantaged along with minorities and other changes.

There are three major Department of Transportation (DOT) administrations involved in the DBE program; the Federal Highway Administration (FHWA), the Federal Aviation Administration (FAA), and the Federal Transit Administration (FTA). The DOT DBE program is carried out by the state and local transportation agencies under the rules and guidelines in the Code of Federal Regulations, (49 CFR Part 26). A link to the 49 CFR Part 26 Code of Federal Regulations is provided in [Appendix 6](#).

The DBE program was established to ensure that firms owned by minorities, women and other socially and economically disadvantaged persons have an equal opportunity to participate in U.S.DOT-assisted projects. The goal of the program is to level the playing field on which DBE's may compete for contracts and subcontracts in the transportation industry. As a sub-recipient of FHWA and FTA funding through the Florida Department of Transportation (FDOT), the Ocala Marion TPO operates under FDOT's DBE approved program plan.

GENERAL REQUIREMENTS

Objective

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

DBE Participation Goal

The TPO's current DBE annual participation goal is 10.65% of federal funds available for contracting to be expended with DBE's.

Applicability

The Ocala Marion Transportation Planning Organization (hereinafter "TPO") is the recipient of federal-aid highway funds authorized under Titles I and V of the Intermodal Surface Transportation Efficiency Act of

1991 (ISTEA), Pub. L. 102-240, 105 Stat. 1914, Titles I, III, and V of the Transportation Equity Act for the 21st Century (TEA-21, Pub. L. 10-178, 112 Stat. 107 and Transportation Equity Act (SAFETEA-LU, Pub. L. 109-59, August 10, 2005), The Moving Ahead for Progress in the 21st Century Act (MAP-21, Pub. L. 112-141, July 6, 2012) and Fixing America's Surface Transportation Act (FAST, Pub. L. 114-94, Dec. 4, 2015); and the Infrastructure Investment and Jobs Act (IIJA, 117-58).

Non-discrimination

The TPO 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, national origin, age, disability, religion, income or familial status.

The TPO 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, national origin, age, disability, religion, income or familial status.

Record Keeping Requirements

In order to monitor and evaluate the progress of the TPO and its third-party contractors towards meeting the participation goals of the DBE Program, TPO shall develop and maintain a record keeping system as follows:

TPO will report DBE participation to FDOT on a semi-annual basis. This report will reflect payments made to DBE's on DOT-assisted contracts. A copy of this form can be found in [Appendix 5](#) of this Program.

The TPO will also maintain regular tracking of DBE actions in the FDOT Equal Opportunity Compliance (EOC) system.

DBE Checklists

The TPO will also adhere to the checklist provided by FDOT in reference to contracting and administration. [Appendix 3](#) contains the FDOT checklist used for all TPO contracting, including request for proposals (RFP's) pre-award and post-award execution of contracts.

Contract Goals

In accordance with 49 CFR Part 26.21, and the FDOT DBE Program Plan, DBE participation on FHWA-assisted contracts must be achieved through race-neutral methods. 'Race neutral' means that the TPO can likely achieve the overall DBE goal of 10.65% through ordinary procurement methods. Therefore, no specific DBE contract goal may be applied to this project. Nevertheless, the TPO is committed to

supporting the identification and use of DBEs and other small businesses and encourages all reasonable efforts to do so. Furthermore, the TPO recommends the use of certified DBE's listed in the Florida Unified Certification Program (UCP) DBE Directory, who by reason of their certification are ready, willing, and able to provide and assist with the services identified in the scope of work. Assistance with locating DBEs and other special services are available at no cost through FDOT's Equal Opportunity Office DBE Supportive Services suppliers.

DBE Directory

The TPO references certified DBE's listed in the Florida Unified Certification Program (UCP) Directory.

The Directory is available at:

<https://fdotxwp02.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/Home.aspx>.

Federal Financial Assistance Assurance

The TPO has signed the following assurances, applicable to all DOT-assisted contracts (FHWA or FTA) and their administration.

Assurance:

It is the policy of the Ocala Marion TPO that disadvantaged businesses, as defined by 49 Code of Federal Regulations, part 26, shall have an opportunity to participate in the performance of MPO contract in a nondiscriminatory environment. The objectives of the Disadvantaged Business Enterprise Program are to ensure non-discrimination in the award and administration of contracts, ensure firms fully meet eligibility standards, help remove barriers to participation, create a level playing field, assist in development of a firm so it can compete successfully outside of the program, provide flexibility, and ensure narrow tailoring of the program.

The Ocala Marion TPO, and its consultants shall take all necessary and reasonable steps to ensure that disadvantaged businesses have an opportunity to compete for and perform the contract work of the Ocala Marion TPO, in a non-discriminatory environment.

The Ocala Marion TPO shall require its consultants to not discriminate on the basis of race, color, national origin and sex in the award and performance of its contracts. This policy covers in part the applicable federal regulations and the applicable statutory references contained therein for the Disadvantaged Business Enterprise Program Plan, Chapters 337 and 339, Florida Statutes, and Rule Chapter 14-78, Florida Administrative Code.

This language will appear in all contracts and requests for qualifications/proposals.

Contract Assurance

The TPO will provide the following statement in every DOT assisted contract and subcontract:

The contractor, sub-recipient or subcontractor shall not discriminate on the basis of race, color, national origin, sex, age, disability, income, religion, or familial status in the performance of this contract or in the administration of its DBE Program or requirements of 49 CFR 26.13(b). The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT assisted contracts. Implementation of this program is a legal obligation and failure by the contractor to carry out these requirements shall be treated as a violation of this agreement. This violation may result in the termination of this contract or such other remedy as deemed necessary, which may include, but not limited to:

- Withholding monthly progress payments
- Assessing sanctions
- Liquidated damages and/or
- Disqualifying the contractor from future bidding as a non-responsible

A copy of the assurances is provided in [Appendix 4](#) of this Program.

ADMINISTRATIVE REQUIREMENTS

Program Updates

The TPO will provide FDOT with updates representing significant changes in the program.

Policy Statement

The Policy Statement is elaborated on the first page of this Program or it can be found in [Appendix 1](#).

Liaison Officer

The TPO has appointed a DBE Liaison Officer (herein after called “DBELO”) to develop and maintain this DBE Program in accordance with the requirements of Rule Chapter 14-78, F.A.C.

The delegated DBE Liaison Officer is:

Robert Balmes
TPO Director
2710 E. Silver Springs Blvd.
Ocala, Florida 34470
352-438-2631

The DBELO is responsible for implementing all aspects of the DBE program and ensuring that the TPO complies with all provisions of 49 CFR Part 26. The DBELO has access to Services, Grants and Contracts concerning DBE program matters. An organizational chart displaying the DBELO's position in the organization is found in [Appendix 2](#) to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with the Florida Department of Transportation DBE Program Management. The DBELO may assign additional staff to assist in the administration of the program, if necessary.

The duties and responsibilities are as follows:

- Develops, gathers and reports statistical data, policies, procedures and other information.
- Ensures that bid notices and requests for proposals are available to DBE's in a timely manner.
- Advises the TPO Board on DBE matters and achievement.
- Identifies contracts and procurements so that DBE goals are included in solicitations.
- Provides outreach to DBE's and community organizations to advise them of opportunities.
- Analyzes the TPO's progress toward attainment and identifies ways to improve progress.

PUBLIC PARTICIPATION

Prior to establishing an overall goal, the TPO will consult with the general public, and local businesses, to obtain information concerning the availability of disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the efforts of the TPO to establish a level playing field for the participation of DBEs.

APPENDIX 1:

DBE POLICY STATEMENT

The Ocala Marion Transportation Planning Organization (TPO) has established a Disadvantaged Business Enterprise (DBE) program in accordance with rules and regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. As a condition of receiving federal financial assistance from DOT, the TPO has signed an assurance that it will comply with 49 CFR Part 26. As a recipient of federal aid funding through the Florida Department of Transportation (FDOT), the TPO must comply with FDOT's DBE Program Plan. The DBE Program Plan may be found at: <https://www.fdot.gov/equalopportunity/dbe-plan>.

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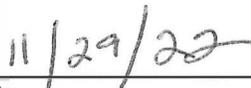
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Ire Bethea, Sr.
Chair



Date



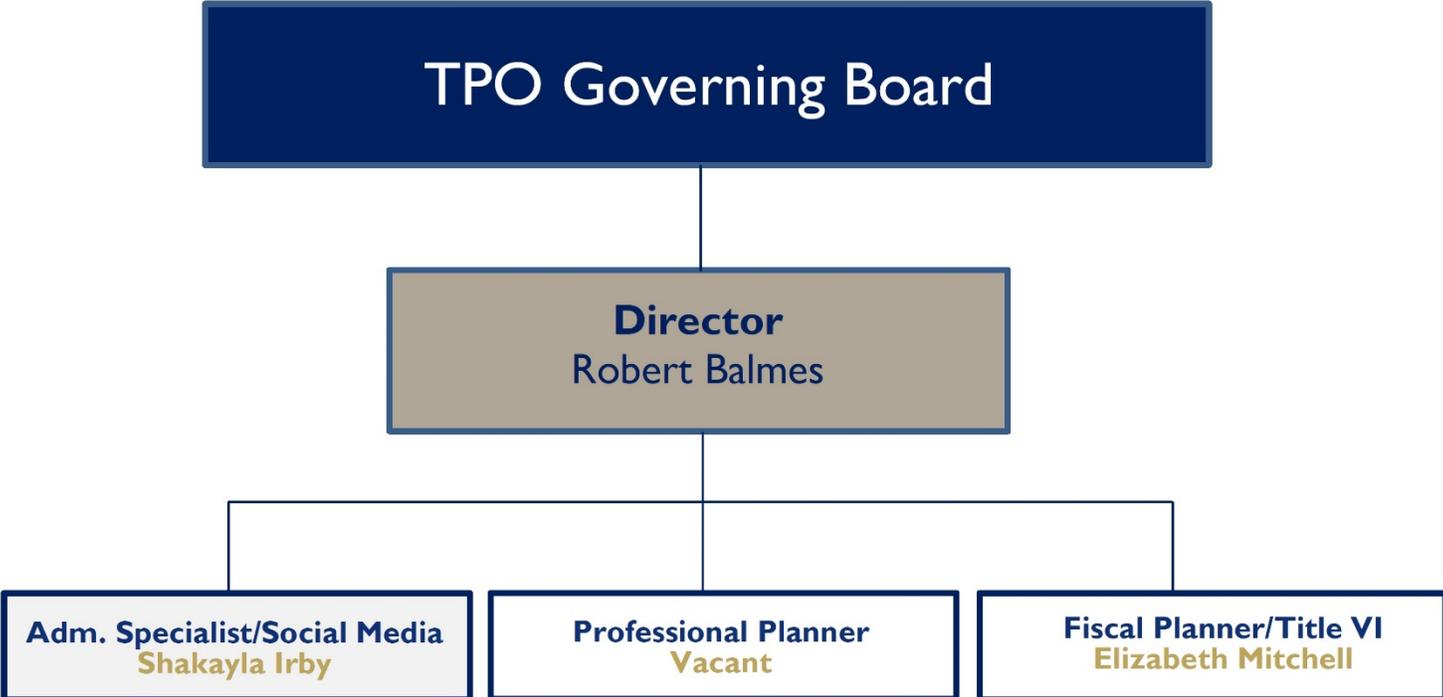
Robert Balmes
TPO Director



Date

APPENDIX 2:
ORGANIZATIONAL CHART

Ocala Marion Transportation Planning Organization (TPO)



APPENDIX 3:
CONTRACT CHECKLIST

Inserted



Disadvantaged Business Enterprise (DBE) Review Checklist for Contract

Pre Award

The Request for Proposal (RFP) requires use of FDOT's Equal Opportunity Compliance (EOC) system for entry of DBE information. Yes No Other (Explain below)

The RFP specifies use of FDOT Race Neutral goal and DBE Program in the procurement. Yes No Other (Explain below)

The RFP contains a prompt payment/retainage clause for all bidders regardless of tier. Yes No Other (Explain below)

All bidders must provide the Bidder Opportunity List in the EOC system, not just the award bidder. Yes No Other (Explain below)

RFP does not reference any contracting program besides DBE (i.e. small, women, minority, veteran business programs, etc.) Yes No Other (Explain below)

Bidder evaluation does not include consideration of or points for using DBEs. Yes No Other (Explain below)

RFP does not contain local contracting preference(s). Yes No Other (Explain below)

After Award/Execution

The contract has the DBE listed. Yes No Other (Explain below)

The DBE(s) listed are certified in the DBE Directory. Yes No Other (Explain below)

The consultant has gone into the EOC system to input the DBE commitment for the contract. Yes No Other (Explain below)

The Metropolitan Planning Organization (MPO) has a Point of Contact (POC) for overseeing contract performance. Yes No Other (Explain below)

Civil Rights - Contract Procurement and Administration Review Checklist

District:		FAP:		FIN:		MPO:	
Procurement							
PARC Element	Authority	Response	Date				
Contract is for consultant services ¹	2 CFR 200.318 2 CFR 200.320	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (explain)					
RFP contains verbatim nondiscrimination language	49 CFR 26.13(b)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (explain)					
RFP contains Assurance Clauses A & E	DOT 1050.2A 23 CFR 200.9(a) 23 CFR 200.9(b)(7)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (explain)					
RFP is free of local preferences for hiring, contracting, purchasing	2 CFR 200.319	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (explain)					
RFP specifies use of FDOT RN goal & program only	49 CFR 26.21(a)(1), (c)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (explain)					
RFP contains a prompt payment/retainage clause	49 CFR 26.29	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (explain)					
RFP requires use of FDOT EOC for entry of DBE info	49 CFR 26.55 FDOT Standard Spec 7-25	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (explain)					
RFP is incorporated into and is part of the final executed contract	2 CFR 200.318(h) & (i) 2 CFR 200.319(d)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (explain)					
Administration							
PARC Element	Authority	Response	Date				
MPO has a POC for overseeing contract performance	2 CFR 200.318(b)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (explain)					
Prime entered BOL into EOC	49 CFR 26.11(c)(2)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (explain)					
EOC commitments and payments are up to date	49 CFR 26.11(a), 26.37(c)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (explain)					
MPO has documentation of CUF	49 CFR 26.55, 26.37(a), (b)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (explain)					
MPO has resolved any violations via its compliance process	29 CFR 503.19 2 CFR 200.318(k)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (explain)					
		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (explain)					
		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (explain)					
		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (explain)					
Name of MPO Reviewer				Title of Reviewer		Review Date	

¹ MPO contracts for engineering/design services (23 CFR 172) or construction services (23 CFR 230) have different and more extensive requirements. Contact District or Central Office for assistance.

APPENDIX 4:

ASSURANCES

The TPO has signed the following assurances, applicable to all DOT-assisted contracts (FHWA or FTA) and their administration.

Assurance:

It is the policy of the Ocala Marion TPO that disadvantaged businesses, as defined by 49 Code of Federal Regulations, Part 26, shall have an opportunity to participate in the performance of MPO contract in a nondiscriminatory environment. The objectives of the Disadvantaged Business Enterprise Program are to ensure non-discrimination in the award and administration of contracts, ensure firms fully meet eligibility standards, help remove barriers to participation, create a level playing field, assist in development of a firm so it can compete successfully outside of the program, provide flexibility, and ensure narrow tailoring of the program.

The Ocala Marion TPO, and its consultants shall take all necessary and reasonable steps to ensure that disadvantaged businesses have an opportunity to compete for and perform the contract work of the Ocala Marion TPO, in a non-discriminatory environment.

The Ocala Marion TPO shall require its consultants to not discriminate on the basis of race, color, national origin and sex in the award and performance of its contracts. This policy covers in part the applicable federal regulations and the applicable statutory references contained therein for the Disadvantaged Business Enterprise Program Plan, Chapters 337 and 339, Florida Statutes, and Rule Chapter 14-78, Florida Administrative Code.

This language will appear in all contracts and requests for qualifications/proposals.

The TPO will ensure all professional services procurement and contracts will also be in accordance with Chapter 287, Florida Statutes, Chapter 60A, Florida Administrative Code, and the FTA Best Practices Procurement Manual. The TPO has developed a policy in reference to all FTA clauses included in this Appendix.

Contract Assurance:

The TPO will provide the following statement in every DOT assisted contracts and subcontracts:

The contractor, sub-recipient or subcontractor shall not discriminate on the basis of race, color, national origin, sex, age, disability, religion, income, or familial status in the performance of this contract or in the administration of its DBE Program or requirements of 49 CFR 26.13(b). The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT assisted contracts. Implementation of this program is a legal obligation and failure by the contractor to carry out these requirements shall be treated as a violation of this agreement. This violation may result in the termination of this contract or such other remedy as deemed necessary, which may include, but not limited to:

Withholding monthly progress payments
Assessing sanctions
Liquidated damages and/or
Disqualifying the contractor from future bidding as a non-responsible

Resolution
No. 22-9

POLICY OF THE OCALA/MARION COUNTY
TRANSPORTATION PLANNING ORGANIZATION (TPO)
ACQUISITION OF PROFESSIONAL SERVICES

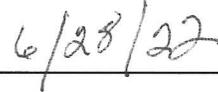
The Ocala/Marion County Transportation Planning Organization (TPO) is designated by the Governor of the State of Florida as the body responsible for the urban transportation planning process for the Ocala/Marion County planning area.

This policy ensures the TPO follows the Federal Transit Administration (FTA) and Florida Department of Transportation (FDOT) in the procurement of Professional Services. As a sub-recipient of FTA funding, the TPO has developed this policy to be applicable to all TPO Professional Services/Architectural Engineering Services procurements and contracts. This will ensure TPO procurements and contracts shall be in accordance with Chapter 287, Florida Statutes, Chapter 60A, Florida Administrative Code, and the FTA Best Practices Procurement Manual. Additionally, geographic preferences are prohibited when procurements involve Federal funds [49.CFR 18.36 (c)(1)(2) and FTA C4220. 1F, Chapter VI, Section 2a(4)(g)].

This policy includes specific Federal clauses involving methods of procurement for Micro Purchases (less than \$2,500), Small Purchases (greater than \$2,500 but less than \$35,000) and Competitive Proposals (greater than \$35,000). Attachment 1 includes a summary of all applicable FTA clauses and mandatory language included with TPO Professional Services/Architectural Engineering Services procurements and contracts. This policy should be deemed to amend and become part of all future procurements and contracts, initiated by the TPO and communicated as to those needs with the Marion County Board of County Commissioners Procurement Services Department both at the time a solicitation begins and when the contract is written. The TPO will be responsible for clearly communicating these needs with the Marion County Board of County Commissioners Procurement Services Department.



Ire Bethea Sr., TPO Board Chair



Date



Robert Balmes, TPO Director



Date

FLORIDA DEPARTMENT OF TRANSPORTATION
UNIFIED PLANNING WORK PROGRAM (UPWP)
STATEMENTS AND ASSURANCES

525-010-08
POLICY PLANNING
05/18

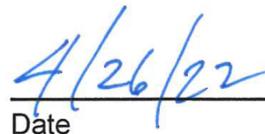
DEBARMENT and SUSPENSION CERTIFICATION

As required by the USDOT regulation on Governmentwide Debarment and Suspension at 49 CFR 29.510

- (1) The Ocala/Marion County TPO hereby certifies to the best of its knowledge and belief, that it and its principals:
- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
 - (b) Have not, within a three-year period preceding this proposal, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction, violation of federal or state antitrust statutes; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses listed in paragraph (b) of this certification; and
 - (d) Have not, within a three-year period preceding this certification, had one or more public transactions (federal, state or local) terminated for cause or default.
- (2) The Ocala/Marion County TPO also hereby certifies that if, later, it becomes aware of any information contradicting the statements of paragraphs (a) through (d) above, it will promptly provide that information to the U.S.D.O.T.



Name: Ire Bethea Sr.
Title: TPO Chair



Date

FLORIDA DEPARTMENT OF TRANSPORTATION
UNIFIED PLANNING WORK PROGRAM (UPWP)
STATEMENTS AND ASSURANCES

525-010-08
POLICY PLANNING
05/18

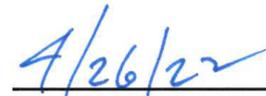
LOBBYING CERTIFICATION for GRANTS, LOANS and COOPERATIVE AGREEMENTS

In accordance with Section 1352 of Title 31, United States Code, it is the policy of the Ocala/Marion County TPO that:

- (1) No Federal or state appropriated funds have been paid or will be paid by or on behalf of the Ocala/Marion County TPO, to any person for influencing or attempting to influence an officer or employee of any Federal or state agency, or a member of Congress or the state legislature in connection with the awarding of any Federal or state contract, the making of any Federal or state grant, the making of any Federal or state loan, extension, continuation, renewal, amendment, or modification of any Federal or state contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The Ocala/Marion County TPO shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants and contracts and subcontracts under grants, subgrants, loans, and cooperative agreement), which exceeds \$100,000, and that all such subrecipients shall certify and disclose accordingly.
- (4) This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure.



Name: Ire Bethea Sr.
Title: TPO Chair



Date

FLORIDA DEPARTMENT OF TRANSPORTATION
UNIFIED PLANNING WORK PROGRAM (UPWP)
STATEMENTS AND ASSURANCES

525-010-08
POLICY PLANNING
05/18

DISADVANTAGED BUSINESS ENTERPRISE UTILIZATION

It is the policy of the Ocala/Marion County TPO that disadvantaged businesses, as defined by 49 Code of Federal Regulations, Part 26, shall have an opportunity to participate in the performance of MPO contracts in a nondiscriminatory environment. The objectives of the Disadvantaged Business Enterprise Program are to ensure non-discrimination in the award and administration of contracts, ensure firms fully meet eligibility standards, help remove barriers to participation, create a level playing field, assist in development of a firm so it can compete successfully outside of the program, provide flexibility, and ensure narrow tailoring of the program.

The Ocala/Marion County TPO, and its consultants shall take all necessary and reasonable steps to ensure that disadvantaged businesses have an opportunity to compete for and perform the contract work of the Ocala/Marion County TPO, in a non-discriminatory environment.

The Ocala/Marion County TPO shall require its consultants to not discriminate on the basis of race, color, national origin and sex in the award and performance of its contracts. This policy covers in part the applicable federal regulations and the applicable statutory references contained therein for the Disadvantaged Business Enterprise Program Plan, Chapters 337 and 339, Florida Statutes, and Rule Chapter 14-78, Florida Administrative Code



Name: Ire Bethea Sr.
Title: TPO Chair



Date

FLORIDA DEPARTMENT OF TRANSPORTATION
UNIFIED PLANNING WORK PROGRAM (UPWP)
STATEMENTS AND ASSURANCES

525-010-08
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TITLE VI/ NONDISCRIMINATION ASSURANCE

Pursuant to Section 9 of US DOT Order 1050.2A, the Ocala/Marion County TPO assures the Florida Department of Transportation (FDOT) that no person shall on the basis of race, color, national origin, sex, age, disability, family or religious status, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Florida Civil Rights Act of 1992 and other nondiscrimination authorities be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity.

The Ocala/Marion County TPO further assures FDOT that it will undertake the following with respect to its programs and activities:

1. Designate a Title VI Liaison that has a responsible position within the organization and access to the Recipient's Chief Executive Officer.
2. Issue a policy statement signed by the Chief Executive Officer, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the Recipient's organization and to the general public. Such information shall be published where appropriate in languages other than English.
3. Insert the clauses of *Appendices A and E* of this agreement in every contract subject to the Acts and the Regulations
4. Develop a complaint process and attempt to resolve complaints of discrimination against sub-recipients. Complaints against the Recipient shall immediately be forwarded to the FDOT District Title VI Coordinator.
5. Participate in training offered on Title VI and other nondiscrimination requirements.
6. If reviewed by FDOT or USDOT, take affirmative action to correct any deficiencies found within a reasonable time period, not to exceed ninety (90) calendar days.
7. Have a process to collect racial and ethnic data on persons impacted by your agency's programs.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal funds, grants, loans, contracts, properties, discounts or other federal financial assistance under all programs and activities and is binding. The person whose signature appears below is authorized to sign this assurance on behalf of the Recipient.



Name: Ire Bethea Sr.
Title: TPO Chair



Date

FLORIDA DEPARTMENT OF TRANSPORTATION
**UNIFIED PLANNING WORK PROGRAM (UPWP)
STATEMENTS AND ASSURANCES**

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APPENDICES A and E

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "Contractor") agrees as follows:

- (1) **Compliance with Regulations:** The Contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (hereinafter, "USDOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.
- (2) **Nondiscrimination:** The Contractor, with regard to the work performed during the contract, shall not discriminate on the basis of race, color, national origin, sex, age, disability, religion or family status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) **Solicitations for Subcontractors, including Procurements of Materials and Equipment:** In all solicitations made by the Contractor, either by competitive bidding or negotiation for work to be performed under a subcontract, including procurements of materials or leases of equipment; each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the basis of race, color, national origin, sex, age, disability, religion or family status.
- (4) **Information and Reports:** The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the *Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information the Contractor shall so certify to the *Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) **Sanctions for Noncompliance:** In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the *Florida Department of Transportation* shall impose such contract sanctions as it or the *Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* may determine to be appropriate, including, but not limited to:
 - a. Withholding of payments to the Contractor under the contract until the Contractor complies, and/or
 - b. Cancellation, termination or suspension of the contract, in whole or in part.

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- (6) **Incorporation of Provisions:** The Contractor shall include the provisions of paragraphs (1) through (7) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. In the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the Florida Department of Transportation to enter into such litigation to protect the interests of the Florida Department of Transportation, and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.
- (7) **Compliance with Nondiscrimination Statutes and Authorities:** Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21; The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects); Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex); Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27; The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age); Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex); The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not); Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38; The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex); Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations; Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100); Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq)

APPENDIX 5:
RECORD KEEPING FORM

Inserted

UNIFORM REPORT OF DBE COMMITMENTS/AWARDS AND PAYMENTS

Please refer to the instruction 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 - Recipient ID Number
2	AIP Numbers (FAA Recipients); Grant Number (FTA Recipients):			
3	Federal Fiscal year in which reporting period falls	FY 2021	4. Date This Report Submitted:	October 21, 2021
5	Reporting Period	<input type="checkbox"/> Report due June 1 (for period Oct 1-Mar 31)	<input checked="" type="checkbox"/> Report due Dec 1 (for period April 1-Sep 30)	<input type="checkbox"/> FAA annual report due Dec 1
6	Name and address of Recipient:	Ocala Marion Transportaiton Planning Organization, 2710 E. Silver Springs Blvd., Ocala, FL 34470		
7	Annual DBE Goal(s): N/A	Race Conscious Projection: N/A	Race Neutral Projection: N/A	OVERALL Goal: N/A

Awards/Commitments this Reporting Period

A	AWARDS/COMMITMENTS MADE DURING THIS REPORTING PERIOD (Total contracts and subcontracts committed during this reporting period)	A	B	C	D	E	F	G	H	I
		Total Dollars	Total Number	Total to DBEs (dollars)	Total to DBEs (number)	Total to DBEs/Race Conscious (dollars)	Total to DBEs/Race Conscious (number)	Total to DBEs/Race Neutral (dollars)	Total to DBEs/Race Neutral (number)	Percentage of total dollars to DBEs
8	Prime contracts awarded this period	\$ -	0	\$ -	0	\$ -	0	\$ -	0	0%
9	Subcontracts awarded/committed this period	\$ -	0	\$ -	0	\$ -	0	\$ -	0	0%
10	TOTAL	\$ -	0	\$ -	0	\$ -	0	\$ -	0	0.00%

B	BREAKDOWN BY ETHNICITY & GENDER	A			B			C			D			E			F		
		Total to DBE (dollar amount)						Total to DBE (number of contracts)											
		Women	Men	Total	Women	Men	Total												
11	Black American	\$ -	\$ -	\$ -	0	0	0												
12	Hispanic American	\$ -	\$ -	\$ -	0	0	0												
13	Native American	\$ -	\$ -	\$ -	0	0	0												
14	Asian-Pacific American	\$ -	\$ -	\$ -	0	0	0												
15	Subcontinent Asian Americans	\$ -	\$ -	\$ -	0	0	0												
16	Non-Minority	\$ -	\$ -	\$ -	0	0	0												
17	TOTAL	\$ -	\$ -	\$ -	0	0	0												

Payments Made this Period

C	PAYMENTS ON ONGOING CONTRACTS	A	B	C	D	E	F
		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
18	Prime and subcontracts currently in progress	2	\$ 43,575.94	2	\$ 494.00	2	1.10%

D	TOTAL PAYMENTS ON CONTRACTS COMPLETED THIS REPORTING PERIOD	A	B	C	D	E
		Number of Contracts Completed	Total Dollar Value of Contracts Completed	DBE Participation Needed to Meet Goal (Dollars)	Total DBE Participation (Dollars)	Percent to DBEs
19	Race Conscious	0	\$ -	commitments on contracts	\$ -	0.00%
20	Race Neutral	0	\$ -		\$ -	0.00%
21	Totals	0	\$ -		\$ -	0.00%

22	Submitted by: Robert Balmes, TPO Director	23. Signature:	352-438-2631
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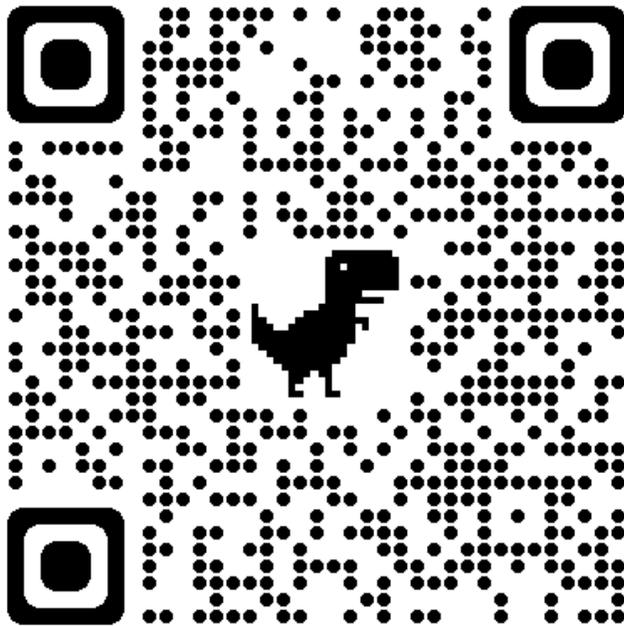
APPENDIX 6: STATUTE (49 CFR Part 26)

Electronic Code of Federal Regulations for Title 49 CFR part 26 can be found at the following web address:

https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl

or

Scan the below code with your phone and it will take you directly to the website:



For FDOT DBE Program Plan go to:

https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/equalopportunity/dbeprogram/dbeprogram-plan0208008ad2b948889d591795932ab4a6.pdf?sfvrsn=c7b148a4_0