

KNOXVILLE KNOX COUNTY METROPOLITAN PLANNING COMMISSION

DEPARTMENT OF TRANSPORTATION DBE PROGRAM

DISADVANTAGE BUSINESS ENTERPRISE PLAN

APRIL 2010

**Knoxville Knox County Metropolitan Planning Commission
Department of Transportation DBE Program**

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Mark Donaldson, Executive Director
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Dee Anne Reynolds, Financial Officer
Doug Burton, Principal Planner

Mr. Burton is the Title VI Coordinator and the DBE Liaison Officer
For information on the MPC DBE Program contact Mr. Burton.

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400 Main Street, Suite 403
Knoxville, TN 37902
865-215-2500
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Resources:

Tennessee Department of Transportation
Civil Rights Office
DBE and Small Business Development
Suite 1800 James K Polk Building
Nashville, TN 37243
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Tennessee Department of Transportation
Civil Rights Office
Tennessee Uniform Certification Program
Suite 1800 James K Polk Building
Nashville, TN 37243
Ross Webb
615-253-1067

Information of TDOT's DBE, Small Business Development, and the UCP can be found at:
www.tdot.state.tn.us/civil-rights/smallbusiness/

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KNOXVILLE KNOX COUNTY METROPOLITAN PLANNING COMMISSION

DEPARTMENT OF TRANSPORTATION DBE PROGRAM

Disadvantage Business Enterprise Plan

Introduction

The Knoxville Knox County Metropolitan Planning Commission (MPC) provides the staff and is the contracting agency for the local Metropolitan Planning Organization (MPO) which is called the Knoxville Regional Transportation Planning Organization (TPO). Agencies who receive direct funding from the United States Department of Transportation (DOT) and who anticipate issuing contracts greater (in total) of more than \$250,000 must have a Disadvantage Business Enterprise (DBE) plan. The MPC was designated the official recipient of the Federal Transit Administration (FTA) Section 5316 Job Access & Reverse Commute (JARC) and the Section 5317 New Freedom funding for the Knoxville urban area on September 11, 2007, by Tennessee's Governor Phil Bredesen. As a FTA designated recipient, certain new requirements and regulations under the United States DOT and the FTA are now applicable to the MPC that previously did not apply. This includes those regulations that cover DBEs.

Besides the JARC and New Freedom funding, the MPC receives no other direct funding from the United States DOT. The DBE Plan requirement is for any agency who receives direct DOT funding and anticipates issuing contracts greater (in total) of more than \$250,000. The MPC JARC and New Freedom allocations are greater than \$250,000 and MPC passes ninety percent (90%) of this funding through contracts to sub-recipients. Therefore, MPC is required to comply with the DBE requirements.

Table 1 and Two 2 show the amounts of JARC and New Freedom funding available to Knoxville

Table 1				
Section 5316 Job Access & Reverse Commute				
Fiscal Year	Total Federal Funding Available	MPC Administration	Available For Contracting	Status
FY 2009	\$282,077	\$28,207	\$253,870	Project Selected
FY 2010	\$282,077	\$28,207	\$253,870	Unobligated
FY 2011	NA	NA	NA	NA

Table 2				
Section 5317 New Freedom				
Fiscal Year	Total Federal Funding Available	MPC Administration	Available For Contracting	Status
FY 2008	\$101,778	NA	\$101,788	Project Selected
FY 2009	\$165,920	\$16,592	\$149,328	Project Selected
FY 2010	\$165,920	\$16,592	\$149,328	Unobligated
FY 2011	NA	NA	NA	NA

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Pub. L. 109-059), enacted on August 10, 2005, and codified at 49 U.S.C Chapter 53, authorizes Section 5316 JARC and Section 5317 New Freedom, among others. The JARC program is meant to

improve transportation services to employment and related activities for welfare recipients and other low-income individuals and to transport residents of urbanized and non-urbanized areas to suburban employment opportunities. The purpose of the New Freedom funding is to provide additional tools to overcome existing barriers facing Americans with disabilities seeking integration into the work force and full participation in society. SAFETEA-LU officially expired on September 30, 2009. The United States Congress has yet to replace SAFETEA-LU with a new transportation act and is operating under a continuing resolution. This means that for FY 2010 an appropriation of JARC and New Freedom funding equal to FY 2009 will be available for distribution. Until Congress establishes a new transportation act, the future of the JARC and New Freedom funding is unknown.

The MPC follows the FTA Circular 9050.1 and FTA Circular 9045.1 with regards to distributing JARC and New Freedom funding. Projects funded through JARC and New Freedom grants are required to be derived from a Locally Developed Coordinated Public Transit-Human Services Transportation Plan. The MPC, working with a sub-committee and the public, created the Knoxville Regional Human Services Transportation Coordination Plan (HSTCP). The HSTCP outlines a short-list of possible projects that are eligible to be funded with JARC and New Freedom funds. The JARC and New Freedom information, grant announcements, and the HSTCP are available on the TPO website.

The MPC is responsible for conducting the competitive selection process. The MPC issues a proposal announcement, the availability of which is announced in major area newspapers, including minority newspapers. The TPO will create a database of appropriate individuals, non-profits, and private entities in the region and mail a direct notice. Also, information will be available on the TPO website. The announcement will describe the application process, the evaluation, and selection process for the JARC and New Freedom funding.

The MPC will never exclude any person from participating in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract on the basis of race, color, sex, or national origin. The best way for DBEs to participate is to directly apply to MPC for JARC and New Freedom funding. The MPC will strive to ensure DBE's have an equal opportunity by taking extra steps to notify DBEs of the funding availability and to provide guidance on how to successfully propose projects that meets both the local HSTCP guidelines and FTA regulations. The MPC will also look for sub-contracting opportunities for DBE's to participate in projects. The goals and efforts described in the Plan will also apply to agencies or organizations (sub-recipients) that contract with MPC for JARC and New Freedom funding.

For MPC, this DBE Plan only covers the U.S. DOT funding associated with the Section 5316 JARC and 5317 New Freedom programs. If MPC were to receive any other direct DOT funding, this DBE plan would also cover that funding. This plan must be updated, at a minimum, every three years. MPC will annually review the Plan to make sure no changes are required. If circumstances change, new regulations are issued, or new data becomes available that help improve the Plan, MPC can, at any time, make modifications. Any changes to the Plan will be posted on the website. Significant changes, including modification of the MPC goal will require a new public review period. At this time, the MPC is examining the possibility to extend this program to cover other transportation related non-U.S. DOT sources of funding. Though DBE contracts with non-U.S. DOT sources of funding can not be counted towards the success of the goals outlined in this Plan, it does convey a message that the MPC is serious about its responsibilities to make sure DBEs have equal opportunities to participate in projects.

SECTION ONE
MPC DBE PLAN - POLICY STATEMENT

Section 26.1, 26.23, & 26.3 –Objectives, Policy Statement, & Applicability

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

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 eligibility standards are permitted to participate as DBE's;
5. To help remove barriers to the participation of DBE's in DOT-assisted contracts; and
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

A signed copy of the MPC DBE Program Policy Statement is included in this Plan.



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Knoxville Knox County Metropolitan Planning Commission

Disadvantage Business Enterprise (DBE) Program MPC DBE Policy Statement

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

The MPC will ensure that DBE's (in accordance with part 26) have an equal opportunity to receive and participate in DOT-assisted contracts. The MPC policy will be:

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 eligibility standards are permitted to participate as DBE's;
5. To help remove barriers to the participation of DBE's in DOT-assisted contracts; and
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

Doug Burton has been delegated as the DBE Liaison Officer. In that capacity, Doug Burton is responsible for implementing all aspects of the DBE program. The implementation of the DBE program will be accorded the same priority as compliance with all other legal obligations incurred by the MPC in its financial assistance agreements with the Department of Transportation.

The MPC will disseminate this policy statement to the MPC Commission and the Knoxville Regional Transportation Planning Organization Executive Board and Technical Committee and all the components of the MPC organization. The MPC will distribute this statement to DBE and non-DBE business communities that perform work for MPC on DOT-assisted contracts through business organization exchanges, websites, newspapers, and organizational publications targeted to DBE's.

Mark Donaldson, Executive Director

Date

SECTION TWO

SUBPART A-GENERAL REQUIREMENTS

Section 26.5 – Definition of Terms

The terms used in this program have the meanings defined in 49 CFR 26.5.

Section 26.7 – Nondiscrimination

The MPC will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

The MPC will not, directly or through contractual or other arrangements, set 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

The MPC, as a FTA recipient will report DBE participation to DOT on a quarterly basis, using DOT Form 4630. These reports will reflect payments made to DBEs on DOT-assisted contracts.

The MPC will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The MPC will follow prescribed DOT and FTA procedures for documenting DBEs and calculating goals. The MPC will require that all sub-recipients assist in collecting relevant DBE information.

Section 26.13a – Federal Financial Assistance Agreement

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

The MPC shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE Program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the MPC of its failure to carry out its approved program, the Department may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

This language will appear in financial assistance agreements with sub-recipients. *[Note: this language is to be used verbatim, as it is stated in 26.13(a).]*

Section 26.13b – Contract Assurance

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

The contractor 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.

[Note: This language is to be used verbatim, as it is stated in 26.13(b).]

SECTION THREE

SUBPART B-ADMINISTRATIVE REQUIREMENTS

Section 26.21 – DBE Program Updates

Since the MPC has received a grant (planning, capital, and/or operating) from the FTA of \$250,000 or more in a federal fiscal year, the MPC will carry out the DBE program until all funds from DOT financial assistance have been expended. The MPC will provide to DOT updates representing significant changes in the program.

Section 26.23 – Policy Statement

The MPC DBE Policy Statement is elaborated in the first section of this Plan.

Section 26.25 – DBE Liaison Officer

The MPC DBE Liaison Officer is Doug Burton. He can be contracted at the following ways.

Doug Burton
Principal Planner
Knoxville Knox County MPC
Attention: DBE Program
400 Main Street, Suite 403
Knoxville, Tennessee, 37902
(865) 215-3824
doug.burton@knoxmpc.org.

The DBE Liaison Officer will be responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. Several other employees of MPC may assist the DBE Liaison Officer with DBE related duties if necessary. Duties and responsibilities include the following:

- Gathers and reports statistical data and other information as required by DOT.
- Reviews third party contracts and purchase requisitions for compliance with this program.
- If appropriate, works with other departments to set overall DBE goals.
- Ensures that bid notices and requests of proposals are available to DBEs in a timely manner.
- Identifies contracts and procurements so that DBE goals are included in solicitations.
- If appropriate, informs Knox County Purchasing Department of potential DBE bidders/proposers on MPC requisitions.
- Analyzes the MPC's progress toward goal attainment and identifies ways to improve progress.
- Participates in pre-bid meetings, as appropriate.
- Provides DBEs with information and assistance in preparing bids.
- Advises the Executive Director on DBE matters and achievement.
- If appropriate, coordinates with other FTA recipients on DBE efforts, including DBE training seminars.
- Certifies DBE's according to the criteria set by DOT and acts as liaison to the Uniform Certification Process (UCP) in Tennessee.
- Provides outreach to DBE's and community organizations to advise them of opportunities.
- Maintains and updates the MPC's directory on certified DBE's.

Section 26.27 – DBE Financial Institutions

The MPC, when possible, will encourage the use of financial institutions owned and controlled by socially and economically disadvantaged individuals in the community. Extra efforts will be made to encourage prime contractors on DOT-assisted contracts to make use of these institutions. As this is a new DBE Program the DBE Liaison Officer will begin researching what institutions are available in the Knoxville area.

Section 26.29 – Prompt Payment

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

[Note – It is also important to state what sanctions or consequences the MPC will attach to noncompliance with the prompt payment clause and the procedures which they are enforced. As this is a new DBE Program the DBE Liaison Officer will work with the MPC attorney to draft appropriate sanctions or consequences.]

Section 26.31 – Unified Certification Program/Directory

The MPC will adhere to and abide by the rules, regulations and policies and procedures set forth by the State of Tennessee's approved Uniform Certification Program (UCP). The MPC will make the combined statewide directory and a copy of the UCP available at:

Knoxville Knox County MPC
400 Main Street, Suite 403
Knoxville, Tennessee 37902
(865) 215-3824.

The MPC also maintains a database of firms that have shown past interest in bidding on projects. Notice of potential work is sent out to this database as just one of the ways the MPC communicates opportunities. The MPC will maintain within this database a directory of all firms eligible to participate as DBEs. The MPC will explore the possibility of putting as much DBE information on its website as possible.

Section 26.33 – Overconcentration

The MPC has not identified over concentration in one or more types of work.

Section 26.35 – Business Development Programs

The MPC has not established a business development program.

Section 26.37 – Monitoring and Enforcement Mechanisms

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

1. The MPC will bring to the attention of the DOT 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 49 CFR part 26.109.
2. The MPC also will consider similar action under MPC's own legal authority, including responsibility determinations in future contracts.
3. The MPC will also provide a monitoring and enforcement mechanism to verify work committed to DBEs at contract award is actually performed by DBEs.
4. The MPC will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

SECTION FOUR

SUBPART C-GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 – Quotas

The MPC will not use quotas in any way in the administration of this DBE program.

Section 26.45 – DBE Goals

As this is a new DBE Program with little or no experience with setting a reasonable DBE goal, the MPC has used the methodology and data from two local FTA Recipients with approved DBE Programs. Knoxville Area Transit (KAT) and Knoxville Knox County Community Action Committee (CAC) both have had long running FTA approved DBE programs. Plus, the MPC, KAT, and CAC also coordinate with the TDOT and the City of Knoxville's DBE Department. The MPC's base figure for DBE participation in DOT-assisted contracts will be the same as the KAT and CAC. It is acceptable to use the base figure from another DOT recipient in a similar market. The DBE goal is based on demonstrable evidence of the availability of ready, willing and able DBE's relative to all businesses ready, willing and able to participate on DOT-assisted contracts. It reflects the level of DBE participation an organization in the Knoxville area would expect absent the effects of discrimination.

Step One: Base Figure:

The base figure for the Knoxville-Knox County area has been determined by the relative availability of DBE's using information on the availability of DBE firms in the State of Tennessee Unified Certification Program (UCP) and the Census Bureau's County Business Pattern (CBP) database. This information has been weighted to reflect the expected usage of services and purchase of goods using DOT funds in the coming year. The total number of DBE's in the database for Region 1 was 49 and the number of all ready, willing and able businesses available in the Knox County market that perform work in these same NAICS codes was 1,421. By dividing the weighted number of DBE's by the weighted number of all businesses, KAT and CAC arrived at the base figure of 3.4% for the relative availability of DBE's in the Knoxville Knox County market.

Step Two: Adjustments

The MPC reviewed this base information provided by the KAT and CAC. MPC has some concerns that the goal may be too high because as a percent MPC's federal funding through the JARC and New Freedom program is very small compared to the DOT funds KAT and CAC receives. Second, most of the funding is used for vehicles, salaries, or the purchase of service therefore leaving very little opportunity for DBE participation. However, MPC feels comfortable with the 3.4% because a majority of the service funded is through CAC and sub-recipients are responsible for implementing MPC's DBE goals. Therefore, using CAC's goal makes sense. So, MPC decided that no adjustment were necessary to the 3.4% base figure for DBE participation. This decision was also based on the evaluation of current capacity of DBE's to perform work on DOT-assisted contracts, evaluation of the effect of the loss of FTA operating assistance on the availability of DOT-assisted contracts in Knox County; and the evaluation of the existence and ability of DBE firms to provide transit-specific goods and services.

The MPC has projected an overall annual goal for 3.4% of the Federal financial assistance MPC will expend in DOT-assisted contracts, exclusive of FTA funds to be used for the purchase of transit vehicles. The DBE Plan and goal is good for three years.

DBE Process for Future Goals

The MPC will submit its overall goal to DOT every three years. MPC will periodically review data, monitor regulations, and continue to share information with other agencies who are working towards meeting DOT DBE regulations. The MPC will consult with appropriate minority organizations, such as the Knoxville Urban League, the East Tennessee Minority Purchasing Council, and the Knoxville Regional TPO Title VI Working Group to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBE's, and the MPC's efforts to establish a level playing field for the participation of DBE's.

If appropriate, MPC will modify the Plan and adjust the goal. As noted, this Plan and goal is good for three years. However, MPC may choose to make changes or modify the goal before that time. Any change to the plan will be sent posted to the website and sent to FTA. Significant modifications or changes to the goal MPC will follow the prescribed DOT notification procedures. The current regulations require that MPC 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 at MPC's office for 30 days following the date of the notice, and inform the public that the MPC and DOT will accept comments on the goals for 45 days from the date of the notice. MPC proposes to publish the notice in the Knoxville News Sentinel and post it on the MPC and TPO web sites. The notice will include addresses to which comments may be sent and addresses where the proposal may be reviewed.

Our overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses. MPC will begin using our overall goal as soon as DOT has approved the DBE goal.

Section 26.49 – Transit Vehicle Manufacturers

The MPC 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 the requirements of this section.

Section 26.51 (a-c) – Estimated Race-Neutral Participation

The MPC will make maximum effort to meet its entire overall goal by using race-neutral means of facilitating DBE participation. From time-to-time the MPC might use contract goals to meet a portion of the overall goal [see Section 26.51(d-g)]. The MPC will use the following race-neutral means to increase DBE participation: all bid opportunities will be made available through the Newspaper, placed on the MPC and TPO website, advertised in a local minority publication, and if applicable a notice will be sent through the Knox County electronic purchasing system.

Section 26.51(d-g) – Contract Goals

From time-to-time the MPC might use contract goals to meet a portion of the overall goal MPC does not project being able to meet using race-neutral means. MPC might establish goals on DOT-assisted contracts that have sub-contracting possibilities. If used, the MPC will express the contract goal as a percentage of the total amount of a DOT-assisted contract.

Section 26.53(a) & (c) – Good Faith Efforts Procedure [Demonstration]

The MPC will require that the bidder demonstrate it has either met the DBE contract goal or document its good faith effort to do so. MPC's DBE Liaison Officer is responsible for determining whether a

bidder who has not met a contract goal has documented sufficient good faith efforts to be regarded as responsive.

Section 26.53(b) – Good Faith Efforts Procedure [Information to be Submitted]

For any solicitation for which a contract goal has been established will require the bidder to submit the following information.

1. Name and address of DBEs that will participate on the contract.
2. A description of the work each DBE will perform.
3. The dollar amount of the participation of each DBE firm.
4. Signed documentation for commitment to use a DBE.
5. Signed confirmation from the DBE that it is participating in the contract as provided in the prime contracts commitment.
6. If the contract goal is not met, evidence of good faith efforts.

Section 26.53(d) – Good Faith Efforts Procedure [Administrative Reconsideration]

The MPC will place in a sub-recipient contract, administrative reconsideration language that will allow the sub-recipient an opportunity to provide additional documentation or appeal a finding of being not responsive.

Section 26.53(f) – Good Faith Efforts Procedure [DBE Replacement]

The MPC will require a contractor or sub-recipient to make a good faith effort to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another DBE, to the extent needed to meet the contract goal. The MPC DBE Liaison Officer should be immediately notified of the DBE's inability or unwillingness to perform. The MPC DBE Liaison Officer must receive justification and give prior approval of the substitute DBE.

Section 26.55 – Counting DBE Participation

The MPC will count DBE participation toward the MPC overall goal as provided in 49 CFR 26.55.

**SECTION FIVE
SUBPART D-CERTIFICATION STANDARDS**

Section 26.61-Certification Standards

The MPC will seek membership into the Tennessee Department of Transportation Unified Certification Program (UCP). The TDOT UCP uses the certification standards of Subpart D of part 26 and the certification procedures of Subpart E of part 26 to determine the eligibility of firms to participate as DBE's in DOT-assisted contracts. The MPC will make except those DBEs that have been certified by the TDOT UCP. The TDOT UCP Manual of Standard Operating Procedures is attached with the Plan.

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

Doug Burton, Principal Planner
Knoxville Knox County MPC
Attention DBE Program
400 Main Street, Suite 403,
Knoxville, Tennessee, 37902
(865) 215-3824
doug.burton@knoxmpc.org

For information of Tennessee Department of Transportation Unified Certification Program contact:

Ross Web
Office of Civil Rights
Tennessee Department of Transportation
Attention: UCP
Suite 1800, James K. Polk Building
Nashville, TN 37243
(615) 253-1067
ross.h.webb@tn.gov

SECTION SIX
SUBPART E-CERTIFICATION PROCEDURES

Section 26.81 Certification Process

The MPC will seek membership into the Tennessee Department of Transportation Unified Certification Program (UCP). The TDOT UCP acts as a statewide clearinghouse for DBE notification and certification. The MPC will accept those DBEs that have been certified through the TDOT UCP. The MPC will also coordinate and share information with other FTA recipients in the Knoxville area who have DBE programs. This includes: TDOT, KAT, the City of Knoxville, CAC, the East Tennessee Human Resource Agency, and the Lakeway Metropolitan Planning Organization.

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

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Knoxville Knox County MPC
Attention DBE Program
400 Main Street, Suite 403,
Knoxville, Tennessee, 37902
(865) 215-3824
doug.burton@knoxmpc.org

For information of Tennessee Department of Transportation Unified Certification Program contact:

Ross Web
Office of Civil Rights
Tennessee Department of Transportation
Attention: UCP
Suite 1800, James K. Polk Building
Nashville, TN 37243
(615) 253-1067
ross.h.webb@tn.gov

In the event the MPC proposes to remove a DBE's certification, MPC will follow the guidelines outlined in the Tennessee Uniform Certification Program Manual of Standard Operating Procedures.

Recertifications (26.83)

The MPC will make sure that DBEs are meeting the recertification standards outlined in the Tennessee Uniform Certification Program Manual of Standard Operating Procedures. The MPC may request that the DBE present documentation that they have been recertified by the TDOT UCP.

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

The MPC will make sure that DBEs are meeting the "no change" requirements outlined in the Tennessee Uniform Certification Program Manual of Standard Operating Procedures. The MPC may request that the DBE present documentation from the TDOT UCP that they have met the "no change" requirement.

Certification of Appeals (26.89)

The MPC will accept the appeals process outlined in the Tennessee Uniform Certification Program Manual of Standard Operating Procedures. DBEs may also appeal decisions in a certification matter to DOT. Such appeals may be sent to:

Department of Transportation
Office of Civil Rights Certification Appeals Branch 400
1200 New Jersey Avenue, SE, E54-427
Washington, DC 20590

SECTION SEVEN
SUBPART F-COMPLIANCE AND ENFORCEMENT

Section 26.109 – Information Collection and Reporting

The MPC will utilize the DBE list provided by the Tennessee Department of Transportation Unified Certification Program (UCP). The TDOT UCP acts as a statewide clearinghouse for DBE notification and certification. The MPC will also coordinate and share information on potential DBEs with other FTA recipients in the Knoxville area who have DBE programs. This includes: TDOT, KAT, the City of Knoxville, CAC, the East Tennessee Human Resource Agency, and the Lakeway Metropolitan Planning Organization.

The MPC will also maintain bidders list, consisting of information about all DBE and non-DBE firms that have bid or quoted on MPC and DOT-assisted contracts. Part of the reason for collecting this information is that it will help MPC calculate a more accurate local goal. The bidders list will include the name, address, DBE/non-DBE status, age, and annual gross receipts of firms. The MPC will collect this information by means of a notice in all solicitations requesting that firms who quote on subcontracts report the above information directly to the MPC.

The MPC will require prime contractors to furnish records and documents of payments to DBE's. The MPC will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award. The MPC will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollars amounts committed to them at the time of contract award.

The MPC will report DBE participation on a quarterly basis, using DOT Form 4630. These reports will reflect payments actually made to DBE's on DOT assisted contracts.

Confidentiality

The MPC 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, MPC 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.