# Disadvantaged Business Enterprise Program Plan

# **Submitted to the Federal Transit**

**Administration** 

October 1, 2023 - September 30, 2026

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

The Georgia Department of Human Services (GDHS) will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. GDHS estimates that, in meeting GDHS' overall goal of <u>5.6%</u>, GDHS will obtain <u>5.6%</u> from race-neutral participation and <u>0%</u> through race-conscious measures.

GDHS engages in Purchase of Service contracts to provide statewide human service transportation services for elderly and individuals with disabilities. A mixture of governmental, for-profit, and non-profit companies serve as the prime contractors. Sub-contractual opportunities are afforded to transportation providers via the prime contractors' procurement process. The current makeup of prime contractors and sub-contractors are:

Prime Entity Type		County(ies) Served	Sub-Contractors (DBEs Indicated)			
Deanna Specialty Transportation, Inc	Non- Profit/Minority -Owned	Burke, Columbia, Glascock, Hancock, Jenkins, Lincoln, McDuffie, Richmond, Screven, Taliaferro, Warren, Washington, Wilkes, Banks, Dawson, Forsyth, Franklin, Habersham, Hall, Hart, Lumpkin, Rabun, Stephens, Towns, Union, Fulton, Dekalb, Rockdale, and Gwinnett	Region 2 Dawson Transit, Hart Transit, and T&T Transportation (DBE), Banks Senior Center, Forsyth Senior Center, Franklin Senior Center, Habersham Senior Center, Hall Senior Center, Lumpkin Senior Center, Rabun Senior Center, Towns, Senior Center, Union Senior Center, and White Senior Center Region 3A Elite Care Transportation, IT takes a Village, Wellness Transportation Transit Pro  Region 3B Allstar, Betty Care, Collin Enterprises, Community Transportation, Destination First Transportation, Empire Transportation, Gregory Taylor, Immaculate Care Trans, P&P Transport, Pioneer, SAJM Transport, Witehead and Wilturn, and Elite Care Transportation LLC  Region 7 Burke Transit, Columbia Transit, Hancock Transit, Lincoln Transit, McDuffey Transit, T&T Transportation (DBE), Taliaferro Transit, and Warren Transit			
Cherokee County Board of Commissioners	Government	Cherokee	N/A			
City of Palmetto	Government	Fulton	N/A			
Clayton Center Community Service Board	Government	Clayton	N/A			
Coastal Regional Commission	Government	Bryan, Bulloch, Camden, Chatham, Effingham, Glynn, Liberty, Long, McIntosh	Coastal Regional Coaches; Gateway BHS; Pineland Community Service Board			
Fulton County Board of Commissioners	Government	Fulton	TransDev N America			
Heart of Georgia Altamaha Regional Commission	of Georgia Altamaha Government Can		Deanna Specialty; Pineland Community Service Board; Wayne County Board of Commissioners			

		Davis, Johnson, Laurens, Montgomery, Tattnall, Telfair, Toombs, Truetlen, Wayne, Wheeler, Wilcox			
Henry County Board of Commissioners	Government	Henry	N/A		
Jefferson County Board of Commissioners	Government	Jefferson	N/A		
Middle Georgia Regional Commission	Government	Baldwin, Bibb, Crawford, Houston, Jones, Monroe, Peach, Pulaski, Putnam, Twiggs, Wilkinson	Macon-Bibb EOC		
Northeast Georgia Regional Commission	Government	Barrow, Clark, Elbert, Greene, Jackson, Jasper, Madison, Morgan, Newton, Oconee, Oglethorpe, Walton	Deanna Specialty Transportation; Banks County Transit; Elbert County Transit, Rural Georgia Transit; Jackson County Transit; Athens Community Council on Aging; Barrow County Senior Center; Jackson County Senior Center, Jasper County Senior Center; Madison County Senior Center; Morgan County Transit; Newton County Senior Center; Oconee County Senior Center; Oglethorpe County Senior Center; Walton County Senior Center; Zenobia Transportation		
Quality Living Services	Non-Profit	Fulton	N/A		
River Valley Regional Commission	Government	Chattahoochee, Clay, Crisp, Dooley, Harris, Macon, Marion, Muscogee, Quitman, Randolph, Schley, Stewart, Sumter, Talbot, Taylor, Webster	Middle Flint; New Horizon Behavioral Health; Resource Management System (RMS); Talbot County Transit; Taylor County Transit; TransporCare		
Southern Georgia Regional Commission	Government	Atkinson, Bacon, Ben Hill, Berrien, Brantley, Brooks, Charlton, Coffee, Cook, Clinch, Echols, Irwin, Lanier, Lowndes, Pierce, Tift, Turner, Ware	MIDS, Inc.		
Southwest Georgia Regional Commission	Government	Baker, Calhoun, Colquitt, Decatur, Dougherty, Early, Grady, Lee, Miller, Mitchell, Seminole, Terrell, Thomas, Worth	MID'S Inc; Resource Management Systems (RMS); Thomas County Area Transit (TCAT)		
Three Rivers Regional Commission	Government	Butts, Carroll, Coweta, Heard, Lamar, Meriwether, Pike, Spalding, Troup, Upson	Heard County Transit; Troup County Transit/Parks and Recreation; Resource Management Systems (RMS); Carroll County Training Center		
Transit Alliance Group	Non-Profit	Bartow, Catoosa, Chattooga, Cobb, Dade, Douglas, Fannin, Floyd, Gilmer, Gordon, Haralson, Murray, Paulding, Pickens, Polk, Walker, Whitfield	Bartow Transit; Burnt Mountain Center; Catoosa County Transit; Cedartown Transit; City of Tallapoosa; Cobb County Transit; Dade County Transit; Douglas County Transit; George Chambers Resource Center; Haralson Behavioral Health; Highland Rivers; Lookout Mountain; Mercy Care Rome; North Georgia Community Action (MATS); Paulding		

			Enterprises; Rome Transit; Walker Transit; Whitfield Transit
SOWEGA Council on Aging, Inc	Non-profit	Dougherty	N/A
Atlanta Regional Commission (ARC)	Government	Cherokee, Clayton, Cobb, Dekalb, Douglas, Fayette, Fulton, Gwinnett, Henry, Rockdale	Clayton County Senior Services, Douglas Co. BOC, Gwinnett Co BOC, Rockdale Co. BOC

#### Overall Goal/Method

Step One:  $\underline{28}$  (Ready, Willing and Able (DBEs) *I*  $\underline{497}$  (All firms Ready, Willing, and Able including DBEs and non-DBEs) =  $\underline{5.6}$ %.

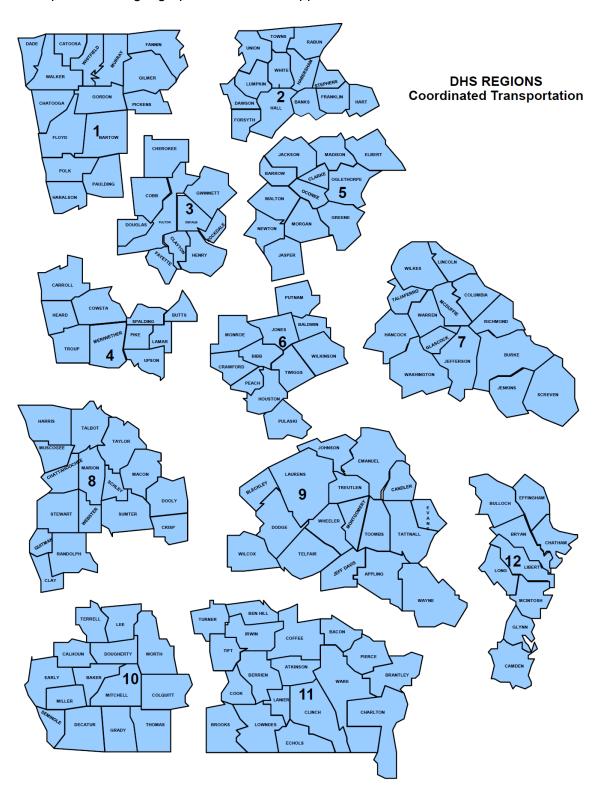
The method is based on the total number of ready, willing and able registered DBEs in the Unified Certification Program (UCP) Directory, as well as Georgia Department of Administrative Services (GDOAS) Team Georgia Marketplace Minority Business Enterprise Listing and the GDOAS Supplier Listing. A search was conducted using the NAICS codes of 485991 and 485210 to determine the number of certified DBE vendors. The NIGP Code 95294 was used to search the GDOAS Supplier Listing. Based on the above method used, GDHS believes it can accomplish the goal.

All firms: Prime Contractors/Sub-Contractors (116) + UCP Directory DBEs (28) + GDOAS MMBE Listing (147) + GDOAS Supplier Listing 206= 497

\*Of the 206 Suppliers listed on the GDOAS Supplier Listing, 4 were Minority Business Enterprises and 178 were Small Business.

Step 2: The plan Base Figure was adjusted to include the updated GDOAS Supplier Listing and GDOAS Market Minority Business Listing.

This map shows the geographical contractor opportunities.



#### **Section 26.51 Meeting Overall Goals/Contract Goals**

GDHS will meet the maximum feasible portion of its overall goal using race-neutral means of facilitating DBE participation. To do so, GDHS 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 procedures; DBE participation through a subcontract on a prime contract that does not carry 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. Data will be maintained separately on DBE achievements in those contracts with and without contract goals.

GDHS will use contract goals to meet any portion of the overall goal of GDHS that does not project to meet the race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of the overall goal that is not projected to be met using race-neutral means.

GDHS will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. GDHS need not establish a contract goal on every such contract and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work.)

#### Section 26.53 Good Faith Efforts Procedures

#### Award of Contracts with a DBE Contract Goal: 26.53(a)

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

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

The following personnel are responsible for determining whether a bidder/offerer who has not met the contract goal has documented sufficient good faith efforts to be regarded as *responsible*.

The process used to determine whether good faith efforts have been made by a bidder are as follows:

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

GDHS will ensure that all information is complete and accurate and adequately documents the bidder/offer's good faith efforts before GDHS commits to the performance of the contract by the bidder/offerer.

#### Information to be Submitted: 26.53(b)

GDHS treats bidder/offers' compliance with good faith efforts' requirements as a matter of responsibility.

Each solicitation for which a contract goal has been established will require the bidders/offerers to submit the following information:

- 1. The names and addresses of DBE firms that will participate in the contract;
- 2. A description of the work that each DBE will perform;
- 3. The dollar amount of the participation of each DBE firm participating;
- 4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
- 5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors' commitment; and
- 6. If the contract goal is not met, evidence of good faith efforts.

#### Administrative Reconsideration: 26.53(d)

Within thirty (30) days of being informed by GDHS that it is not *responsible* because it has not documented sufficient good faith efforts, a bidder/offerer may request administrative reconsideration. Bidder/offerers should make this request in writing to the following reconsideration official:

Georgia Department of Human Services
Office of Facilities and Support Services
Dr. Perry M. McMillon, Director
47 Trinity Ave S.W., 2nd floor Atlanta, GA 30334

Email: <a href="mailto:perry.mcmillon@dhs.ga.gov">perry.mcmillon@dhs.ga.gov</a> Mobile phone: 706-836-3396

The reconsideration official will not have played any role in the original determination that the bidder/offerer did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offerer 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 GDHS' reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. GDHS will send the bidder/offerer a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

#### Good Faith Efforts when a DBE is Terminated/Replaced on a Contract with Contract Goals: 26.53(f)

GDHS requires that prime contractors not terminate a DBE subcontractor listed on a bid/contract with a DBE contract goal without GDHS' prior written consent. Prior written consent will only be provided where there is "good cause" for termination of the DBE firm, as established by Section 26.53(f)(3) of the DBE regulation.

Before transmitting to GDHS, the request to terminate, the prime contractor must give notice in writing to the DBE of its intent to do so. A copy of this notice must be provided to GDHS prior to consideration of the request to terminate. The DBE will then have five (5) days to respond and advise GDHS of why it objects to the proposed termination.

In those instances, where "good cause" exists to terminate a DBE's contract, GDHS will require the prime contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. GDHS will

require the prime contractor to notify the DBE Liaison officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, GDHS will require the prime contractor to obtain GDHS' prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

If the contractor fails or refuses to comply in the time specified, GDHS' contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

#### 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 *[Name of Recipient]* 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/offerers, including those who qualify as a DBE. A DBE contract goal of 5.6% percent has been established for this contract. The bidder/offerer 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.

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/offerer's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (5) if the contract goal is not met, evidence of good faith efforts.

#### **Section 26.55 Counting DBE Participation**

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

#### SUBPART D - CERTIFICATION STANDARDS

Section 26.81 Unified Certification Programs

GDHS is a member of a Unified Certification Program (UCP) administered by Georgia Department of Transportation (GDOT) and the Metropolitan Rapid Transit Authority (MARTA). The UCP will meet all the requirements of this section. GDHS will use and count for DBE credit only those DBE firms certified by the GDOT/MARTA.

Any firm or complainant may appeal a UCP 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 Avenue SE West Building, 7th Floor Washington, DC 20590

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

Resort to this system is not a remedy a firm need exhaust before making a certification appeal to DOT under 26.89.

#### SUBPART F-COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

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

#### **Monitoring Payment to DBEs**

GDHS will require prime contractors to maintain records and documents of payments to DBEs for three (3) years following the performance of the contract. The records will be made available for inspection upon request by any authorized representative of GDHS or GDOT. This reporting requirement also extends to any certified DBE subcontractor.

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

#### **Notification of DBE Opportunities and Consultation with Contractor Groups**

GDHS has posted the FTA 5310 program and goals as well as the eligible activities on its website. <a href="https://dhs.georgia.gov/resources">https://dhs.georgia.gov/resources</a>

GDHS has posted the GDHS FTA Section 5310 State Management Plan on its website at the following link: <a href="https://dhs.georgia.gov/organization/about/division-offices/operations/office-facilities-support-services/transportation">https://dhs.georgia.gov/organization/about/division-offices/operations/office-facilities-support-services/transportation</a>

A copy of the plan can be downloaded from the following link:

https://dhs.georgia.gov/document/publication/federal-transit-administration-fta-section-5310-state-management-plan/download.

GDHS has posted the GDHS DBE Program Plan on its website at the following link:

https://dhs.georgia.gov/organization/about/division-offices/operations/office-facilities-support-services/transportation.

A copy of the plan can be downloaded from the following link:

https://dhs.georgia.gov/document/publication/disadvantage-business-enterprise-program-plan/download.

GDHS included in all human service transportation contracts the deliverable/scope of service to "Ensure Disadvantaged Business Enterprises (DBE) have an equal opportunity to receive and participate in the DHS coordinated transportation contracts."

GDHS will host an annual transportation provider RTCC meetings in 2024. 5310 funding, as well as, DBE goals and contracting opportunities will be key topics. (The agenda is included as an attachment.)

Regional Transportation Coordinating Committee meetings are held three times a year in each of the 12 GDHS regions to disburse information, provide guidance and to receive input from agency participants and public advocates of the coordinated transportation systems. Records of the direct exchanges by the various groups are maintained by the Regional Transportation Offices. (See the Regional/District Meeting Tracking and Summary Sheet as an attachment.)

GDHS Regional Transportation Offices conduct meetings with human service providers and subcontractors. Records of the direct exchanges by the various groups are maintained by the Regional Transportation Offices. (See the Regional/District Meeting Tracking and Summary Sheet as an attachment.)

Annual surveys are distributed to the users of the coordinated transportation system to evaluate the performance of the contractors and subcontractors of the coordinated system. Quarterly Report Cards are prepared by the Regional Transportation Offices to evaluate the contractor's performance.

### **ATTACHMENTS**

Attachment 1: GDHS Organizational Chart

Attachment 2: DBE Directory

Attachment 3: Monitoring and Enforcement Mechanisms/Legal Remedies

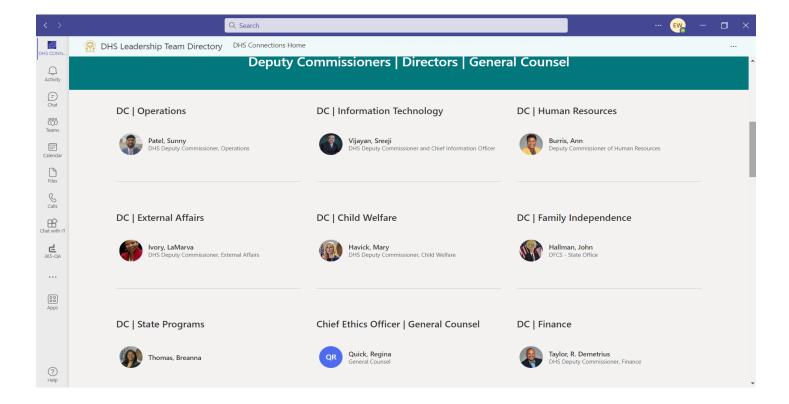
Attachment 4: Goal Setting Methodology

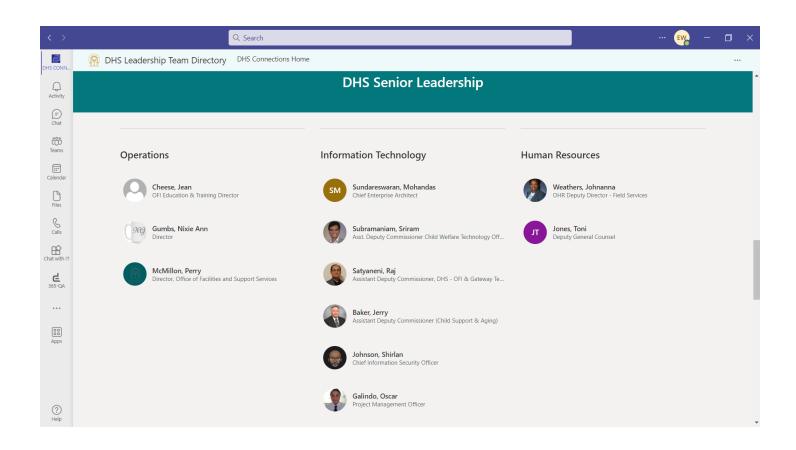
Attachment 5: DHS Meeting Log-RTCC, HSP, TP

Attachment 6: Annual Transportation Provider Meeting Agenda

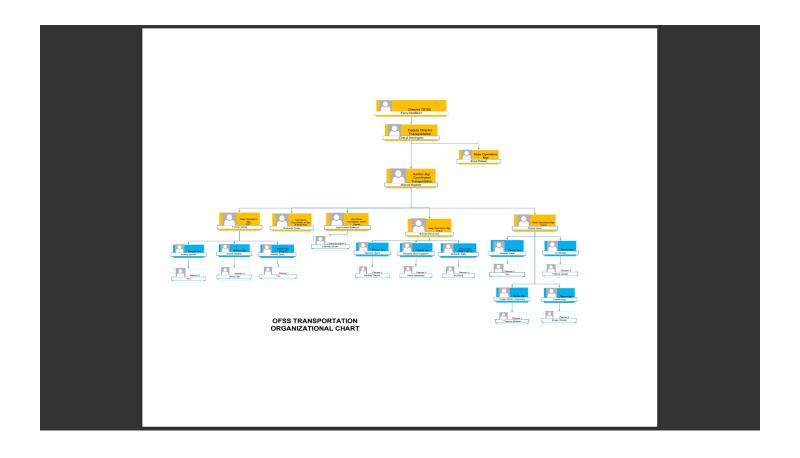
**DHS Org Chart** 







## OFSS Transportation Team



#### State of Georgia UCP Plan and DBE Directory Georgia Department of Transportation

GDOT maintains the UCP directory identifying all firms eligible to participate as DBEs. The DBE directory is updated as changes occur. The current DBE directory is available online at: <a href="https://www.dot.ga.gov/GDOT/Pages/DBE.aspx">https://www.dot.ga.gov/GDOT/Pages/DBE.aspx</a>

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#### Monitoring and Enforcement Mechanisms/Legal Remedies

GDHS has established mechanisms to monitor and enforce prompt payment and return of retainage is in fact occurring. Through internal review, the prompt payment practices of prime contractors are monitored for compliance. GDHS will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct about 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 26.37. GDHS will also consider similar action under GDHS' own legal authorities, including responsibility determinations in future contracts.

#### **Overall Goal Calculation and Method**

Step One: <u>28</u> (Ready, Willing and Able (DBEs) *I* <u>497</u> (All firms Ready, Willing, and Able including DBEs and non-DBEs) = <u>5.6</u>%.

The method is based on the total number of ready, willing and able registered DBEs in the Unified Certification Program (UCP) Directory, as well as Georgia Department of Administrative Services (GDOAS) Team Georgia Marketplace Minority Business Enterprise Listing and the GDOAS Supplier Listing. A search was conducted using the NAICS codes of 485991 and 485210 to determine the number of certified DBE vendors. The NIGP Code 95294 was used to search the GDOAS Supplier Listing. Based on the above method used, GDHS believes it can accomplish the goal.

All firms: Prime Contractors/Sub-Contractors (116) + UCP Directory DBEs (28) + GDOAS MMBE Listing (147) + GDOAS Supplier Listing 206= 497

\*Of the 206 Suppliers listed on the GDOAS Supplier Listing, 4 were Minority Business Enterprises and 178 were Small Business.

Step 2: The plan Base Figure was adjusted to include the updated GDOAS Supplier Listing and GDOAS Market Minority Business Listing.

# Regional Transportation Coordinating Committee (RTCC), Transportation Provider (TP), Human Service Provider (HSP) Meeting Log

		Type of			Type of		
		Meeting			Meeting		
Region	Contractor	RTCC/TP	Quarter 1	Agenda/Minutes	RTCC/TP	Quarter 1	Agenda/Minutes
1	TAG						
1	Cherokee BOC						
2	DST- Gainsville	TP	7/27/2023	No/Yes	TP	7/27/2023	No/Yes
2	DST- Gainsville	TP	8/23/2023	No/Yes	RTCC	10/20/2023	Yes/Yes
3A	DST- Dekalb	TP	9/28/2023	No/Yes	RTCC	11/28/2023	Yes/Yes
	DST-						
3B	Gwinnett/Rockdale	TP	10/25/2023	No/Yes	RTCC	11/29/2023	Yes/Yes
3	СОР				RTCC	Jan-24	
3	Fulton Co BOC			Yes/Yes	RTCC	12/5/2023	Yes/Yes
3	QLS				RTCC	Jan-24	
4	Clayton CSB			Yes/Yes	RTCC	11/8/2023	Yes/Yes
4	Henry BOC			Yes/Yes	RTCC	11/8/2023	Yes/Yes
4	TRRC			Yes/Yes	RTCC	11/8/2023	Yes/Yes
			8/4/2023,				
5	NGRC	TP	12/14/2023	No/Yes	RTCC	10/19/2023	Yes/Yes
			7/31/2023				
			8/25/2023,				
			9/27/2023,				
6	MGRC	TP	10/20/2023	Yes/Yes			
7	DST	TP	11/27/2023	No/Yes			
			7/27/2023,				
			8/24/2023,				
			9/28/2023,				
			10/24/2023,				
7	JBOC	TP	11/28/2023	No/Yes			
8	RVRC						
9	HOGRC				RTCC	12/14/2023	
10	SWGRC	TP	12/4/2023	No/Yes			
11	SGRC	TP	11/30/2023	Yes/Yes	RTCC	12/19/2023	
12	CRC				RTCC	12/20/2023	

#### **Attachment 7 Agenda**

# Office of Facilities and Support Services Transportation Services Section Annual Meeting Agenda

Date | time [Date | time] | Location Attendees: Meeting called by: Type of meeting: RTCC Meeting Facilitator: Agenda Items Topic Presenter Welcome and Introductions Regional Updates - Regional Manager (AAA, DBHDD, DFCS, Child Support) Feedback from Human Service Providers/Regional Manager Contractor Update Sub-contractor monitoring Accidents/Incidents/Complaints Coordinated Transportation System Update Current FY Funding & Trips Report by Division/Service TRIP\$ Training Issues (Funding, Communication, Behavioral) 5310 Funding and Amendments TP- Civil Rights notifications and DBE plan goal updates/recruitment efforts Other Business **Customer Service Evaluations** (Current FY first 6 months -Nov/Dec) Contract Renewal Process -(Documents sent out January)