

**Ulster County Area Transit
Disadvantaged Business Enterprise Program**

PROCEDURE STATEMENT

Section 26.1, 26.23 Objectives /Procedure Statement

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

The full text of 49 CFR Part 26, along with DBE program resource and guidance materials, is available on the Office of Small and Disadvantaged Business Utilization website:

<http://osdbu.dot.gov/OSDBUSERVICES/DBEPROGRAM/tabid/75/Default.aspx>

It is the policy of UCAT to ensure that DBE firms, as defined in Part 26, have an equal opportunity to receive and participate in DOT- assisted contracts. It is also UCAT's policy:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. To create a level playing field on which DBEs 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 DBEs; and
5. To help remove barriers to the participation of DBEs in DOT-assisted contracts.

UCAT has distributed this procedure to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts through legal notices and attached to bids. This statement and DBE Program will also be made available on the UCAT website: <http://www.co.ulster.ny.us/ucat/>


Robert DiBella, Director of Transportation

7/20/11
Date

SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

The objectives are found in the procedure statement on the first page of this program.

Section 26.3 Applicability

UCAT is the recipient of federal transit funds authorized by Titles I, III, V, and VI of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, II, and V of the Teas-21, Pub. L. 105-178, as well as the subsequent federal transit funding program re-authorizations.

Section 26.5 Definitions

All of the terms used in this procedure have the meanings defined in Section 26.5 of 49 CFR Part 26.

Section 26.7 Non-discrimination Requirements

UCAT will not 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.

In administering its DBE program UCAT will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11(b)

UCAT will report DBE participation on a bi-annual basis, using the Uniform Report of DBE Awards or Commitments and Payments form found in Appendix B of Part 26. These reports will reflect payments actually made to DBEs on DOT-assisted contracts.

Bidders List: 26.11(c)

UCAT will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidders list approach in calculating overall goals. The bidders list will include the name, address, DBE or non-DBE status, number of years in business, and annual gross receipts of firms.

UCAT will collect this information through the inclusion of a contract clause requiring prime bidders to submit a report of required information for all firms who quote to the prime bidder on subcontracts.

UCAT has distributed this procedure to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts through legal notices and attached to bids. This statement and DBE Program will also be made available on the UCAT website: <http://www.co.ulster.ny.us/ucat/>

Section 26.13 Federal Financial Assistance Agreement

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

Assurance: 26.13(a)

UCAT 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 UCAT of its failure to carry out its approved program, the Department may impose sanction 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.

Contract Assurance: 26.13(b)

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

The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

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

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

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

Section 26.23 Procedure Statement

The Procedure Statement is elaborated on the first page of this program.

Section 26.25 DBE Liaison Officer

UCAT has designated its Public Transit Coordinator as the DBE Liaison Officer and, in that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that UCAT complies with all provisions of 49 CFR Part 26. The DBE program has the same priority as compliance with all other legal obligations incurred by UCAT in its financial assistance with Ulster County. The DBELO has direct, independent access to the Budget Director and the Director of UCAT concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in **Attachment 1** to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program in coordination with other appropriate officials. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment).
6. Analyzes UCAT's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO\governing body on DBE matters and achievement.
9. Utilizes NYSUCP directory of certified DBEs to determine relative availability.
10. Updates the UCAT DBE Program, as needed.

Other Personnel

Other County of Ulster personnel responsible for DBE Program implementation:

UCAT Director of Public Transit:	Program Director
UCAT Grants and Procurement Specialist:	Bid and contract compliance
County Attorney	Bid and contract compliance
Commissioner of Buildings & Grounds	Bid and contract compliance
County Purchasing Agent	Bid and contract compliance
County Executive	Appeal Process

Section 26.27 DBE Financial Institutions

It is the procedure of UCAT to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions and to encourage prime contractors on DOT-assisted contracts to make use of these institutions. UCAT has made the following efforts to identify and use such institutions:

UCAT has searched the New York State Unified Certification Program (NYSUCP) DBE Directory to identify DBEs in Ulster County and its six surrounding counties, including Columbia, Delaware, Dutchess, Greene, Orange and Sullivan. To date, no financial institutions have been identified in this seven county area which are owned and controlled by socially and economically disadvantaged individuals. If any such institutions are formed, UCAT will make reasonable efforts to utilize their services and will encourage prime contractors on DOT-assisted contracts to utilize these institutions.

Section 26.29 Prompt Payment

UCAT 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 30 days from the receipt of each payment the prime contractor receives from UCAT. The prime contractor agrees further to return retainage payments to each subcontractor within 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 UCAT. This clause applies to both DBE and non-DBE subcontractors.

Failure to comply with the requirements of this section will result in future payments to the prime contractor being conditioned upon the satisfactory demonstration of past payments to subcontractors.

UCAT will also include a clause in each DOT-assisted prime contract which specifies the method to be utilized to assure compliance with the requirement for prompt and full payment of retainage to the subcontractor, as provided in Section 26.29(b).

Section 26.31 DBE Directory

UCAT participates in the New York State Unified Certification Program (NYSUCP) DBE Directory, which identifies all firms eligible to participate as DBEs. The directory lists the firm's name, address, phone number, date of most recent certification, and the type of work the firm has been certified to perform as a DBE. Interested parties can access the NYSUCP DBE Directory at the following website: <http://www.dot.state.ny.us/crb/registry.html>

Section 26.33 Overconcentration

UCAT has reviewed the NYSUCP DBE Directory and has not identified that over-concentration exists in the types of work that DBEs perform within the area of Ulster County and its six adjoining counties.

Section 26.35 Business Development Programs

UCAT has not established a business development program and will refer interested parties to the NYSUCP for information regarding the development of DBE's and other small businesses.

Section 26.37 Monitoring and Enforcement Mechanisms

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

1. UCAT 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 26.109.
2. UCAT will consider similar action under its own legal authorities, including responsibility determinations in future contracts, available to UCAT in the event of non-compliance by a participant in its procurement activities.
3. UCAT will provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by requiring the prime contractor to provide documentation of payments actually made to DBE's.
4. UCAT will keep a running tally of actual payments to DBE firms for comparison to the amount of work committed to them at the time of contract award.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

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

Section 26.45 Overall Goals

A description of the methodology to calculate the overall goal and the goal calculations can be found in **Attachment 2** to this program. This section of the program will be updated annually.

In accordance with Section 26.45(f) UCAT will submit its overall goal to DOT on August 1 every third year. UCAT 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 its principal office for 30 days following the date of the notice, and informing the public that UCAT and DOT will accept comments on the goals for 45 days from the date of the notice. This notice will be published in general circulation newspapers, as designated for legal notices by the Ulster County Legislature, as well as locally available minority-focused media, trade publications and websites. Normally, UCAT will issue this notice by June 1 of each time period. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed. A copy of the Public Notice is included in **Attachment 2**.

UCAT's overall goal submission to DOT will include a summary of information and comments received during this public participation process and UCAT's responses.

UCAT will begin using its overall goal on October 1 of each year, unless UCAT has received other instructions from DOT. *[or, if the goal is established on a project basis, by the time of the first solicitation for a DOT-assisted contract for the project.]*

Section 26.49 Transit Vehicle Manufacturers

UCAT will require each transit vehicle manufacturer (TVM), as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, UCAT may, at its discretion and with FTA approval, establish project-specific goals for DBE participation when buying buses.

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

UCAT will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation.

The breakout of estimated race-neutral and race-conscious participation will be included in **Attachment 2** to this program. This section of the program will be updated every three years when the goal calculation is updated.

Section 26.51(d-g) Contract Goals

UCAT will use contract goals to meet any portion of the overall goal UCAT does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, awarded contracts will cumulatively result in meeting any portion of the overall goal that is not projected to be met through the use of race-neutral means. UCAT will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. UCAT needs 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).

UCAT will express contract goals as a percentage of the Federal share of a DOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures

Demonstration of good faith efforts 26.53(a) & (c)

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to 49 CFR Part 26.

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

UCAT DBE Liaison Officer
UCAT Grants and Procurement Specialist
Ulster County Attorney

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

Information to be submitted 26.53(b)

UCAT treats bidder/offerors' 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/offerors to submit the following information within 15 days after the opening of bids and before the award of the contract:

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 contractor's commitment; and
6. If the contract goal is not met, evidence of good faith efforts (see Appendix A to 49 CFR Part 26).

Contractors must meet all requirements of this section as a matter of responsibility (prior to contract award). A prime contractor may not terminate a DBE subcontractor for convenience, nor may it terminate a DBE subcontractor and perform work with its own forces without prior written consent from UCAT.

Administrative reconsideration 26.53(d)

Within 15 days of being informed by UCAT that it is not responsible because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: Michael P. Hein, County Executive, or his designee, 244 Fair Street, PO Box 1800, Kingston, NY 12402, (845)-340-3800. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with the reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. UCAT will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the DOT.

Good Faith Efforts when a DBE is replaced on a contract 26.53(f)

UCAT will require a 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. UCAT 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, UCAT will require the prime contractor to obtain its 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, UCAT will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, UCAT may issue a termination for default proceeding.

Sample Bid Specification: (required only when a contract goal is established)

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of UCAT to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of 0% percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 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/offeror'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 (6) if the contract goal is not met, evidence of good faith efforts.

Section 26.55 Counting DBE Participation

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

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 - 26.81 Certification Process

UCAT is a member of a Unified Certification Program (UCP) administered by the New York State Department of Transportation in lieu of conducting its own certification process. UCAT will not be certifying and firm for DBE eligibility.

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

NYS Department of Transportation
Contract Audit Bureau
DBE Certification
50 Wolf Road, 1st Floor
Albany, NY 12232
Telephone: (518) 457-3180

Section 26.89 Certification Appeals

Any firm or complainant may appeal a 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
400 7th St., SW, Room 2104
Washington, DC 20590

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

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

Monitoring Payments to DBEs

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

UCAT 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 states in the schedule of DBE participation.

ATTACHMENTS

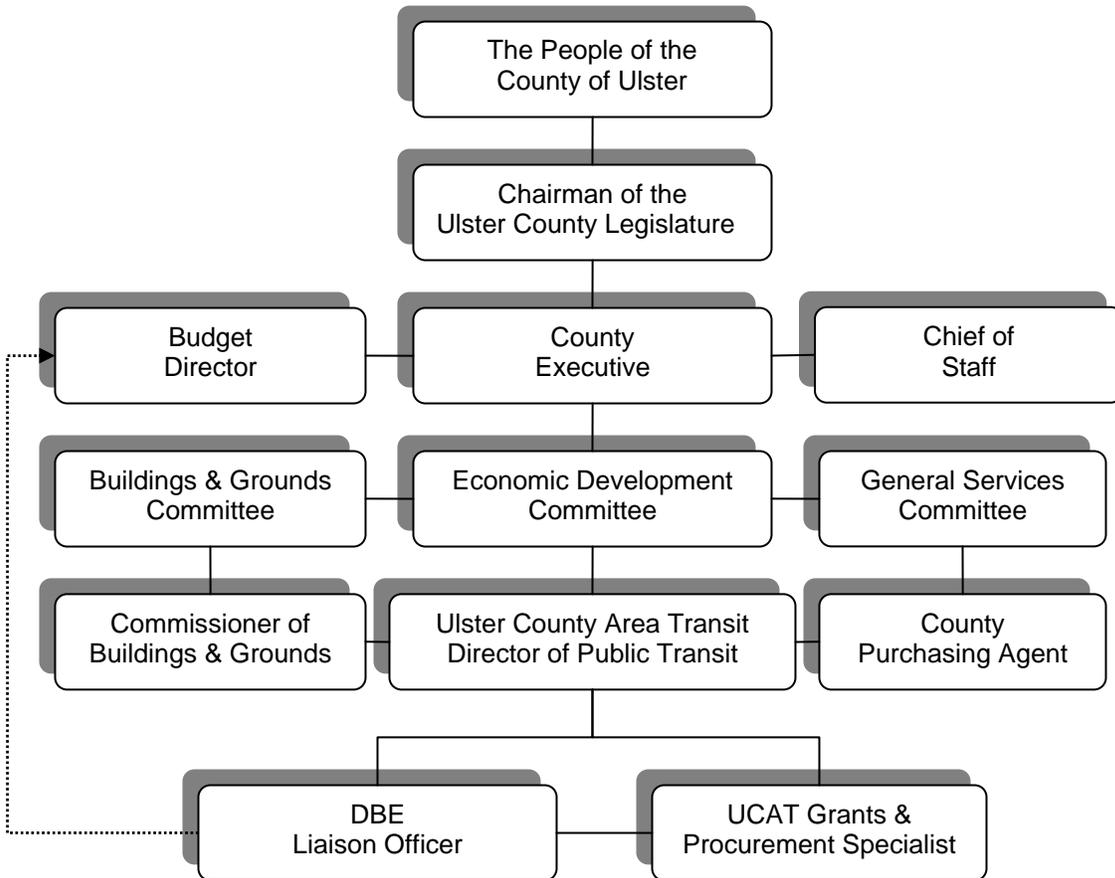
Attachment 1: Organizational Chart

Attachment 2: Overall Goal Calculation and Breakout of Estimated Race-Neutral & Race-Conscious Participation *(to be updated every three years)*

Attachment 3: Forms 1 & 2 for Demonstration of Good Faith Efforts

Attachment 1

Ulster County Area Transit DBE Program Organizational Chart



Attachment 2

Ulster County Area Transit Disadvantaged Business Enterprise Program
Overall Goal for Federal Fiscal Year 2012-2014 (10-01-11 to 9/30/14)

Amount of goal

UCAT's overall goal for FY2012-2014 is the following: 0.01 % of the Federal financial assistance received by UCAT in DOT-assisted contracts will be expended on DBE services, exclusive of FTA funds to be used for the purchase of transit vehicles. Given the amount of DOT-assisted contract expenditures UCAT anticipates during this fiscal period, which is \$2,672,424 it has set an annual goal of expending \$267 for DBE services during FFY 2012-2014.

Method

The following is a summary of the method that UCAT used to calculate this goal:

- Step 1. The relative availability of DBE's, was determined by the number of available DBE's located within Ulster County and its six surrounding counties, as determined from the New York State Unified Certification Program (NYSUCP) DBE Directory. The subject seven-county area includes Columbia, Delaware, Dutchess, Greene, Orange, Sullivan and Ulster.
- Step 2. There are two available qualified DBEs within the subject seven-county area, as listed in the NYSUCP DBE Registry, with NIACS codes in line with the contract expenditures anticipated for this year, and a combined total of 838 contractors providing the same services in the subject area according to the Census Bureau's 2008 Economic Census database.

Sources: NYSUCP DBE Directory: <http://biznet.nysucp.net/>
Economic Census Database: <http://www.census.gov/econ/cbp/index.html>

- Step 3. Based on this data, the relative availability for the subject seven-county area is 1.34%.
- Step 4. As the relative availability is 1.34% for this fiscal period, the weighting method is applicable.
- Step 5. Using the weighted method: $1.12\%(2/149) = .0112 \times .0134 = .0001$ or .01% for DBE participation.
- Step 6. Based on the above information, UCAT has set a goal of 0.01%.

Attachment 2 *(continued)*

Anticipated Contracts for FFY 2012 thru FFY 2014 (Exclusive of Transit Vehicle Manufacturers)

Federally assisted general contracts	NAICS	Estimated Amount	Federal Share	Total Firms	Total DBE Firms	DBE %
Painting & Wall Covering Contractors	23832 0	\$ 30,000	\$ 24,000	149	2	1%
Revenue Vehicle Parts	42312 0	\$ 1,100,112	\$ 880,090	45	0	0%
Tires	42313 0	\$ 183,015	\$ 146,412	5	0	0%
Fire Extinguisher Service	42399 0	\$ 3,600	\$ 2,880	34	0	0%
Office Supplies	42412 0	\$ 23,859	\$ 19,087	15	0	0%
Home Centers (misc building supplies)	44411 0	\$ 15,000	\$ 12,000	45	0	0%
Petroleum & Petroleum Products	42472 0	\$ 18,500	\$ 14,800	9	0	0%
Alarm System & Camera Monitoring	56162 1	\$ 250,000	\$ 200,000	27	0	0%
Locksmiths	56162 2	\$ 750	\$ 600	14	0	0%
Garbage Collection	56211 1	\$ 900	\$ 720	40	0	0%
Oil / water separator (waste water treatment)	56221 1	\$ 22,200	\$ 17,760	4	0	0%
Revenue Vehicle Repairs	81111 1	\$ 1,015,488	\$ 812,390	401	0	0%
Generator Servicing	81131 0	\$ 9,000	\$ 7,200	50	0	0%
Totals for anticipated annual contract renewals		\$ 2,672,424	\$ 2,137,939	838	2	

Public Participation Process

UCAT published a notice of a proposed overall goal of 0.01%, informing the public that the proposed goal and its rationale were available for inspection during normal business hours at its principal office for 30 days following the date of the notice and informing the public that written comments on the goal will be accepted for 45 days from the date of the notice. The notice also set forth the date, time, and place of a Public Meeting on the proposed overall goal. A copy of the Public Notice and meeting summary is included below.

PUBLIC NOTICE

For publication on May 26, 2011

Ulster County Area Transit (UCAT) hereby announces a proposed overall goal of 0.01% for Disadvantaged Business Enterprise (DBE) participation in DOT-assisted contracts receiving Federal financial assistance for the Federal Fiscal Year (FFY) 2012-2014. Information on the UCAT DBE Procedure and the proposed overall goal is available at <http://www.co.ulster.ny.us/ucats/procurement.html>. It is also available for public review from Monday through Friday between 9:00 a.m. and 5:00 p.m. for 30 days following the date of this notice at Ulster County Area Transit, 1 Danny Circle, Kingston, NY 12401, (845) 340-3333. Written comments will be accepted at the above address for 45 days from the date of this notice. A Public Meeting will be held on Wednesday June 8, 2011 from 3:30 p.m. to 5:30 p.m. at the Ulster County Transit Center, 1 Danny Circle, Kingston, NY 12401.

Meeting Summary

The Public Meeting was held on June 8, 2011 from 3:30 p.m. to 5:30 p.m. at the Ulster County Transit Center, 1 Danny Circle, Kingston, NY 12401. There was no public attendance at the meeting and no comments were received.

Attachment 3

Forms 1 & 2 for Demonstration of Good Faith Efforts

[Forms 1 and 2 are to be provided as part of the bid solicitation documents when a contract goal is established.]

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

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

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

_____ The bidder/offeror (if unable to meet the DBE goal of _____ %) is committed to a minimum of _____ % DBE utilization on this contract and submits documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: _____

State Registration No. _____

By: _____
Signature Date

Printed name Title

Attachment 3
(continued)

FORM 2: LETTER OF INTENT

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE firm:

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is \$ _____.

Affirmation

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

By: _____
Signature Date

Printed name Title

If the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.

(Submit a separate Form 2 for each DBE subcontractor.)