

# **PUTNAM COUNTY DBE PROGRAM PLAN**

**June 2022**

## PUTNAM COUNTY DBE PROGRAM PLAN

### Definitions of Terms

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

### Objectives /Policy Statement (26.1, 26.23)

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

It is the policy of the County of Putnam to ensure that DBEs, as defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also the County of Putnam'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;
5. To help remove barriers to the participation of DBEs in DOT-assisted contracts; and
6. To promote the use of DBEs in all types of federally-assisted contracts and procurement activities conducted by recipients.

Barbara Barosa, Senior Planner, Department of Planning, Development & Public Transportation, has been delegated as the DBE Liaison Officer (DBELO). In that capacity, the DBELO is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the County of Putnam in its financial assistance agreements with the Department of Transportation.

Putnam County has disseminated this policy statement to the County Legislature and all the components of our organization. Putnam County has distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts by direct mail.

Signed: Mary Ellen Odell Date: 7.28.22

MaryEllen Odell, Putnam County Executive

## **GENERAL REQUIREMENTS**

### **Objectives (Section 26.1, 26.23)**

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

### **Applicability (Section 26.3)**

Putnam County is the recipient of federal transit funds authorized under Titles I, II, V and VI of the Intermodal Surface Transportation Efficiency Act (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. 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 such, Putnam County is required to establish a Disadvantaged Business Enterprise (DBE) Program. This document sets forth the policies and procedures to be implemented to ensure that DBEs have an equitable opportunity to participate in Putnam County's U.S. DOT-assisted contracts.

### **Definitions (Section 26.5)**

Putnam County will adopt the definitions contained in the Codes of Federal Regulations listed in 49 CFR Part 26 Section 26.3 for this program.

### **Non-discrimination Requirements (Section 26.7)**

Putnam County 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.

In administering its DBE program, the County of Putnam 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.

### **Record Keeping Requirements (Section 26.11)**

#### *Uniform Report of DBE Awards or Commitments and Payments: 26.11(a)*

Putnam County will report DBE participation to the Federal Transit Administration (FTA) using the Uniform Report of DBE Awards or Commitments and Payments, found in the DBE regulation. **See, Attachment A.**

#### *Bidders List: 26.11(c)*

Putnam County 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 bidder list approach to calculate overall goals. The bidder list will include the name, address, DBE or non-DBE status, age, and annual gross receipts of firms.

Putnam County will obtain this information through a contract clause requiring prime bidders to report the name, addresses, DBE status, age, and annual gross receipts of all firms who quote to them on themselves and subcontracts. This information will be collected by Putnam County by receiving a copy of the quote with the information requested.

**Assurances (Section 26.13)**

*Federal Financial Assistance Agreement Assurance: 26.13(a)*

Putnam County, as the recipient, 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 Putnam County 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.*).

Note: This language will appear in financial assistance agreements with sub-recipients and it will be used verbatim as required.

*Contract Assurance: 26.13(b)*

Putnam County will ensure that the following clause is placed verbatim 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, may include, but is not limited to:

- (1) Withholding monthly progress payments;
- (2) Assessing sanctions;
- (3) Liquidated damages; and/or
- (4) Disqualifying the contractor from future bidding as non-responsible.

## **ADMINISTRATIVE REQUIREMENTS**

### **DBE Program Updates (Section 26.21)**

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

### **DBE Liaison Officer (DBELO) (Section 26.25)**

Putnam County has designated the following individual as our DBE Liaison Officer:

*Barbara Barosa, AICP, Senior Planner  
Department of Planning, Development & Public Transportation  
841 Fair Street  
Carmel, NY 10512  
Phone: (845) 878-3480  
planning@putnamcountyny.gov*

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the County of Putnam complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the County Executive concerning DBE program matters. The County Executive is the chief elected official of Putnam County. An organization chart displaying the DBELO position in the organization is attached to the DBE Program Plan. **See, Attachment B.**

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

1. Gathering and reporting statistical data and other information as required by DOT.
2. Reviewing third party contracts and purchase requisitions for compliance with this program.
3. Working with relevant departments to set overall annual goals.
4. Ensuring bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifying contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment and identifies ways to improve progress).
6. Analyzing County of Putnam's progress toward goal attainment and identifies ways to improve progress.
7. Staff/other participation in pre-bid meetings.

8. Advising the CEO on DBE matters and achievement.
9. Providing DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
10. Planning/participating in DBE training seminars as needed.
11. Providing outreach to DBEs/community organizations to inform them of opportunities.
12. Maintaining the County of Putnam's updated directory on certified DBEs

**Other Personnel**

Other County of Putnam personnel responsible for DBE program implementation:

Commissioner	Bid and contract compliance
Senior Planner	Civil Rights Officer/ Liaison Officer
Planning Assistant	Bid and contract compliance
County Attorney	Bid and contract compliance
Commissioner of Highways & Facilities	Bid and contract compliance
Transit Manager	Bid and contract compliance
Director of Purchasing	Appeal process

**DBE Financial Institutions (Section 26.27)**

It is the policy of the County of Putnam 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. Putnam County has made the following efforts to identify and use such institutions: Putnam County has searched the DBE directory for listings of financial institutions. Putnam County re-evaluates the availability of DBE financial institutions every 3 years.

Putnam County has searched the New York State Unified Certification Program (NYSUCP) DBE Directory to identify DBEs in Putnam County and its surrounding counties, including Westchester, Dutchess, Rockland and Orange. To date, no financial institutions have been identified in the above listed five-county area that are owned and controlled by socially and economically disadvantaged individuals.

**Prompt Payment Mechanisms (Section 26.29)**

*Prompt Payment: 26.29(a)*

Putnam County 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 Putnam County. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of Putnam County. This clause applies to both DBE and non-DBE subcontracts. For construction contracts, the payment shall occur no later than 7 days after payment to the prime contractor.

The Prompt Payment Protocol form is utilized on all DBE and non-DBE projects. *See, Attachment C.*

*Retainage: 26.29(b)*

Putnam County will decline to hold retainage from prime contractors and require a contract clause obligating prime contractors to make prompt and full payment of any retainage kept by the prime contractor to the 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 Putnam County. This clause applies to both DBE and non-DBE subcontracts.

For purposes of this section, a subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the recipient. When a recipient has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed. Putnam County will include in all federally-assisted contracts a contract clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have satisfactorily performed.

*Monitoring and Enforcement: 26.29(d)*

Putnam County has established a reporting procedure to monitor and enforce that prompt payment and return of retainage is occurring as required. In addition to utilization of the Prompt Payment Protocol form, **see Attachment C**, same is attained through the DBE Schedule of Utilization form/DBE Utilization Worksheet form, **see Attachment D**. The DBE Utilization Worksheet is signed by the contractor and subcontractor. If a contractor must terminate a DBE subcontractor, the contractor must make a good faith effort to find another DBE. The contractor must not do the work without prior written approval from Putnam County.

**Directory (Section 26.31)**

The County of Putnam utilizes the New York State Unified Certification Program (NYSUCP) Directory which maintains the DBE directory pursuant to 49 CFR Part 26 Section 26.31 to identify firms in our immediate area eligible to participate as DBEs. Putnam County utilizes the DBE directory as a resource in developing overall and contract-specific DBE participation goals. A complete listing of eligible DBE firms is available on the NYSUCP website at <https://nysucp.newnycontracts.com/>. The directory lists the firm's name, phone number, e-mail address, and the type of work the firm has been certified to perform as a DBE, North American

Industry Classification System (NAICS) code, ethnicity and gender of owner. A listing in the DBE directory does not in any way pre-qualify the identified DBE firms with respect to licensing, bond-ability, competence or financial responsibility.

**Overconcentration (Section 26.33)**

Putnam County has not identified that overconcentration exists in the types of work that DBEs perform. Putnam County examined procurement actions for the past year and determined that no overconcentration of DBEs exists for any commodity or purchasing area for Putnam County.

**Business Development Programs (Section 26.35)**

Putnam County has not established a business development program. However, those interested or needing assistance in starting a business can receive assistance from the Putnam County Economic Development Corporation, Putnam County Industrial Development Agency, and the Putnam Workforce Partnership, which helps the unemployed find jobs. Putnam County provides funding to these organizations.

**Monitoring and Enforcement Mechanisms (Section 26.37)**

Putnam County will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26:

Putnam County 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. Putnam County will consider similar action under its own legal authorities, including responsibility determinations in future contracts.

As soon as reasonably practicable, Putnam County will bring to the attention of the Chief Counsel and Regional Counsel notice of any potential, pending or ongoing litigation pertaining to all DBE and non-DBE projects. Such initial notice shall be in writing, as well as any further notifications, regarding litigation for all DBE and non-DBE projects.

Putnam County will provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is performed by the DBEs. This will be accomplished by site inspections by the County's construction inspector who monitors work sites on a daily basis and keeps a log of work activities as well as through the receipt of the aforesaid DBE Schedule of Utilization and DBE Worksheet Utilization forms. The foregoing DBE Utilization Worksheet is signed by both the contractor and subcontractor. Review of payroll records for public works activity and a thorough review of invoices provided for services will be utilized, as applicable, to ensure compliance.

Putnam County will keep a running written tally of actual payments to DBE firms for work committed to them at the time of contract award.



### **Small Business Enterprise Participation (Section 26.39)**

Putnam County has incorporated the following non-discriminatory element to its DBE program, in order to facilitate competition on DOT-assisted public works projects by small business concerns (both DBE and non-DBE small businesses):

1. The County will break out procurements or unbundle procurement actions to provide greater opportunities for Disadvantaged Business Enterprises (DBEs), small and minority firms, and women owned business enterprises to participate in procurements as either prime contractors or subcontractors.
2. For procurements that require competition, Putnam County will seek out small businesses to compete in the procurement actions by actively including DBE and non-DBE small business firms on the solicitation lists.
3. The County will require prime contractors to provide subcontracting opportunities of the type and size that small businesses can reasonably perform. The prime contractors must provide details of small business firms to be utilized as subcontractors, including listing the firm's name, phone number, e-mail address, and the type of work the firm has been certified to perform as a DBE, North American Industry Classification System (NAICS) code, ethnicity and gender of owner, and number of employees.
4. For micro purchases that do not require competition, seeking out DBE and non-DBE small business firms to satisfy these requirements.

### **GOALS, GOOD FAITH EFFORTS, AND COUNTING (See also, Attachment E)**

#### **Set asides or Quotas (Section 26.43)**

Putnam County does not use quotas in any way in the administration of its DBE program.

#### **Overall Goals (Section 26.45)**

In accordance with Section 26.45, Putnam County will submit its triennial overall DBE goal to FTA on August 1 of the year specified by FTA. Putnam County will also request the use of project-specific DBE goals, as appropriate, and/or will establish project-specific DBE goals as directed by FTA.

The amount of federally assisted contracts Putnam County expects to let during the 2020, 2021, and 2022 federal fiscal years includes Section 5307, Surface Transportation Program (STP), Congestion Mitigation Air Quality (CMAQ), High Priority Projects (HPP), and Transportation Alternatives Program (TAP) funding sources.

#### **Base Figure Calculation**

To calculate the base figure, first all reasonably anticipated FTA-assisted contracting opportunities were identified and quantified. First researched is whether any work by

construction-based DBEs could be considered contracting opportunities. Secondly, the types of work for DBEs that could be done for the above contracts and selected engineering and inspection, surveying, road, bridge and trail construction, demolition, fencing, paving, striping and work zone traffic control is reviewed.

Next, DBE firms belonging to the above mentioned NAICS codes are identified through the NYS Unified Certification Program directory (<https://nysucp.newnycontracts.com/>) for Putnam County and the surrounding counties of Westchester, Rockland, Orange, Dutchess, and Fairfield, Connecticut. Then the total amount of firms belonging to the above mentioned NAICS codes in these counties, as found in the 2016 Census Bureau's County Business Patterns, are identified. The number of "willing and able" DBEs in the identified market is then divided by total number of businesses in the market. This gave the relative availability of DBE firms in the market by NAICS code.

Finally, a weighted base figure is determined, taking into account the overall portion of funds and the availability of DBEs represented by each NAICS code:

### **Adjustment of Base Figure**

Guidance by FTA suggests that, wherever possible, weighing the relative availability of firms in relation to the expected contract work should be used to ensure that the Step One Base Figure is as accurate as possible. Putnam County will use actual past participation in similar contracting opportunities in order to better gauge the availability of DBEs to compete for contracts. There are no recent disparity studies conducted in the market area which would give the County additional information in adjusting its goal.

In reviewing the past three-year period, the projects let during this period are similar to those to be let in FF 2020-2022. Averaging the median of past participation of the past three years (2.21%) with our weighted base figure (17.12%) yields an adjusted figure of 9.66%. The County believes that the goal of 9.66% truly and accurately reflects the participation that would be expected absent the effects of discrimination.

### **Race-Neutral and Race-Conscious Participation**

The race/gender-neutral goal in the past has been met by contracting directly with a DBE firm for engineering design and inspection services. During the past three-year period, Putnam County was unable to directly contract with a DBE firm that serves as prime construction contractor due to a lack of available firms in the area. To meet, the DBE goals for the project, the County has established race/gender-conscious goals in the bid specifications for the overall construction project, and the prime contractor must make good faith efforts to reach that goal, including documenting those efforts. For the proposed contracts involved in this Goal Methodology, it is expected that Putnam County will attempt to directly contract with a contractor in the fields of trail construction, bridge construction, road or sidewalk construction, landscaping, fencing, paving and or hauling. If the work needed for hauling, landscaping, paving etc. is minimal and the proposed contract work primarily involving specialized bridge or road construction, the prime contractor may also hire DBE subcontractors to meet the required goal set in the bid documents for small business work such as landscaping, fencing and or paving and

hauling. The contracts that require utilization of DBE subcontractors by the prime contractor are considered race/gender conscious attainments.

### **Basis for Estimated Race-Neutral and Race-Conscious Projections**

The race-neutral projection is derived from the following:

1. Contracts wherein a race-neutral DBE firm is the prime or sub-contractor;
2. Contracts with an assigned DBE goal and in which DBE attainments exceed the DBE assigned goal, DBE attainment in excess of the DBE goal will be counted as race-neutral attainment;
3. Contracts that have an Engineer's estimate of less than \$500,000 dollars typically do not have an assigned DBE goal--for those contracts, all DBE attainment will be counted as race-neutral attainment; and
4. Putnam County will meet the maximum feasible portion of its goal via race/gender-neutral means.

To project the portion of Putnam County's overall goal that can be met through race/gender neutral means, consideration of the "Tips for Goal-Setting in the DBE Program" from U.S. Department of Transportation was given. The FTA's Formula for Calculating the RN/ RC Split was utilized. Using this formula produces a 9.64% race conscious goal and a 0.02% race neutral goal. However, 49 CFR 26.51 requires that the County meet the maximum feasible portion of our overall goal by using race-neutral means of facilitating DBE participation. The County will therefore employ the following measures to encourage and facilitate DBE participation:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses
2. Reducing bonding requirements and providing services to help DBEs, and other small businesses, obtain bonding and financing;
3. Providing technical assistance and other services through the Putnam County Department of Planning, Development & Public Transportation;
4. Ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors;
5. Ensuring distribution of the County's DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors;
6. Identifying subcontracting opportunities in bid documents and offering assistance to prime contractors in finding suitable DBE subcontractors

Contract goals will be used to meet any portion of the overall goal that the County 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, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

Before establishing the overall goals, Putnam County will conduct an outreach effort including public meetings inviting minority, women-owned and general contractor groups and community organizations to provide information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the County's efforts to establish a level playing field for the participation of DBEs. In addition, Putnam County will consult with and notify the Putnam County Executive and Legislature, the Putnam County Highway Commissioner, Putnam County Economic Development Corporation, Putnam Workforce Partnership, Putnam County Industrial Development Agency, Putnam Northern Westchester B.O.C.E.S., local Chambers of Commerce, and DBELOs in the market area and minority and women business groups to obtain information concerning the availability of DBEs and non-disadvantaged businesses.

Following this consultation, Putnam County will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours for 30 days following the date of the notice, and be placed in local newspapers and on our website. These venues will be utilized to inform the public that both Putnam County and DOT will accept comments on the goals for 45 days from the date of the notice. Typically, Putnam County will issue this notice by June 1 of the specified year. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

Putnam County will begin using its overall goal on October 1 of the specified year unless the County has received other instructions from DOT. If the County establishes a goal on a project basis, the County will begin using its goal by the time of the first solicitation for a DOT-assisted contract for the project. The County's goal will remain effective for the duration of the three-year period established and approved by FTA.

#### **Goal Setting and Accountability (Section 26.47)**

If the awards and commitments shown on Putnam County's Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall applicable to that fiscal year, Putnam County will do the following:

1. Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments.
2. Establish specific steps and milestones to correct the problems identified in the analysis; and
3. Establish and implement a corrective action plan and maintain information/records regarding the analysis and efforts made.

#### **Transit Vehicle Manufacturers Goals (Section 26.49)**

Putnam County will require each transit vehicle manufacturer, 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, Putnam County may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program. The County will send TVM purchase information to FTA within 30 days of making an award.

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

The County of Putnam will attempt to meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. In order to do so, the County of Putnam uses the following race-neutral means to increase DBE participation:

1. Arrange solicitation, times for presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses.
2. Provide technical assistance to help DBEs and other small businesses.
3. Carry out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English), where appropriate.
4. Provide services to help DBEs and other small business improve long-term development, increase opportunities to participate in a variety of types of work.
5. Ensure distribution of our DBE directory to potential prime contractors.

### **Good Faith Efforts Procedures (Section 26.53)**

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

The County of Putnam will use contract goals to meet any portion of the overall goal the County of Putnam 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, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

Putnam County will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. Putnam County 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)

Putnam County will express its contract goals as a percentage of the Federal share of a DOT-assisted contract.

In those instances where a contract-specific DBE goal is included in a procurement/solicitation,

Putnam County will not award the contract to a bidder who neither: (1) meets the contract goal with verified, countable DBE participation; nor (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 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. Example of good faith efforts can be found in 49 CFR Part 26 Appendix A.

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 Putnam County's DBELO and the Putnam County Director of Purchasing shall determine whether or not good faith efforts have been made.

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

1. An effort has been made to solicit through all reasonable and available means the interest of all certified DBEs who have the capability to perform the work of the contract. The bidder/offeror must have solicited this interest within sufficient time to allow the DBEs to respond to the solicitation. The bidder/offeror must determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.
2. The bidder/offeror should show evidence that they have selected portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.
3. Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.
4. Providing evidence that negotiations were done in good faith with available suppliers and subcontractors to facilitate DBE participation. Evidence of such negotiation includes names, addresses, and telephone numbers of DBEs that were considered, a description of the information provided regarding the plans and specifications for the work selected for subcontracting, and evidence as to why additional agreements could not be reached for DBEs to perform the work. In the negotiations, a bidder/offeror is not required to accept higher quotes from DBEs if the price difference is excessive or unreasonable. Some additional costs in finding DBEs are not in itself a sufficient reason for a bidder/offeror to not be able to find a DBE as long as such costs are reasonable. Also, the ability or desire of a bidder/offeror to perform the work with its own organization does not relieve the bidder/offeror of the responsibility to make

good faith efforts.

5. The County will consider the performance of other bidders/offerors in meeting contract goals. For example, when the apparent successful bidder/offeror fails to meet the contract goal, but others meet it, the County can reasonably conclude that good faith efforts may not have been made. If the successful bidder/offeror fails to meet the goal but meets or exceeds the average DBE participation obtained by other bidders/offerors, the County can reasonably conclude, in conjunction with other factors, that the successful bidder/offeror had made good faith efforts.
6. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the County.

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

*Information to be Submitted: 26.53(b)*

Putnam County 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 5 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 contractors' commitment.
6. If the contract goal is not met, evidence of good faith efforts.

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 Putnam County.

*Administrative Reconsideration: 26.53(d)*

Within 10 days of being informed by the County of Putnam that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidders/offerors should make this request in writing to the following reconsideration official: *Alessandro Mazzotta, Director of Purchasing, 40 Gleneida Avenue,*

*Carmel, NY 10512; (845)808-1088.* 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. The County 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 Terminated/ Replaced on a Contract with Contract Goals: 26.53(f)*

Putnam County requires prime contractors not terminate a DBE subcontractor listed on a bid/contract with a DBE contract goal without Putnam County's 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) of the DBE regulation.

Before transmitting to Putnam County its 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 Putnam County prior to consideration of the request to terminate. The DBE will then have five days to respond and advise Putnam County of why it objects to the proposed termination. The five-day notification period may be reduced if the matter is one of public necessity such as safety. In these instances, the time would be reduced to no more than two days.

In those instances where "good cause" exists to terminate a DBE's contract, Putnam County 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. Putnam County 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, Putnam County will require the prime contractor to obtain Putnam County's 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, Putnam County will issue an order stopping all or part of the payment/work until satisfactory action has been taken. If the contractor still fails to comply, Putnam County 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 Putnam County 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/proposal specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE goal of 9.66 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/offerors 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.

### **Counting DBE Participation (Section 26.55)**

Putnam County will count DBE participation toward overall and contract goals as provided in 49 CFR Part 26 Section 26.55.

## **CERTIFICATION**

### **Certification Process (Section 26.61 – 26.73)**

Putnam County participates in the NYS Unified Certification Program. Putnam County is not a certifying agency.

### **Unified Certification Programs (Section 26.81)**

Putnam County is a member of a Unified Certification Program (UCP) administered by the New York State Department of Transportation (NYSDOT). The UCP will meet all the requirements of this section. Putnam County will use and count for DBE credit only those DBE firms certified by the NYSUCP. Contact information for the NYSDOT is [www.dot.state.ny.us](http://www.dot.state.ny.us). The address is: NYSDOT, Contract Audit Bureau, DBE Certification, 50 Wolf Road, 1<sup>st</sup> Floor, Albany, NY 12232. Telephone: (518) 457-3180 and website:

<https://www.dot.ny.gov/business-center/civil-rights/general-info/dbe-certification>

### **Procedures for Certification Decisions (Section 26.83 – 26.91)**

Any firm or complainant may appeal a NYS UCP's 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 7<sup>th</sup> Floor, Washington, D. C. 20590.

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

## **COMPLIANCE AND ENFORCEMENT**

## **Information, Confidentiality, Cooperation (Section 26.109)**

### *Monitoring Payments to DBEs*

The DBE program regulation at 49 CFR Part 26, Section 26.37(b) requires that recipients monitor every contract on which DBE participation is claimed, including race-conscious DBE participation in response to a contract goal and race-neutral DBE participation towards a recipient's overall goal. Putnam County staff 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 and that they were paid in a timely manner. The Putnam County Construction Inspector or field staff will be required as part of their other on-site monitoring duties, (1) review the DBE's subcontract to identify scope of work; (2) take steps to observe the DBE on the job site to ensure that it is the same DBE that was committed to perform the subcontracted work and it is using its own resources to perform the scope of work; (3) record the observations in a log book or other document; and (4) include a signature or email identification to provide a "written certification" of DBE utilization and payment. If conducted as part of other on-site monitoring duties, the recipient should ensure that there is a specific section in the logbook or other document dedicated to DBE on-site monitoring. Written certification will include documentation, dates, and a signed confirmation of its monitoring efforts. This written certification, whether in hard copy or electronic format, will be made available upon request.

Additionally, Putnam County 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 the County of Putnam or DOT. This reporting requirement also extends to any certified DBE subcontractor. Putnam County 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.

### *Confidentiality*

Putnam County will safeguard from disclosure third party's information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local laws including FOIL. Notwithstanding any contrary provisions of state or local law, the County 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.

### *Intimidation and Retaliation*

Putnam County, contractors or any other participant in this program will not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by this part or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing. Any violations will be considered noncompliance with this Part.

## **ATTACHMENTS**

## Attachment A

# Dec 1, 2021 Uniform Report of DBE Awards or Commitments and Payments Form

Summary Related Actions

### Recipient Summary

Recipient ID 1795

Recipient Name PUTNAM, COUNTY OF

#### > Current Active Awards

#### ∨ DBE Uniform Report Summary

Report Type Semiannual

Report Status Approved

Report Fiscal Year 2021

Last Updated By Andrew Golba

Report Due Date December 1

Last Updated Date 12/3/2021 6:53 PM GMT+00:00

Version 0

Submitted Date 12/1/2021 8:36 PM GMT+00:00

### Triennial DBE Goals

Triennial DBE	Goal (%)
Race Conscious	9.46 %
Race Neutral	0.2 %
Overall Goal (%)	9.66 %

### Section A: Awards and Commitments Made During This Period

Awards/Commitments Made During This Reporting Period:

	A. Total Dollars (All Types)	B. Total Number (All Types)	C. Total to DBEs (\$)	D. Total to DBEs (#)	E. Total Dollars to DBEs/Race Conscious	F. Total Number to DBEs/Race Conscious	G. Total Dollars to DBEs/Race Neutral	H. Total Number to DBEs/ Race Neutral	I. % of Total to DBEs
8. Prime Contracts Awarded / Committed This Period	\$0	0	\$0	0			\$0	0	0 %
9. Sub Contracts Awarded / Committed This Period	\$0	0	\$0	0	\$0	0	\$0	0	0 %
10. Total			\$0	0	\$0	0	\$0	0	0 %

### Section B: Breakdown by Ethnicity & Gender of Contracts Awarded to DBEs This Period

Awards/Commitments Breakdown By Ethnicity & Gender:

	A. Total to DBE (dollar) - Women	B. Total to DBE (dollar) - Men	C. Total to DBE (dollar)	D. Total to DBE (number) - Women	E. Total to DBE (number) - Men	F. Total to DBE (number)
11. Black American	\$0	\$0	\$0	0	0	0
12. Hispanic American	\$0	\$0	\$0	0	0	0
13. Native American	\$0	\$0	\$0	0	0	0
14. Asian-Pacific American	\$0	\$0	\$0	0	0	0
15. Subcontinent Asian American	\$0	\$0	\$0	0	0	0

	A. Total to DBE (dollar) - Women	B. Total to DBE (dollar) - Men	C. Total to DBE (dollar)	D. Total to DBE (number) - Women	E. Total to DBE (number) - Men	F. Total to DBE (number)
16. Non-Minority	\$0	\$0	\$0	0	0	0
17. TOTAL	\$0	\$0	\$0	0	0	0

### Section C: Payments on Ongoing Contracts

	A. Total Number of Contracts	B. Total Dollars	C. Total Number of Contracts with DBEs	D. Total Payments to DBE Firms	E. Total Number of DBE Firms Paid	F. Percent to DBEs
18. Prime and sub contracts currently in progress	5	\$2,987,490	4	\$530,396	4	17.75 %

### Section D: Actual Payments on Contracts Completed This Reporting Period

	A. Number of Prime Contracts Completed	B. Total Dollar Value of Completed Prime Contracts	C. DBE Participation Needed to Meet Goals (Dollars)	D. Total DBE Participation Dollars	E. Percentage of Total DBE Participation Dollars
19. Race Conscious	0	\$0	\$0	\$0	0 %
20. Race Neutral	0	\$0	\$0	\$0	0 %
21. Total	0	\$0	\$0	\$0	0 %

### Status Log

Previous Status	New Status	Change Date	Changed By
Ready for HQ Review	Approved	12/3/2021 6:53 PM GMT+00:00	Andrew Golba
Ready for Regional Review	Ready for HQ Review	12/2/2021 9:47 PM GMT+00:00	Luis Rodriguez
Incorrect/Incomplete	Ready for Regional Review	12/1/2021 8:52 PM GMT+00:00	Carrie DeMarchi
Ready for Regional Review	Incorrect/Incomplete	12/1/2021 8:47 PM GMT+00:00	Luis Rodriguez
New/Draft	Ready for Regional Review	12/1/2021 8:36 PM GMT+00:00	Carrie DeMarchi
	New/Draft	10/1/2021 7:00 AM GMT+00:00	Applan Administrator

6 items

### DBE Report Remarks

#### Recipient Remarks

Remark Link	Remarked by	Remarked Date
Recipient Remarks	Carrie DeMarchi	12/1/2021 8:52 PM GMT+00:00
Recipient Remarks	Carrie DeMarchi	12/1/2021 8:36 PM GMT+00:00

#### Regional FTA Remarks

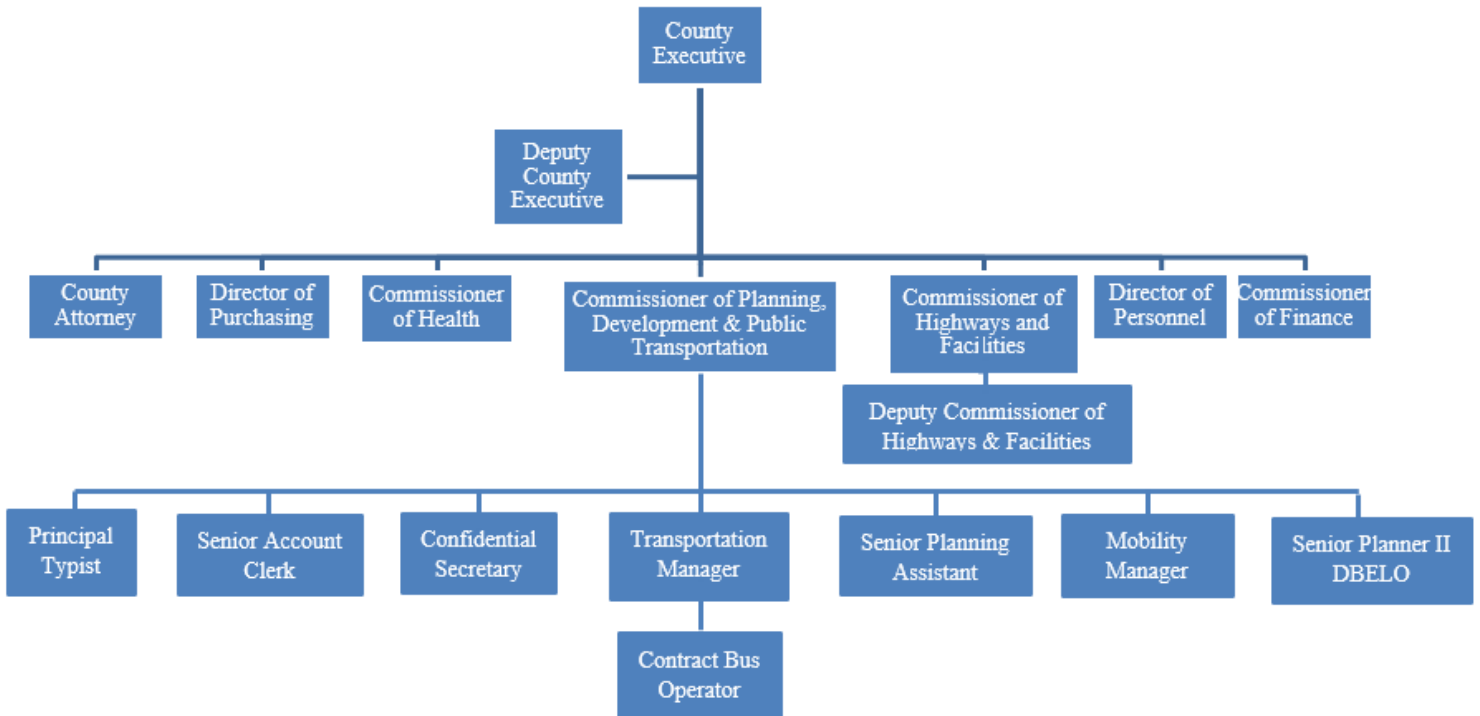
Remark Link	Remarked by	Remarked Date
Regional FTA Remarks	Luis Rodriguez	12/2/2021 9:47 PM GMT+00:00
Regional FTA Remarks	Luis Rodriguez	12/1/2021 8:47 PM GMT+00:00

#### HQ FTA Remark

Remark Link	Remarked by	Remarked Date
HQ FTA Remark	Andrew Golba	12/3/2021 6:53 PM GMT+00:00

*Attachment B*

Putnam County Government  
Department of Planning, Development, and Public Transportation Organizational Chart



*Attachment C*

PROMPT PAYMENT PROTOCOL

I, representing \_\_\_\_\_ as a subcontractor to the general contractor \_\_\_\_\_, on the construction project \_\_\_\_\_; do hereby certify that we have been paid in full for work performed on the above referenced project. Our payment of \$ \_\_\_\_\_ was received on the date of \_\_\_\_\_. If work is being progressed in stages, please indicate below how much was received, for which work items, and on what date.

Payment Amount: \_\_\_\_\_  
Payment Date: \_\_\_\_\_  
Work Description: \_\_\_\_\_

Note: This form is evidence of compliance with FTA rules and regulations pertaining to Prompt Payment Policies on all federally funded projects.

Note: This form is to be utilized by the general contractor as evidence of payment to all subcontractors for regular work, as well as retainage.

I hereby attest that the information on this form is true and accurate, as stated above.

\_\_\_\_\_  
Signature of Representative

\_\_\_\_\_  
Title of Subcontractor

\_\_\_\_\_  
Name of Subcontractor

\_\_\_\_\_  
Contact Number of Subcontractor

**Attachment D**

**PUTNAM COUNTY, NY - DBE/MWBE UTILIZATION WORKSHEET**

AAPHC 89 TA-W-1037 (2021) PART 1

CONTRACT TA NUMBER	COUNTY(IES)	F.A. PROJECT NO.	PAGE NO.	DATE SUBMITTED																																																																																														
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TELEPHONE NO: (Include area code)																																																																																																		
<p><b>The Contractor shall inform the Project Engineer the dates when the Subcontractor starts and completes all work under the subcontract. When the work performed by the Subcontractor is included in an estimate for payment, labor affidavits, copies of payrolls, etc., are to be submitted in the same manner and numbers as required of the Prime Contractor. This approval may be rescinded at any time in the progress of the work if work of the Subcontractor is determined unsatisfactory.</b></p> <p><b>No work may be assigned by the Subcontractor to a second tier Subcontractor. No work may be performed by a Subcontractor other than that specifically approved by the Putnam County DBE Liaison Officer (DBELO). The signatories below agree that violations of the foregoing may result in no payment by the County for the related work.</b></p> <p><b>No work shall be started by the Subcontractor prior to filing the required insurances. The Contractor and Subcontractor hereby certify that the subcontract is in writing, and contains all the pertinent provisions of the prime contract in regard to Federal and State Laws and Regulations.</b></p>																																																																																																		
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">ITEM NO.</th> <th rowspan="2">Contractor Signature</th> <th rowspan="2">NAME</th> <th rowspan="2">Date</th> <th rowspan="2">Less Than 100%</th> <th colspan="2">Subcontractor Signature</th> <th rowspan="2">Date</th> <th rowspan="2">% to CNT</th> </tr> <tr> <th>\$ SPECIALTY</th> <th>\$ NON-SPECIALTY</th> <th>AGREED AMOUNT \$</th> </tr> </thead> <tbody> <tr><td>1</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>2</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>3</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>4</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>5</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>6</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>7</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>8</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr> <td colspan="5" style="text-align: right;"><b>TOTALS</b></td> <td>\$</td> <td>-</td> <td>\$</td> <td>-</td> <td>\$</td> </tr> </tbody> </table>					ITEM NO.	Contractor Signature	NAME	Date	Less Than 100%	Subcontractor Signature		Date	% to CNT	\$ SPECIALTY	\$ NON-SPECIALTY	AGREED AMOUNT \$	1									2									3									4									5									6									7									8									<b>TOTALS</b>					\$	-	\$	-	\$
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The Subcontractor named above is approved for utilization under the provisions of Standard Specification §102-21. Approval of this worksheet conveys only the Authority's concurrence in the use of the named subcontractor for the items specified, and application of the DBE/MWBE Agreed Amount to the participation goals of the contract. DBELO approval of an Approval to Subcontract (form AAPHC 89) is required prior to subletting or otherwise assigning any part of the contract.

APPROVED FOR THE COMPLIANCE UNIT BY:	DATE APPROVED
	Submit Part 1 & Part 2 to: Barbara.Barosa@putnamcountyny.gov



CONTRACT TA NUMBER	COUNTY(IES)	F.A. PROJECT NO.	PAGE NO.	DATE SUBMITTED
CONTRACTOR NAME AND ADDRESS (include zip code)		SUBCONTRACTOR NAME AND ADDRESS (include zip code)		
TELEPHONE NO: (include area code)	TELEPHONE NO: (include area code)			
<p>The Contractor shall inform the Project Engineer the dates when the Subcontractor starts and completes all work under the subcontract. When the work performed by the Subcontractor is included in an estimate for payment, labor affidavits, copies of payrolls, etc., are to be submitted in the same manner and numbers as required of the Prime Contractor. This approval may be rescinded at any time in the progress of the work if work of the Subcontractor is determined unsatisfactory.</p> <p>No work may be assigned by the Subcontractor to a second tier Subcontractor. No work may be performed by a Subcontractor other than that specifically approved by the DBE Liaison Officer (DBELO). The signatories below agree that violations of the foregoing may result in no payment by the County for the related work.</p> <p>No work shall be started by the Subcontractor prior to filing the required insurances. The Contractor and Subcontractor hereby certify that the subcontract is in writing, and contains all the pertinent provisions of the prime contract in regard to Federal and State Laws and Regulations.</p>	Subcontractor FED. IDENTIFICATION NO.: EST. Beginning Date (Mo. & Yr.) EST. Completion Date (Mo. & Yr.)			
	Contractor Signature _____ Date _____ Less Than 100%			
	Subcontractor Signature _____ Date _____ DBE/MWBE Only Agreed Amount \$:			
1		\$	-	\$
2		\$	-	\$
3		\$	-	\$
4		\$	-	\$
5		\$	-	\$
6		\$	-	\$
7		\$	-	\$
8		\$	-	\$
<b>BELOW FOR OCM USE ONLY</b>		<b>TOTALS</b>		
Original Total Contract Price (Less Specialty Items)		Percent of Original Total Contract Price approved this date		
Percent of Original Total Contract Price previously approved		Percent of Original Total Contract Price approved to date		
APPROVED FOR THE DBELO BY (Name) :		DIV.		Date Approved
				APPROVAL NO.

The Subcontractor named above is authorized to perform work on the above noted contract for the items listed herein. However, a subcontract shall be of no force and effect until approved below.

**INSTRUCTIONS FOR COMPLETING FORM AAPHC 89  
DBE/MWBE UTILIZATION WORKSHEET AND APPROVAL TO SUBCONTRACT**

Prior to contract award, Prime Contractors must obtain written consent of the Putnam County DBE Liaison Officer (DBELO) who identifies certified disadvantaged, minority or women-owned business enterprises that have committed to perform work on a proposed contract. Authority for approval of utilization plans has been delegated to the County of Putnam's Department of Planning, Development, and Public Transportation. The DBE/MWBE Utilization Worksheet is used to describe in item detail the utilization plan for each proposed subcontractor.

The DBE/MWBE Utilization Worksheet and Approval to Subcontract have been designed for use as a single package, form AAPHC 89. When submitting forms for firms included in the Contractor's Utilization Plan, prepare a signed, two part typewritten set of both pages, as described below. Entries made on the Utilization Worksheet will automatically provide data for an Approval to Subcontract except that item-level DBE/MWBE agreed amounts will not be shown on the second page. When submitting forms for firms not included in the Contractor's Utilization Plan, only an Approval to Subcontract is to be completed. All DBE/MWBE Utilization Worksheets are to be submitted directly to the County of Putnam's Department of Planning, Development, and Public Transportation. All Approval to Subcontract forms are to be scanned and submitted via email to Barbara.Barosa@putnamcountyny.gov. The Putnam County DBELO will process the DBE/MWBE Approvals to Subcontract after they have been approved by the County. Approval of the Utilization Worksheet conveys only the County's concurrence in the use of the named subcontractor for the items specified, and application of the DBE/MWBE Agreed Amount to the participation goals of the contract. **APPROVAL BY THE PUTNAM COUNTY DBELO OF AN APPROVAL TO SUBCONTRACT IS REQUIRED PRIOR TO SUBLETTING OR OTHERWISE ASSIGNING ANY PART OF THE CONTRACT.**

**CONTRACT NO.:** Enter contract number if applicable, Example: D251726.

**F. A. PROJECT NO.:** Enter only for Federal Aid projects, Example: I-87-3(177).

**PAGE NO.:** Enter 1 of 1; 2 of 2; etc. Use additional forms as needed.

**DATE SUBMITTED:** Enter date completed forms are submitted to the Compliance Unit or the Office of Construction Management (MO/DAY/YR). For firms included in the Contractor's Utilization Plan, the dates on both pages must agree. If they do not, the request will not be processed.

**CONTRACTOR NAME AND ADDRESS:** Enter name and address (including zip code) and telephone number (including area code) of the Prime Contractor.

**SUBCONTRACTOR NAME AND ADDRESS:** Enter name and address (including zip code) and telephone number (including area code) of the Subcontractor.

**SUBCONTRACTOR FEDERAL IDENTIFICATION NO.:** Enter the Federal employer identification number of the subcontractor.

**EST. BEGINNING DATE:** Enter estimated month and year in which subcontractor work will begin.

**EST. COMPLETION DATE:** Enter estimated month and year in which subcontractor work will be completed.

**SIGNATURES:** Authorized representatives of both the prime and subcontractor sign and date.

**ITEM NO. AND NAME:** Enter each item by Specification number and name. If only part of an item is to be subcontracted, check the "Less Than 100%" box and attach a description of the specific work to be performed to both pages of this form.

**NOTE:** This form is also used to report non-subcontract activities to be purchased from DBE/MWBE sources. Use the following codes under "ITEM NO." and enter dollar amounts for them on form AAPHC 89 under DBE/MWBE ONLY AGREED AMOUNT \$.

ITEM NO	NAME
00.00	Supply of eligible materials
00.01	Provision of eligible manufactured or altered materials
00.02	Rental of equipment
00.05	Provision of security services
99.99	Provision of eligible trucking services

*Attachment E*

*Resolution #157 Approving DBE Program Plan as Amended and DBE Officer*

PUTNAM COUNTY LEGISLATURE

Resolution #157

Introduced by Legislator: Carl L. Albano on behalf of the Physical Services Committee at a Regular Meeting held on August 2, 2022.

page 1

**APPROVAL/ ADOPT PUTNAM COUNTY'S PROPOSED DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM PLAN IN CONFORMANCE WITH AND AS REQUIRED BY THE U.S. DEPARTMENT OF TRANSPORTATION (USDOT) 49 CFR PART 26**

WHEREAS, the U.S. Department of Transportation ("USDOT"), by and through the Federal Transit Administration ("FTA"), provides funding and/or financial assistance to transit providers to, among other things, develop new transportation systems and improve, maintain and operate existing systems; and

WHEREAS, the County of Putnam ("County") is a direct recipient of Federal funding and/or financial assistance, as defined in FTA C 4702.1B (the "Circular"), such funding authorized under Titles I, II, V and VI and, as such, compliance with the respective mandate thereunder is required, more specifically here, to ensure that DBEs have an equitable opportunity to participate in the County's USDOT-assisted contracts, *to wit*: (i) ensure non-discrimination in the award and administration of USDOT-assisted contracts; (ii) create a level playing field on which DBEs can compete fairly for USDOT-assisted contracts; (iii) ensure the County's DBE Program is narrowly tailored in accordance with applicable law; (iv) ensure that only firms that fully meet 49 CFR Part 26, *et seq.*, eligibility standards are permitted to participate as DBEs; (v) help remove barriers to the participation of DBEs in USDOT-assisted contracts; and (vi) promote the use of DBEs in all types of federally-assisted contracts and procurement activities conducted by respective recipients; and

WHEREAS, the County, by and through the Department of Planning, Development and Public Transportation, in furtherance of the aforesaid objectives and as required by the FTA, has prepared, for submission to and approval by the FTA, the Putnam County DBE Program Plan (the "Plan"), supporting the integration into the County's services, programs and activities the considerations, goals and mandate of USDOT 49 CFR Part 26, *et seq.*; and

WHEREAS, the Plan's objectives include, without limitation, ensuring no person shall be excluded from participation in, deny any person the benefits of, or otherwise discriminate against anyone on the basis of race, color, sex or national origin in connection with the award and performance of any contract covered by USDOT 49 CFR Part 26, *et seq.*; now therefore be it

RESOLVED, that the County Executive, together with the Putnam County Legislature, support the County's continued participation in approved FTA services, programs and activities, as well as continue to be a recipient of FTA funding and/or financial assistance therefor; and be it further

RESOLVED, that the County Executive, together with the Putnam County Legislature, approve and adopt the Putnam County DBE Program Plan, which is attached

State of New York

ss:

County of Putnam

I hereby certify that the above is a true and exact copy of a resolution passed by the Putnam County Legislature while in session on August 2, 2022.

Dated: August 4, 2022

Signed: \_\_\_\_\_

Diane Schonfeld  
Clerk of the Legislature of Putnam County

PUTNAM COUNTY LEGISLATURE

Resolution #157

Introduced by Legislator: Carl L. Albano on behalf of the Physical Services Committee at a Regular Meeting held on August 2, 2022.

page 2

hereto and made a part hereof as Schedule A, and support, approve and authorize the Department of Planning, Development and Public Transportation to submit to the FTA for its review and approval the County's DBE Program Plan, which conforms to the mandate set forth and required by USDOT 49 CFR Part 26, *et seq*; and be it further

**RESOLVED**, that this resolution shall take effect immediately.

**BY POLL VOTE: SEVEN AYES. LEGISLATORS CASTELLANO & GOULDMAN WERE ABSENT. MOTION CARRIES.**



State of New York

ss:

County of Putnam

I hereby certify that the above is a true and exact copy of a resolution passed by the Putnam County Legislature while in session on August 2, 2022.

Dated: August 4, 2022

Signed: *Diane Schonfeld*

**Diane Schonfeld**

Clerk of the Legislature of Putnam County