



U.S. Department  
of Transportation  
**Federal Transit  
Administration**

REGION X  
Alaska, Idaho, Oregon,  
Washington

915 Second Avenue  
Federal Bldg. Suite 3142  
Seattle, WA 98174-1002  
206-220-7954  
206-220-7959 (fax)

## **REGION 10 BULLETIN NO: 2012-06**

Subject: New Changes in DBE Program

Program Area: Civil Rights

Date: January 25, 2012

The purpose of this correspondence is to highlight a very important deadline that is fast approaching. Recipients receiving \$250,000 or more in planning, capital or operating assistance are reminded that under 49 C.F.R. Part 26, they must have a Disadvantaged Business Enterprise (DBE) program and develop a triennial DBE goal. Further, recent changes to 49 C.F.R. Part 26 that became effective in February 2011, all recipients who are required to have DBE programs in place must now also have a small business participation element in their DBE program.

To assist you with this effort, FTA will sponsor a series of webinars; see the schedule below.

Please note that two actions are required:

- 1) Recipients must submit to FTA by February 28, 2012, an amendment to the DBE program plan that sets forth in detail the steps to be taken to facilitate competition by small business concerns. (The amendment may be submitted as a standalone document, but it should also be incorporated into the recipient's existing DBE program.)
- 2) Once you have developed your small business program, you must attach the full version of your DBE Program containing the new section into FTA's Transportation Electronic Award Management (TEAM) system. (Paper submissions to FTA will not be accepted.)

Fostering small business participation includes taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors. (Complete section §26.39 attached.)

Tools that recipients may choose to utilize in their small business program could include:

- Establishing a race-neutral small business set-aside goal in contracts,
- Requiring prime contractors to provide subcontracting opportunities of the type size that small businesses, including DBEs, can reasonably perform, and

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- Identifying alternative acquisition strategies and structuring procurements to facilitate the ability of small businesses, including DBEs to compete for and perform prime contracts.

Please be advised that if you have not updated your DBE program in the last two years, please consult with your Regional Civil Rights Officer as there may be other updates necessary for you to bring your DBE program into full compliance with 49 C.F.R. Part 26. Small business plans should be comprehensive and include an implementation schedule not to exceed nine months.

Please visit FTA's website at [http://www.fta.dot.gov/civilrights/sitemap\\_14172.html](http://www.fta.dot.gov/civilrights/sitemap_14172.html) for guidance on the small business requirements.

FTA Civil Rights staff recognizes that grantees will be seeking technical assistance as this new provision is developed. Therefore, a series of webinars have been scheduled to provide guidance to grantees. The dates and times of these webinars are as follows:

**Tuesday, February 7<sup>th</sup>, 2012 – 12:30-2:00 pm EST**  
**Wednesday, February 8<sup>th</sup>, 2012 – 2:00-3:30 pm EST**  
**Thursday, February 9<sup>th</sup>, 2012 – 10:00-11:30 am EST**

Call in information will be provided later this week, so please check our FTA civil rights webpage for registration information. We ask that grantees sign-up for only one webinar due to capacity issues. Depending on the demand, we may schedule additional webinars to accommodate more attendees, but those dates and times have not yet been determined.

For further information, contact Region 10's Linda Gehrke at 206-220-4463 or email [linda.gehrke@dot.gov](mailto:linda.gehrke@dot.gov).

Sincerely,



R.F. Krochalis  
Regional Administrator

Encl: 26.39 Fostering Small Business Participation

*for*