



# **Disadvantaged Business Enterprise Program Description**

**Fiscal Year  
2008-2009**

**Revised September 2008**

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**TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON  
(TRIMET)  
DISADVANTAGED BUSINESS ENTERPRISE (DBE)  
PROGRAM DESCRIPTION**

**I. OBJECTIVES AND POLICY STATEMENT**

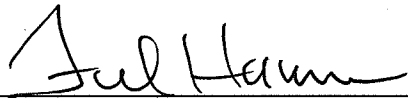
Tri-County Metropolitan Transportation District of Oregon (TriMet) has established this Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (U.S.DOT), 49 CFR Part 26. TriMet has received federal financial assistance from the U.S.DOT,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

TriMet staff will disseminate the policy to all components of our organization. TriMet staff will distribute this statement to DBE and non-DBE business communities that perform work for us on U.S.DOT-assisted contracts. During July and August 2008, TriMet staff will continue to meet with a variety of interested groups to discuss the policy and its specific program elements.

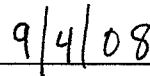
It is the policy of TriMet to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in U.S.DOT-assisted contracts. It is also our policy –

- A. To ensure nondiscrimination in the award and administration of U.S.DOT assisted contracts;
- B. To create a level playing field on which DBEs can compete fairly for U.S.DOT assisted contracts;
- C. To ensure that the DBE Program is fully compliant with applicable law;
- D. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- E. To help remove barriers to the participation of DBEs in U.S.DOT assisted contracts; and;
- F. To assist in the development of firms that can compete successfully in the marketplace outside of the DBE Program. This assistance may include the creation of opportunities for State of Oregon certified Minority, Women-owned, and Emerging Small businesses.

Mr. Bruce M. Watts has been appointed as the DBE Liaison Officer. Mr. Watts is responsible for implementing all aspects of the DBE program in cooperation with TriMet's Procurement and Contracts Department. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by TriMet in its financial assistance agreements with the Department of Transportation.



Fred Hansen, TriMet General Manager



Date

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**TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON  
(TRIMET)  
DISADVANTAGED BUSINESS ENTERPRISE (DBE)  
PROGRAM DESCRIPTION**

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TriMet staff will disseminate the policy to all components of our organization. TriMet staff will distribute this statement to DBE and non-DBE business communities that perform work for us on U.S.DOT-assisted contracts. During July and August 2008, TriMet staff will continue to meet with a variety of interested groups to discuss the policy and its specific program elements.

It is the policy of TriMet to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in U.S.DOT-assisted contracts. It is also our policy –

- A. To ensure nondiscrimination in the award and administration of U.S.DOT assisted contracts;
- B. To create a level playing field on which DBEs can compete fairly for U.S.DOT assisted contracts;
- C. To ensure that the DBE Program is fully compliant with applicable law;
- D. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- E. To help remove barriers to the participation of DBEs in U.S.DOT assisted contracts; and;
- F. To assist in the development of firms that can compete successfully in the marketplace outside of the DBE Program. This assistance may include the creation of opportunities for State of Oregon certified Minority, Women-owned, and Emerging Small businesses.

Mr. Bruce M. Watts has been appointed as the DBE Liaison Officer. Mr. Watts is responsible for implementing all aspects of the DBE program in cooperation with TriMet's Procurement and Contracts Department. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by TriMet in its financial assistance agreements with the Department of Transportation.

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Fred Hansen, TriMet General Manager

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Date

## **II. DEFINITIONS OF TERMS**

The definitions of terms contained in 49 CFR §26.5 shall be used as definitions in the TriMet DBE program and are hereby incorporated by reference.

## **III. NONDISCRIMINATION**

TriMet 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 Code of Federal Regulations (CFR) 49 CFR Part 26, effective March 4, 1999, on the basis of race, color, sex, or national origin.

In administering its DBE program, TriMet 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. In order to foster its overall objectives related to these important issues, TriMet may utilize contractual or other arrangements and may use criteria or methods of administration that support creation of opportunities for State of Oregon certified Minority, Women-owned and Emerging Small businesses.

## **IV. DBE PROGRAM UPDATES**

TriMet will continue to carry out this program until all funds from U.S.DOT financial assistance have been expended. TriMet will provide to U.S.DOT updates representing significant changes in the program.

## **V. QUOTAS, SET-ASIDES OR PREFERENCES**

TriMet shall not use quotas, set-asides or preferences in the design or administration of this DBE program.

## **VI. DBE LIAISON OFFICER (DBELO)**

TriMet has designated the following individual as our DBE Liaison Officer (DBELO):

Mr. Bruce M. Watts, Senior Director  
Diversity & Transit Equity  
710 NE Holladay Street  
Portland, Oregon 97232-2168  
(503) 962- 2217  
E-mail: [wattsb@trimet.org](mailto:wattsb@trimet.org)

In that capacity, Mr. Watts is responsible for implementing all aspects of the DBE program and ensuring that TriMet complies with all provisions of 49 CFR Part 26. Mr. Watts has direct, independent access to the TriMet General Manager concerning DBE program matters. Mr. Watts will work closely with TriMet's Procurement and Contracts Department to develop, implement and monitor the DBE program.

Duties and responsibilities of the DBELO will include the following:

1. Gathers and reports statistical data and other information as required by U.S.DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual aspirational goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Analyze contracts and procurements for DBE aspirational goal inclusion in solicitations and monitors results.
6. Analyzes TriMet's progress toward aspirational goal attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises TriMet's General Manager and Board of Directors on DBE matters and achievement.
9. Determine contractor compliance with good faith efforts.
10. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
11. Plans and participates in DBE training seminars.
12. Monitors the Uniform Certification Process in Oregon for conformance with the criteria set by U.S.DOT and acts as liaison to State of Oregon Office of Minority, Women and Emerging Small Business (OMWESB) regarding the certification process.
13. Provides outreach to DBEs and community organizations to advise them of opportunities.
14. Maintains TriMet's updated directory of certified DBEs.

#### Other Support Personnel

Personnel from TriMet's Procurement and Contracts Department share the responsibility for ensuring the effective implementation of the DBE Program. They shall give full cooperation and active support to the DBELO and designees in this effort. Superiors, as part of their tasks and standards, shall evaluate their performance in this area.

#### Contract Administration/Project Management Staff

Provide the DBELO with draft scopes of work/specifications for projects and RFPs to enable aspirational goal setting. Outreach to DBEs and where applicable, development of appropriate DBE language.

1. Provide the DBELO with copies of all final IFBs, RFPs, mailing lists and advance notices.
2. Incorporate DBE aspirational goal and appropriate DBE language into IFBs and RFPs.
3. Inform the DBELO of any changes to IFBs or RFPs.
4. Forward copies of bids to the DBELO for evaluation of compliance with DBE requirements.
5. Allocate appropriate resources to participate with the DBELO's staff at major trade fairs targeted to DBEs.
6. Incorporate all applicable DBE provisions for procurements with aspirational goals.
7. Alert the DBELO of any potential problems concerning DBE utilization during contract administration.
8. Ensure that RFPs do not contain unnecessary requirements which could unduly restrict or eliminate small businesses from competition

## **VII. FEDERAL FINANCIAL ASSISTANCE AGREEMENT ASSURANCE**

TriMet has signed the following assurance, applicable to all U.S.DOT-assisted contracts and their administration:

TriMet shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S.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 U.S.DOT assisted contracts. The recipient's DBE Program, as required by 49 CFR Part 26 and as approved by U.S.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 TriMet of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR 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.).

## **VIII. DBE FINANCIAL INSTITUTIONS**

It is the policy of TriMet 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 U.S.DOT-assisted contracts to make use of these institutions. TriMet has made the following efforts to identify and use such institutions: TriMet has contacted the office of Oregon Minority and Women Owned Business (OMWESB), Oregon Association of Minority Enterprises (OAME), the Associated General Contractors of America (AGC) and other alliances in the community.

- A. Oregon Association of Minority Entrepreneurs Credit Corporation (OAMECC)  
4134 N. Vancouver Avenue  
Portland, OR 97211  
(503) 249-7744

OAMECC is a § 501(c)(3) corporation (operated for charitable purposes and exempt from Federal income taxes) wholly owned by Oregon Association of Minority Entrepreneurs, working in partnership with public and private lending institutions in the State of Oregon, major corporations, and grant institutions, to make capital accessible to socially and economically disadvantaged businesses in Oregon. OAMECC manages its own loan fund.

Information on the availability of such institutions can be obtained from the DBE Liaison Officer.

## **IX. DBE DIRECTORY**

The State of Oregon's Office of Minority, Women and Emerging Small Business (OMWESB) of the Department of Consumer and Business Services maintains the main directory. The directory identifies all firms eligible to participate as DBEs. The directory lists the firm's name, address, and phone number, date of most recent certification, and the type of work the firm has been certified to perform as a DBE. OMWESB updates the directory daily. TriMet also maintains an in-house directory of DBE certified firms. These firms have been certified by the State of Oregon or comparable program outside the State. The in-house directory contains the firm's name, address, phone number, company philosophy, core values, 3 previous projects, insurance and safety rating, and service provided. Updates to the in-house directory are made on an as needed basis. TriMet's in-house directory only contains active certified DBE firms. Parties interested in obtaining the main directory may contact OMWESB directly or may obtain the in-house directory from TriMet. The OMWESB directory (current as of August 1, 2006) may be found in Attachment B to this document.

State of Oregon Office of Minority, Women and Emerging Small Business  
350 Winter St. NE, Room 21  
Salem, Oregon 97310  
(503) 947-7976  
Website: [www.cbs.state.or.us/external/omwesb/](http://www.cbs.state.or.us/external/omwesb/)

TriMet Diversity and Transit Equity  
4012 SE 17th Ave.  
Portland, Oregon 97202  
(503) 947-2217  
Website: [www.trimet.org/business/dbe](http://www.trimet.org/business/dbe)

## **X. OVERCONCENTRATION**

TriMet has not currently identified over-concentration in any of the types of work that are the subject of its procurements. TriMet will continue to monitor over-concentration as an issue for this program through its examination of availability data. The potential for over-

concentration is a standard component of TriMet's analysis of the availability of minority contractors within the relevant trade groups and within the relevant market area.

## **XI. BUSINESS DEVELOPMENT PROGRAM(S) (BDP)**

TriMet will provide race-neutral and gender-neutral means of participation through the development of TriMet's Small Business Development Programs. Each year the DBELO and the Director of Procurement will facilitate at least two small business events, which may be coordinated with other U.S.DOT recipients and open to all small businesses.

Small businesses will be invited to meet with TriMet's DBE Program, Procurement department staff and learn about TriMet's contracting opportunities and how to do business with TriMet. TriMet staff will have an opportunity to become acquainted with qualified business owners who are interested in supplying services and products to TriMet. In addition, the DBELO will provide information on DBE certification and DBE program requirements and procedures. These events will include procedures explaining how to do business with TriMet and explore best business practices, which may be used to market small businesses to TriMet.

### **A. DBE Supportive Services Program**

Contingent upon availability of Federal Transit Administration funds, TriMet will provide supportive services through consultant contractors to DBEs who are interested in participating in construction projects. The purpose of supportive services is to increase the number of socially and economically disadvantaged firms participating in construction projects and to contribute to the growth and eventual self-sufficiency of the DBE firms.

## **XII. REQUIRED CONTRACT CLAUSES**

### **A. Contract Assurance**

TriMet will ensure that the following clause is placed in every U.S.DOT-assisted contract and subcontract:

The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of U.S.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.

### **B. Prompt Payment**

TriMet will include the following clause in each U.S.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 ten (10) working days from the receipt of each payment the prime contractor receives from TriMet. The prime contractor agrees further to return retainage payments to each subcontractor within

10 working 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 TriMet. This clause applies to both DBE and non-DBE subcontractors.

The contractor must maintain records of all subcontracts entered into with DBEs and records of materials purchased from DBE suppliers. Such records shall show the name and business address of each DBE subcontractor or vendor and the total dollar amount actually paid to each DBE subcontractor or vendor.

The contractor must also submit to the Project Manager's office an affidavit certifying that payment was made to the DBE subcontractor or supplier, to be signed by both the prime contractor and DBE. Such an affidavit must be submitted during the project any time a progress or final payment is made to a DBE, and when any retainage held is returned. A summary certification affidavit must be submitted at the completion of the project.

The participation of a DBE Subcontractor will not be credited towards the prime contractor's DBE achievements, or the overall aspirational goal, until the amount being counted toward the aspirational goal, and any retainage held by the prime contractor has been paid to the DBE.

1. DBE Supplemental Required Contract Provisions:

Failure of any contractor to meet the DBE Supplemental Required Contract Provisions and program authorities shall constitute a breach of contract for which the imposition of the following sanctions may include but is not limited to the following:

- a. Temporarily withholding progress payments until the contractor complies with these contract provisions where possible through future performance.
- b. Permanently withholding payment for work already performed in a manner that constitutes a breach of contract.

### **XIII. MONITORING AND ENFORCEMENT MECHANISMS**

TriMet will bring to the attention of the U.S. Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that U.S.DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the U.S.DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in §26.109. TriMet will also consider similar action under its own legal authorities, including responsibility determinations in future contracts.

#### **A. Prime Contractor**

1. Contractor's DBE Liaison Officer

The DBE Supplemental Required Contract Provision requires the contractor to designate a DBE liaison officer to administer the contractor's DBE Program. The name of this individual will be provided to TriMet Project Management staff at the pre-construction conference.

## 2. Submission of Subcontracts

The contractor must enter into subcontracts with the DBEs identified in the contractor's Committed DBE Breakdown and Certification Form for the bid items and amounts specified therein. These agreements must be submitted for consent prior to the start of work under the subcontract. All applicable federal and state provisions must be included in the subcontracts.

## XIV. ASPIRATIONAL GOAL DEVELOPMENT

### A. Overall Annual DBE Aspirational goal

TriMet, as the principal recipient of Federal-aid funds, must set an overall aspirational goal for DBE participation in U.S.DOT assisted contracts. The overall aspirational goal will provide for participation by all certified DBEs and will not be subdivided into group specific aspirational goals. Further, no contractor will be subject to a quota, set aside, or preference.

### B. Aspirational Goal Amount

The General Manager of TriMet shall establish an overall aspirational goal on a fiscal year basis for the participation of DBEs in all budgeted contracts utilizing Federal-aid funds. The overall annual aspirational goals will be expressed as a percentage of the total amount of relevant portions of TriMet's FY08 budget. TriMet's overall aspirational goal is based on demonstrable evidence of the availability of ready, willing and able DBEs available to participate on U.S.DOT assisted contracts.

TriMet has identified approximately \$42,640,000 from its federally assisted capital fund. Out of the federal capital fund assistance TriMet receives from U.S.DOT, TriMet's aspirational goal for FY 2008-2009 is to expend \$6,951,218 (16.23%) utilizing DBE contractors.

TriMet has identified approximately \$19,967,684 from its federally assisted operating fund. TriMet's aspirational goal is to award at least \$51,543 (.26%) to DBE primes or subcontractors on operating fund projects assisted by U.S.DOT.

Therefore, TriMet's overall DBE aspirational goal is (11.15%), applicable to \$62,807,684 of identified budget to be assisted by U.S.DOT.

## XV. METHOD

TriMet has utilized data from a variety of external sources, in order to develop a reasonable aspirational goal setting methodology.

The following is a summary of the method TriMet used to calculate this aspirational goal:

### A. Capital Fund - Base Figure - Determining Relative DBE Availability

The base figure for DBE availability utilizes baseline data from the *Oregon Regional Consortium Disparity Study*, a 1996 analysis conducted by local governments in the Portland metropolitan area. That study reflected the following percentage breakdown by

ethnicity of availability in the local construction trades of prime and subcontractor firms willing and able to perform public contracts let at \$500,000 and under.

The study indicated that the cumulative total of all non-Caucasian male firms comprises 23.18% of the willing and able participants in this market. For FY 2008-2009, TriMet will use this percentage as its base.

#### B. Capital Fund - Adjustment to Base Figure

The base percentage of 23.18% is predominantly a reflection of construction-related contracting activity. However, for FY2008-2009, TriMet's construction-related contracting activity is again lower than when the Disparity Study was conducted. Because of this fact, a reduction to the base percentage is warranted. TriMet will therefore utilize 70% of the base, for an adjusted (and rounded) overall percentage of 16.23% on federal capital fund projects.

#### C Operating Fund

This year, TriMet is again updating its DBE Program Plan by adding a methodology for DBE aspirational goals on non-capital funded projects. TriMet has determined that it will target approximately \$19,967,684 from its federally assisted operating fund. A two-step process was used to determine DBE aspirational goals for these procurements. In step 1, base figures were calculated to determine the relative availability of DBEs in specific areas of expertise using Oregon Employment Division (OED) reports and Office of Minority, Women and Emerging Small Business (OMWESB) data. In step 2, an assessment of known relevant evidence available to TriMet, the data in three NAICS codes: #485 Transit and Ground Transportation, #488 Support Activities Transportation and #811 Repair and Maintenance, was analyzed to determine what adjustments, if any, were needed to narrowly tailor base figures to TriMet's marketplace. TriMet's data of the actual DBE participation in U.S.DOT assisted contracts during the previous fiscal year was considered to adjust the base figures. TriMet's aspirational goal is to award at least \$51,543 to DBE primes or subcontractors on operating fund projects assisted by U.S.DOT.

Therefore, out of the \$62,807,684 the capital funded projects plus specifically identified operating fund projects, TriMet expects 11.15% overall DBE participation.

#### D. Race Neutral Analysis

The U.S.DOT regulations require that the maximum feasible portion of the DBE Overall Annual Aspirational Goal be met by using race-neutral methods. Once the overall annual aspirational goal is proposed, the DBELO and the Director of Procurement analyze and project the maximum feasible portion of that aspirational goal that can be achieved by using race-neutral methods. This analysis is a review of past contracting history with information including, but not limited to:

1. DBE participation as prime contractors on U.S.DOT assisted contracts;
2. DBE participation on projects where no DBE aspirational goals have been established;

3. DBE participation on prime contracts exceeding contract aspirational goals;
4. DBE participation on projects as non-committed DBE subcontractors.

TriMet's Race Neutral analysis is based on actual payments to DBEs through the first six months of 2007-2008. In relationship to the current year target for such payments of \$24,264,794, through March 31, 2008, TriMet had paid \$17,162,760 to DBEs or 70.73% of target. TriMet expects to meet 100% of the 2007-2008 target by September 30, 2008. Because all payments to date have been through contracts without a DBE specific contract aspirational goal. TriMet fully anticipates that its FY 2008-2009 aspirational goal of 11.15% will be met solely throughout the use of race-neutral measures.

E. Transit Vehicle Manufacturers (TVM)

TriMet 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, TriMet may, at its discretion and with FTA approval, establish project-specific aspirational goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

F. Process/Public Participation

TriMet will submit its overall aspirational goal to U.S.DOT by September 1<sup>st</sup> of each year.

1. TriMet will publish a notice by August 19th of each year of the proposed overall aspirational goal, informing the public that the proposed aspirational goal and its rationale are available for inspection during normal business hours at TriMet's offices for 30 days following the date of the notice, and informing the public that TriMet and the U.S.DOT will accept comments on the aspirational goals for 45 days from the date of the notice. Any comments received during the Public Comment period will be forwarded to U. S. DOT under separate cover. Notice will be made through the following publications: *The Oregonian*, *Daily Journal of Commerce*, *El Hispanic News*, *Skanner Newspaper*, *The Portland Observer* and *The Asian Reporter*. Notice will also be added to our website at: <http://www.TriMet.org/bidding.htm>. See Attachment C for public notice information for fiscal year 2007-2008.
2. TriMet will retain for its files, any comments received during the 45 days comment period. In the case that received comments would suggest the need for a plan amendment, such amendment would be forwarded to U.S. DOT by November 1 of each year.
3. TriMet will begin using the overall aspirational goal on October 1 of each year, unless TriMet has received other instructions from U.S.DOT.

## **XVI. CONTRACT ASPIRATIONAL GOALS**

In the event that race-neutral measures are insufficient to meet aspirational goals and the reason for this deficiency is the consequence of past or present discrimination, TriMet will use contract aspirational goals adequate to remedy the effects of discrimination. TriMet will establish contract aspirational goals only on those U.S.DOT-assisted contracts that have subcontracting possibilities. TriMet need not establish a contract aspirational goal on every

such contract. No contractor is required to satisfy the aspirational goal so long as good faith efforts are shown. In addition, the use of race conscious aspirational contract goals will not be applied where a defined DBE group on a project would exceed the percentage of available firms within the group. Prior to solicitation of bids, the DBELO, the Director of Procurement, and the Project Manager(s) to identify work that could be performed by DBEs review all proposed federal-aid projects. The procedure and criteria used in assigning contract specific aspirational goals shall include:

- A. Project location, size, duration, and dollar value.
- B. Consider the nature of project (type of work and potential scheduling and coordination work).
- C. Availability of DBE firms that perform identified sub-contractible items.
- D. Any other relevant criteria.

## **XVII. GOOD FAITH EFFORTS**

Whenever contract aspirational goals are utilized, the following are elements of TriMet's good faith analysis program

### **A. Information to be submitted**

TriMet treats bidders/offerors' compliance with good faith efforts requirements as a matter of responsiveness.

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

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract aspirational 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 aspirational goal is not met, evidence of good faith efforts.

### **B. Demonstration of Good Faith Efforts**

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 aspirational goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to 49 CFR Part 26.

The following person is initially responsible for determining whether a bidder/offeror who has not met the contract aspirational goal has documented sufficient good faith efforts to be regarded as responsive:

Jim Fronk, Director of Procurement & Contracts  
4012 SE 17th Avenue  
Portland OR 97202  
(503) 962-4953  
E-mail: fronkj@trimet.org

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

#### C. Administrative Reconsideration

Within five (5) days of being informed by TriMet that the apparent successful bidder/offeror may have failed to meet the requirements of the program 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:

Bruce M. Watts, Diversity and DBE Programs Manager  
710 NE Holladay Street  
Portland, OR 97232-2168  
(503) 962-2217  
E-mail: wattsb@trimet.org

1. For bids under \$100,000, the reconsideration official will review the request. As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether their company met the aspirational goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with TriMet's reconsideration official to discuss the issue of whether it met the aspirational goal or made adequate good faith efforts to do. TriMet will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the aspirational goal or make adequate good faith efforts to do so the result of the reconsideration process is not administratively appeal able to the Department of Transportation.
2. For bids over \$100,000, TriMet's General Manager or his/her designee(s) will review reconsideration. As part of this review the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether their company met the aspirational goal or made adequate good faith efforts to do so. The bidder/offeror must send a written request two weeks before the monthly Board meeting to the reconsideration official stated above. The bidder/offeror can present his/her argument to the General Manager or designee(s) and state whether it met the aspirational goal or made adequate good faith efforts to do. The General Manager will make a determination and then send the bidder/offeror a written decision explaining the basis for finding that the bidder did or did not meet the aspirational

goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

D. Good Faith Efforts When a DBE is Replaced on a Contract

TriMet 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 aspirational goal. TriMet 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, TriMet will require the prime contractor to obtain our 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, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may initiate a termination for default proceeding.

## **XVIII.COUNTING DBE PARTICIPATION**

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

A. Counting DBE Participation Towards Meeting Annual Aspirational Goals

Only the work actually performed by a DBE will be counted toward the DBE aspirational goal. The cost of supplies and materials obtained by the DBE or equipment leased (except from the prime contractor or its affiliate) may also be counted.

Expenditures may only be counted if the DBE is performing a commercially useful function. A DBE shall perform at least thirty percent (30%) of the total costs of its contract with its own work force.

If materials or supplies are obtained from a DBE manufacturer, one hundred percent of the cost will be counted. If the materials and supplies are purchased from a DBE regular dealer, sixty percent of the cost will be counted.

DBE achievement will not be counted toward the overall aspirational goal until the DBE has been paid. The DBELO will track the participation of DBEs in aspirational goal specific contracts separately from the participation of DBEs that is considered race neutral. Additionally, if certification is removed during the performance of the contract, the DBELO will not count that portion of DBE participation that is achieved after certification of the DBE has been removed. Counting DBE Participation Towards Meeting Annual Aspirational goals of Sub-Recipients.

1. Sub-Recipients Adopting the TriMet Program Document

Credit shall be authorized or deducted per the requirements of part A of this section, regardless of whether or not TriMet or the sub-recipient is the contracting agency. Sub-recipients shall be required to submit quarterly reports to TriMet demonstrating

their aspirational goal attainment to date in a manner consistent with the requirement of 49 CFR 26 reporting requirements.

## 2. Sub-Recipients With A TriMet Approved Program Document

Sub-recipients falling into this category shall be required to submit quarterly reports to TriMet demonstrating their aspirational goal attainment to date in a manner consistent with the requirements of 49 CFR 26 reporting requirements. Sub-recipients shall authorize or deduct credit for work performed by DBEs, per the requirements of part A of this section, regardless of whether TriMet or the prime contractor is the contracting agency. TriMet shall include in its quarterly report to FTA the status of sub-recipient aspirational goal activities falling within this category.

## **XIX. GUIDELINES FOR DBE CERTIFICATION**

### A. Certification Program (CP)

As provided under 49 CFR 26, only firms owned and controlled by socially and economically disadvantaged person(s) are to benefit from the DBE Program. While TriMet retains responsibility for assuring certification of DBEs is performed consistent with 49 CFR 26 standards, the certification Agency for the State of Oregon is the Office of Minority, Women and Emerging Small Businesses (OMWESB). Certification authority for the TriMet DBE Certification Program Component has been delegated to OMWESB.

OMWESB provides staff to conduct DBE certification, re-certification, de-certification, appeals, challenges, investigations of third party allegations, and public awareness activities pertaining to certification programs. The office became the certification authority for state programs under Oregon Revised Statutes (ORS) Chapter 200, in January 1988 (see Attachment D). The Oregon Department of Justice provides legal counsel for OMWESB.

TriMet maintains a directory identifying all firms eligible to participate as DBEs. See Section VIII above and Attachment B for information regarding this directory.

Attachment A describes OMWESB's current guidelines for certification as of the effective adoption date of this program.

## **XX. INFORMATION COLLECTION AND REPORTING**

### A. Bidders List

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

TriMet will collect this information in the following ways:

TriMet will require all prime contractors bidding on U.S.DOT-assisted contracts to return, at the time of bid opening (options apply as to the time this information is required so

long as it is prior to the award of the contract), the following information about the prime contractor and all subcontractors who provided a bid or were contracted by the prime:

1. Firm name
2. Firm Address
3. Firm's status as a DBE or non-DBE
4. Age of the firm
5. Annual Gross Receipts for the firm

TriMet will use this information to maintain and update its Bidders List.

#### B. Monitoring Payments to DBEs

TriMet 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 TriMet or U.S.DOT. This reporting requirement also extends to any certified DBE subcontractor.

TriMet will maintain a database tracking system to monitor and report actual payments to DBE firms for work committed to them at the time of contract award.

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

#### Reporting to U.S.DOT

TriMet will report DBE participation on a bi-annual basis, using U.S.DOT Form 4630. These reports will reflect payments actually made to DBEs on U.S.DOT assisted contracts.

#### C. Confidentiality

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

## **XXI. ATTACHMENTS**

### **Attachment A The Office of Minority, Women and Emerging Small Businesses (OMWESB) DBE Certification Guidelines**

#### **1. Certification Eligibility Requirements**

##### **a. Application Procedure**

TriMet will ensure that only firms certified as eligible DBEs participate as DBEs in the DBE program. All firms seeking certification with TriMet are required to submit notarized applications to the OMWESB.

OMWESB will ensure that the applicant attests to the accuracy and truthfulness of the information on the application form. This shall be done either in the form of an affidavit sworn to by the applicant before a person authorized by state law to administer oaths or in the form of an unsworn declaration executed under penalty of perjury of the laws of the United States. OMWESB will review all information in the form prior to making a decision about the DBE eligibility of the firm.

The applicant will also be required to submit the following:

- 1) A signed, notarized certification of disadvantage (including a narrative if the individual is demonstrating disadvantage on an individual basis); and
- 2) A signed notarized statement of personal net worth with supporting documentation.

OMWESB will not impose an application fee for firms to participate in the DBE certification process.

OMWESB will safeguard from disclosure to unauthorized persons any and all information gathered as part of the certification process that may be regarded as proprietary or their confidential business information, consistent with applicable federal, state, and local laws.

Failure of the applicant to provide all necessary information and documentation as required shall constitute the basis for denying certification.

##### **b. Burdens of Proof**

The firm seeking certification has the burden of demonstrating to OMWESB, by a preponderance of the evidence, that it meets the requirements concerning group membership or individual disadvantage, business size, ownership and control. OMWESB will make determinations concerning whether individuals and firms have met the burden of demonstrating group membership, ownership, control, and social and economic disadvantage by considering all the facts in the record, viewed as a whole. A record is defined as all material submitted to OMWESB by the firm seeking certification and any other information available to OMWESB in performing its investigation.

c. Criteria for Evaluating an Applicant's Eligibility

The following standards are used by OMWESB in determining whether a firm is owned and controlled by one or more disadvantaged individuals and whether such firm is eligible to be certified as a DBE (49 CFR 26, Subpart D).

1) Business Size

To be an eligible DBE, a firm (including its affiliates) must be an existing small business as defined by SBA standards. OMWESB will apply current SBA business size standards found in 13 CFR Part 121 appropriate to the types of work the firm seeks to perform in U.S.DOT-assisted contracts. Even if the firm meets the SBA requirements, a firm is not an eligible DBE in any federal fiscal year if the firm (including affiliates) has had average annual gross receipts as defined by SBA regulations over the firm's previous three (3) fiscal years in excess of \$19.57 Million, as adjusted for inflation from time to time by U.S.DOT.

2) Social and Economic Disadvantage Status

Once an applicant firm is determined to be a small business, social and economic disadvantage is to be reviewed if the firm is applying for disadvantaged business status. Guidance for determining social and economic disadvantage is provided under Appendix E to 49 CFR 26. Social and Economic disadvantaged status may be conferred upon applicant firms in instances where the firm:

- a) Has been granted 8(a) certification by the Small Business Administration.
- b) Is owned and controlled by one or more women or a member(s) of one of the minority groups designated in 49 CFR 26.67.
- c) Is owned and controlled by an individual(s) who, although not a woman or member of one of the minority groups designated in 49 CFR 26, establishes social and economic disadvantage based on identification with another group.

3) 8(a) Status

If a firm applying for certification has a current, valid certification from or recognized by the SBA under the 8(a) or small and disadvantaged business (SDB) program (except an SDB certification based on the firm's self-certification as an SDB), TriMet may accept the firm's 8(a) or SDB certification in lieu of conducting its own certification proceeding, or TriMet may accept the certification of another U.S.DOT recipient for this purpose. In cases where the state has evidence that an 8(a) certified firm does not meet the small business size standards, the state will deny certification to the firm. In these situations, the state will also refer the information to the SBA.

Notwithstanding the above, 8(a) firms also certified under 49 CFR 26 must perform the work under contract in accordance with 49 CFR 26 in order for the work to be credited toward aspirational goal accomplishment. Further, the state may impose sanctions on 8(a) firms for violating the requirements of the DBE program. These sanctions may include denial of credit to DBE aspirational

goals, suspension, debarment, and removal from the state's DBE directory based on changes in the 8(a) firm's ownership and control.

#### 4) Minority Group Membership

In cases where the applicant claims social and economic disadvantage based on membership in one of the designated minority groups, the state shall ensure that the applicant's minority status is clearly established. Once minority status is established, the applicant shall be presumed to be socially and economically disadvantaged. This means that the applicant's social and economic disadvantage status is established as a fact until the presumption is effectively rebutted. However, the state is expected to require even members of the designated minority groups to prove their disadvantaged status if reasonable status if reasonable evident to rebut the presumption is available to the state.

For the purposes of certification, OMWESB will presume that members of the groups identified herein are socially and economically disadvantaged unless the presumption is rebutted. These individuals do not have the burden to prove they are socially and economically disadvantaged. However, if OMWESB has reason to question whether an individual is a member of such a group, OMWESB will require the individual to produce appropriate documentation of group membership. In making a group membership determination, OMWESB will consider: 1) whether or not the person has held himself/herself out to be a member of the group over a long period of time prior to application for certification; and 2) whether the person is regarded as a member of the group by the relevant community. If OMWESB determines an individual is not a member of a designated group, the individual must demonstrate social and economic disadvantage on an individual basis. OMWESB's decision concerning membership in a designated group will be subject to certification appeals procedures.

Individuals who are United States citizens (or lawfully admitted residents) who are also members of the following designated groups will be presumed to be socially and economically disadvantaged:

Black Americans	Origins in any black racial groups of Africa.
Hispanic Americans	Mexican, Puerto Rican, Cuban, Central or South American, Portuguese or other Spanish culture or origin regardless of race.
Asian-Pacific Americans	Origins in Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the US Trust Territories of the Pacific, and the Northern Marianas.
Native Americans	American Indians, Eskimos, Aleuts or Native Hawaiians.
Subcontinent Asian Americans	Origins in India, Pakistan or Bangladesh.

Women	Persons of the female gender.
Other Minorities	Other minorities found to be disadvantaged by SBA.

Individuals identified by the Small Business Administration to be socially and economically disadvantaged under Section 8(a) of the Small Business Act as amended [15 USC 637(A)] are conclusively presumed to be socially and economically disadvantaged.

#### 5) Individual Determinations

Finally, persons who are not members of one of the designated minority groups may request the state to make an individual determination that they are socially and economically disadvantaged. The state may, at its discretion, make these individual determinations consistent with the guidance in 49 CFR 26, appendix E, or refer such cases to the SBA where they may apply for 8(a) status. Examples of factors that may be evaluated in making a determination are:

- a) Do the individuals have a chronic physical handicap, which has restricted and still restricts professional acceptance, employment or business mobility? If so, explain fully.
- b) Has the individual's cultural or social background resulted in chronic underemployment, limited educational opportunities or personal deprivation? If so, explain fully.
- c) Has the individual experienced low-income status because of apparent discriminatory practices? If so, explain precisely how such discriminatory practices led to your having limited access to needed technical, financial, or management resources and equal opportunity in obtaining contracts.

Outline other specific and pertinent examples of chronic social and economic disadvantage not covered above.

#### 6) Rebuttable Presumption of Disadvantage Status

The presumption of social and economic disadvantage operating in favor of the designated minority groups may be rebutted at any time before or after certification.

If the state comes into possession of credible information that would lead a reasonable person to believe that a minority individual is not socially or economically disadvantaged, the presumption is no longer operative and the burden of proof shifts back to the applicant. The existence of the presumption does not mean that the certifying agency must ignore obvious evidence that any applicant for certification is not socially or economically disadvantaged unless a third party brings a challenge. It means, rather, that in the absence of such evidence, it must presume that a minority or woman applicant is socially and economically disadvantaged, and cannot require the applicant to prove it.

Practically speaking, the existence of clear evidence that an otherwise qualified minority applicant is not disadvantaged puts such applicant in a position similar to a challenged minority or an individual claiming disadvantage who is not a member of a designated group. If the state tentatively determines, on its own initiative based on such clear evidence, that the owner of the firm is not socially and economically disadvantaged, the state should ensure that the owners are afforded procedural safeguards equivalent to that provided in the case of third party challenges.

#### 7) Ownership and Control

Once business size and social and economic disadvantage status has been determined, ownership and control must be evaluated to ensure that firms applying for DBE certification are in fact independent firms, owned and controlled by one or more socially and economically disadvantaged individuals. Similarly, firms applying for DBE certification on the basis of female ownership must be evaluated to ensure that they are independent and are owned and controlled by women. An independent firm is one that the viability of which does not depend on its relationship with another firm or firms.

Under operational control means, the applicant must have an overall understanding of and managerial and technical competence and experience directly related to the business operations.

To determine managerial control, the applicant must demonstrate that they possess the power to direct or cause the direction of the management and policies of the firm.

Applicant firms jointly owned by husband and wife will be treated the same irrespective of whether the state has a community property law. The OMWESB will determine eligibility by ensuring that the firm is in fact at least 51 percent owned by the woman and the woman who owns it controls the firm's management and daily business operations. In reaching that conclusion, the OMWESB will determine whether the firm meets the eligibility standards contained in 49 CFR 26.

#### 8) Personal Net Worth

An individual, whose personal net worth exceeds \$750,000.00, excluding personal residence and interest in the business, shall not be deemed to be economically disadvantaged.

The OMWESB will obtain a signed and notarized statement of personal net worth from all persons who claim to own and control a firm applying for DBE certification and whose ownership and control are relied upon for DBE certification. These statements will be accompanied by appropriate supporting documentation.

Each socially and economically disadvantaged individual owner must demonstrate that s/he does not have a personal net worth exceeding \$750,000. In determining net worth, OMWESB will exclude an individual's ownership

interest in the applicant firm and the individual's equity in his/her primary residence. If the individual's personal net worth exceeds \$750,000, the individual's presumption of economic disadvantage based on group membership or the individual's demonstration of economic disadvantage will be conclusively rebutted without any further formal proceedings.

When an individual's presumption of social and/or economic disadvantage has been rebutted, his/her ownership and control of the firm cannot be used for the purpose of DBE eligibility unless and until s/he makes an individual showing of social and/or economic disadvantage in the future. If the basis for rebutting the presumption is a determination that the individual's personal net worth exceeds \$750,000, the individual will no longer be eligible for participation in the program and cannot regain eligibility by making an individual showing of disadvantage.

d. Other Considerations

1) Commercially Useful Function

OMWESB will not consider commercially useful function issues in any way in making decisions about whether to certify a firm as a DBE. Consideration of whether a firm performs a commercially useful function or is a regular dealer pertain solely to counting toward DBE aspirational goals any participation of firms which have already been certified as DBEs.

2) Pattern of Conduct

In making certification decisions, OMWESB will consider whether a firm has exhibited a pattern indicating its involvement in attempts to evade or subvert the intent or requirements of the DBE program.

3) Present Circumstances

OMWESB will evaluate the eligibility of a firm on the basis of present circumstances and will not refuse to certify a firm based solely on historical information indicating lack of ownership or control by socially and economically disadvantaged individuals at some time in the past, if the firm currently meets ownership and control standards. OMWESB will not refuse to certify a firm solely on the basis that it is a newly formed firm.

4) DBE Cooperation

OMWESB expects DBE firms and firms seeking DBE certification to cooperate fully with requests for information relevant to the certification process. Failure or refusal to provide such information is a ground for denial or removal of certification.

5) For-Profit Firms

Only firms organized for profit may be eligible for DBEs. Not-for-profit organizations, even though controlled by socially or economically disadvantaged individuals, are not eligible to be certified as DBEs.

6) Subsidiaries and Affiliates

An eligible DBE firm must be owned by individuals who are socially and economically disadvantaged. Except, as provided by this policy, a firm that is not owned by such individuals, but instead is owned by another firm even a DBE firm cannot be an eligible DBE.

7) Prequalification

OMWESB will not require a DBE firm to be prequalified as a condition for certification unless OMWESB requires all firms that participate in its contracts and subcontracts to be prequalified.

8) Tribal Organizations

OMWESB recognizes that a firm owned by an Indian tribe, Alaska Native Corporation, or Native Hawaiian organization as an entity, rather than by Indians, Alaska Natives, or Native Hawaiians as individuals, may be eligible for certification as long as such firm meets the size standards and is controlled by socially and economically disadvantaged individuals.

e. Joint Venture

A joint venture is eligible if the DBE partner of the joint venture meets the standards for an eligible DBE set forth above and the DBE partner is responsible for a clearly defined portion of the work to be performed and shares in the ownership, control, management responsibilities, risks, and profits of the joint venture.

Joint venture applications are certified by TriMet on a project-by-project basis. Applications shall be submitted to the DBE Program Manager for review and certification in accordance with established procedures.

f. Supplemental Application Verification Documents

1) Sole Proprietor

- a) Individual federal tax returns for the last three (3) years (Schedule C, Profit and Loss Statement).
- b) Resumes of majority owner(s) and key employees. Please include previous work experience with dates and specific duties within this business.
- c) Rental/lease agreements, and professional service agreements (for office space, equipment, related to the business).
- d) Proof of ethnicity/gender (birth certificate, tribal enrollment documents, passport, driver's license, etc.)
- e) Company profile including a brief description of the firm's product or services.
- f) Necessary licenses to conduct the business, e.g., contractor's license (construction, landscaping, electrical, plumbing, welding, engineering), city

business license (if required), Department of Environmental Quality license, ARC authorization for travel service, professional license, etc.

- g) Certification letter from the individual's home state, if the business is not located in Oregon.
- h) Assumed Business Name registration, if applicable.

3) Limited Liability Company (LLC)

- a) Federal tax returns for the last three- (3) years.
- b) Resumes of majority owner(s) and key employees. Please include previous work experience with dates and specific duties within this business.
- c) Rental/lease agreements and professional service agreements (for office space, equipment, etc.)
- d) Proof of ethnicity/gender (birth certificate, tribal enrollment, passport, driver's license, etc.).
- e) Company profile including a brief description of the firm's product or services.
- f) Necessary licenses to conduct the business, e.g., contractor's license (construction, landscaping, electrical, plumbing, welding, engineering), city business license (if required), Department of Environmental Quality license, ARC authorization for travel service, professional license, etc.
- g) Articles of Organization.
- h) Operating Agreement.
- i) Minutes of the most recent company meetings affecting ownership, management, and control.
- j) Certification letter from the state of incorporation, if the business is not located in Oregon.

4) Corporations

- a) Corporate federal tax returns for the last three- (3) years (first two pages).
- b) Resumes of majority owner(s) and key employees. Please include previous work experience with dates and specific duties within this business.
- c) Rental/lease agreements, and professional service agreements (for office space, equipment, etc.)
- d) Proof of ethnicity/gender (birth certificate, tribal enrollment documents, passport, driver's license, etc.)
- e) Company profile including a brief description of the firm's product or services.

- f) Necessary licenses to conduct the business, e.g., contractor's license (construction, landscaping, electrical, plumbing, welding, engineering), city business license (if required), DEQ license, ARC authorization for travel service, professional license, etc.
  - g) Articles of Incorporation and amendments, including date approved by State.
  - h) Minutes of the most recent corporate and organizational meetings affecting ownership, management, and control.
  - i) Corporation by-laws.
  - j) Copy of stock certificates issued (not specimen copy, both sides).
  - k) Stock transfer ledger.
  - l) Certification letter from your home state, if your business is not located in Oregon.
- 5) Partnerships
- a) Corporate federal tax returns for the last three- (3) years (first two pages).
  - b) Resumes of majority owner(s) and key employees. Please include previous work experience with dates and specific duties within this business.
  - c) Rental/lease agreements and professional service agreements (for office space, equipment, etc.) related to your business
  - d) Proof of ethnicity/gender (birth certificate, tribal enrollment documents, passport, driver's license, etc.).
  - e) Company profile including a brief description of your firm's product or services.
  - f) Necessary licenses to conduct your business, e.g., contractor's license (construction, landscaping, electrical, plumbing, welding, engineering), city business license (if required), DEQ license, ARC authorization for travel service, professional license, etc.
  - g) Partnership agreement including buy-out rights and profit sharing agreement (signed and dated).
  - h) Certification letter from your home state, if your business is not located in Oregon.
- 6) New Businesses (less than one year)
- a) Canceled checks relating to the business; OR
  - b) An invoice with paid receipt or canceled checks relating to the business.

- c) One reference for who work has been performed or to whom goods or materials have been sold during the prior year.
- d) One reference from which goods or materials have been purchased for the business or from whom major equipment has been purchased or leased.
- e) Copies of office space and equipment lease agreements.
- f) As a new business, the firm may not have federal tax information available at this time. Ensure that the firm has indicated that they are a new business on the application.

g. On-Site Reviews

OMWESB schedules an On-Site Review when it is satisfied that applications and supporting documentation have been received and are complete.

- 1) The Certification Specialist assigned the DBE file will schedule an on-site interview with each DBE applicant firm requesting to bid on FTA, FAA and FTA projects.
- 2) The OMWESB Certification Specialist will review the application prior to the on-site interview to assist in developing any additional questions that will help clarify the applicant's status.
- 3) The OMWESB Certification Specialist normally contacts the DBE applicant firm, advising it of the review scheduled approximately two weeks from the date of the letter. If the DBE applicant is unable to be contacted, or delays the date of the review without good reason, or fails to appear for the scheduled review, efforts are made to reschedule the on-site review.
- 4) DBE certification applicants wishing to participate on upcoming federal-aid assisted construction projects, soon to be let to bid may request acceleration of the certification process if the owner agency has an intergovernmental agreement with OMWESB. The applicant must request TriMet to transmit a written request to OMWESB to accelerate certification of the applicant firm. The applicant must provide to TriMet a written request which identifies specific projects to be bid and a letter from any prime who will state the applicant's bid will be considered.
- 5) The OMWESB Certification Specialist conducts On-site Reviews by inquiring of and obtaining information as follows:
  - a) Firm name.
  - b) Directions to firm's location.
  - c) Principal contact and phone number.
  - d) Organizational structure.

- e) Persons interviewed and position with firm.
- f) Firm's primary line of business.
- g) Identities of the firm's board of directors.
- h) Frequency that board meets.
- i) Firm's bonding/insurance company.
- j) Current bonding limitation
- k) Determine:
  - i) Firm's bond/insurance agent
  - ii) Firm's attorney
  - iii) Firm's CPA
  - iv) Firm's banker(s)
- l) Number of permanent employees.
- m) Who approves:
  - i) Hiring and dismissal of employees
  - ii) In this person's absence
- n) Employee recruiting.
- o) Supervisor employed.
- p) Explanation of supervisor's duties and responsibilities.
- q) Determine how the disadvantaged owner acquired interest in the firm.
- r) Who contributes capital, equipment, real estate, inventory, etc.
- s) Technical assistance provided by others.
- t) Total hours per day and days per week DBE owner actively engaged in firm's business.
- u) DBE owner's daily duties.
- v) Is DBE owner employed elsewhere – if yes, where?
- w) Who makes major business decisions (i.e. expansion, diversifying)?
- x) Marketing of the firm, (how and who's responsible.).

- y) Dispersal of funds, (how and under whose approval).
- z) Signatures on payroll and other checks, (who signs).
  - i) Any loan negotiation/arrangement information (who does this).
  - ii) Firm's line of credit and it's limits.
  - iii) Contracts currently active.
  - iv) Business tax returns information (who prepares, who signs).
  - v) Description of firm' bidding/estimating process.
  - vi) Description of firm's process of monitoring job costs.
  - vii) Description of methods used to resolve field problems.
  - viii) Who negotiates contract disputes.
  - ix) Explanation of relationships with other firms who might provide;
    - Manpower
    - Equipment
    - Office space
    - Yard or warehouse space
  - x) Information, which might show the DBE owner was employed by any board member or officer of this firm.
  - xi) Average length of time firm's products is stored/inventoried.
  - xii) Salaries paid to management personnel.
  - xiii) Explanation of spouse's relationship to firm – other firms.
  - xiv) Review firm's business plans (aspirational goals for future growth, etc.).

h. Reciprocal Certification

When another U.S.DOT Recipient has certified a firm, OMWESB has the discretion to take any of the following actions:

- 1) Accept another Recipient's certification on a reciprocal basis,
- 2) Make an independent certification decision based on documentation provided by the other grantee augmented by any additional information OMWESB requires that applicant firm to provide; or

- 3) Require the applicant firm to go through OMWESB's certification process without regard to the action of the other grantee.

When another grantee, in connection with its consideration of the eligibility of a firm, makes a written request for certification information OMWESB has obtained about that firm, OMWESB will promptly make the information available to the other grantee.

- i. Certification Duration Renewal Certification Procedures

Once OMWESB certifies a firm as an eligible DBE, it shall remain certified for a period of at least three (3) years unless and until its certification is removed or expires. OMWESB will not require DBEs to reapply for certification as a condition of the continuing right to participate in the program during this three- (3) year period. The DBEs will have to reapply and be recertified if their certification is removed or expires at the end of the certification period. OMWESB will update the DBE Database regularly with new certification actions.

- 1) Notification of Change in Circumstances

During a DBE firm's three (3)-year certification period, it must inform OMWESB, in writing, of any changes in circumstances affecting the firm's ability to meet disadvantaged status, business size, ownership, control requirements, or any material change in the information provided in the certification application process, and attach supporting documentation describing in detail the nature of such changes. Such notice of change from the DBE firm must take the form of an un-sworn declaration executed under penalty of perjury. The written notification shall be provided by the DBE within thirty (30) days of occurrence of the change(s). If the DBE fails to make timely notification of such changes, it will be deemed to have failed to cooperate under the Regulations.

- 2) Annual Affidavit of Continuing Eligibility

Every firm certified by OMWESB as a DBE must provide to OMWESB every year on the anniversary of the date of its initial certification, an affidavit sworn to by the firm's owner(s) before a person who is authorized by state law to administer oaths or an un-sworn declaration executed under penalty of perjury of the laws of the United States. This affidavit must affirm that there have been no changes in the firm's circumstances affecting its ability to meet size, disadvantaged status, ownership, or control requirements of the Regulations or any material changes to the information provided in its original application, or the last notification of a change circumstance. The affidavit shall specifically affirm that the DBE continues to meet SBE size criteria and the overall gross receipt cap, documenting this affirmation with supporting documentation of the DBE size and gross receipts. If the DBE fails to provide this information in a timely manner, it will be deemed to have failed to cooperate with the requirements of the Regulations.

- j. Denials and Reapplication Procedures

When the OMWESB determines that a firm is not eligible for certification, the OMWESB will provide the firm a written explanation of the reasons for the denial,

specifically referencing the evidence in the record that supports each reason for the denial. All documents and other information on which the denial is based will be made available to the applicant firm upon request. When a firm is denied certification, it is required to wait at least twelve (12) months before it may reapply for DBE certification with OMWESB. The time period for reapplication begins to run on the date the explanation for denial of certification is received by the applicant firm. The firms may file and appeal for any denial of certification to U.S.DOT.

k. Removal Procedures (De-certification)

A DBE firm which no longer meets the eligibility standards (or misrepresented information during the certification process) will be removed from the DBE program by having its certification removed. A firm shall remain certified during the removal process.

1) Initiating Removal.

- a) Any person may file a written complaint that alleges a currently certified firm is ineligible. A written complaint must specify reasons for the allegation and include any information or arguments supporting the allegation. A general allegation or anonymous complaint will not be accepted. The Manager will review the complaint, all certification records and other available information in order to determine whether there is reasonable cause to believe that the firm is ineligible. The Manager will ensure confidentiality of complainant's identity, in accordance with current state and federal laws.
- b) Authority-Initiated Proceedings – The Manager will review all notifications of change in circumstance or other information that comes to OMWESBs attention, including notification of removal actions of other U.S.DOT recipients, to determine whether there is reasonable cause to believe a currently certified firm is ineligible.
- c) U.S.DOT Directive to Initiate Proceeding – A U.S.DOT agency may direct TriMet to initiate removal proceedings, because it has determined the information in certification records or other information available provides reasonable cause to believe that a firm is ineligible. The U.S.DOT agency must provide TriMet and the firm a notice setting forth reasons for the directive, including relevant documentation.
- d) Reasonable Cause to Believe a Firm is Ineligible – If the Manager determines that there is not reasonable cause to believe the firm is ineligible, s/he shall provide a written notice to the firm and the complainant stating the reason therefore in such cases where a complaint was filed with OMWESB. If the Manager determines that there is reasonable cause to believe the firm is ineligible, the following steps shall be taken:
  - i) Written Notice – The OMWESB will provide written notice to the firm that it proposes to find the firm ineligible for further participation in the DBE program. The notice shall include the reasons for the proposed removal and reference evidence in the record that supports the determination.

The notice shall also include notification that the firm has the right to an informal hearing.

- ii) Contested Case Hearing– A Contested Case Hearing gives the firm an opportunity to respond to the reasons for the proposed removal of eligibility. The firm can provide any information or arguments concerning why it should remain certified.

A. Certification Appeal to United States Department of Transportation (U.S.DOT)

A firm that has been denied certification or whose eligibility is removed may make an administrative appeal to the U.S.DOT. A complainant in an ineligibility complaint to the OMWESB may appeal to U.S.DOT if OMWESB does not find reasonable cause to propose removing the firm's eligibility. Pending the U.S.DOT appeal decisions, OMWESB's decision shall remain in effect. All Appeals shall be sent to:

U.S. Department of Transportation  
Office of Civil Rights  
400 Seventh Street, SW, Room 2401  
Washington, DC 20590

All requests for an appeal must be sent, in writing, within ninety (90) days of OMWESB's final decision on the matter. The appeal request shall include information and arguments regarding why the decision should be reversed. If the appeal is from a firm, the request must include information regarding certification with other U.S.DOT recipients. If the appeal is from a third party, the party will be requested to provide the same information.

The manager shall provide a copy of a complete, well-organized administrative record within twenty (20) days of a request from U.S.DOT. U.S.DOT will make its decision based solely on the entire administrative record without conducting a hearing. The firm and complainants shall have access to any information reviewed by U.S.DOT in accordance with public records and privacy laws.

U.S.DOT will affirm OMWESB's decision if it determines, based on the entire administrative record, that the decision is supported by substantial evidence or is consistent with the substantive or procedural provision concerning certification. U.S.DOT shall send written notification of its decision including the reasons therefore to OMWESB, the firm and any complainant. If OMWESB's decision is reversed, the Manager will take all appropriate actions to conform to the U.S.DOT's decision immediately upon receiving the written notice. U.S.DOT decisions are final and binding on OMWESB only.

B. Recertifications

TriMet will review the eligibility of DBEs that are certified under former part 23, to ensure that they meet the standards of Subpart D of 49 CFR Part 26. TriMet will complete this review no later than three years from the most recent certification date of each firm.

For firms that TriMet has certified or reviewed and found eligible under 49 CFR Part 26, TriMet will again review their eligibility as often as TriMet deems necessary. These

reviews will include the components deemed necessary by TriMet, and will include but are not limited to an on-site review, submission of a new application, or determination on a case-by-case basis.

C. “No Change” Affidavits and Notices of Change

OMWESB will require all DBEs to inform it, in a written affidavit, of any change in its circumstances affecting its ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR Part 26 or of any material changes in the information provided.

OMWESB will also require owners of all DBEs it has certified to submit, on the anniversary date of their certification, a “no change” affidavit meeting the requirements of §26.83(j). The text of this affidavit is as follows:

I swear (or affirm) that there have been no changes in the circumstances of [name of DBE firm] affecting its ability to meet the size, disadvantaged status, ownership, or control requirements of 49 CFR Part 26. There have been no material changes in the information provided with [name of DBE]’s application for certification, except for any changes about which you have provided written notice to OMWESB under §26.83(i). [Name of DBE firm] meets Small Business Administration (SBA) criteria for being a small business concern and its average annual gross receipts (as defined by SBA rules) over the firm’s previous three fiscal years do not exceed the limits defined in North American Industry Classification System (NAICS) codes and Federal Highway Administration rules; and the disadvantaged owner(s) have not exceeded the personal net worth limit. Any material misrepresentation is grounds for denial or revocation of certification and initiation of actions under federal or state laws concerning false sworn statements.

OMWESB requires DBEs to submit with this affidavit any relevant documentation showing the firm’s size and SBA three-year gross receipts.

OMWESB will notify all currently certified DBE firms of these obligations in writing approximately 30 days prior to the certification anniversary date. This notification will inform DBEs that to submit the “no change” affidavit, their owners must swear or affirm that they meet all regulatory requirements of 49 CFR Part 26, including personal net worth. Similarly, if a firm’s owner knows or should know that he or she, or the firm, fails to meet a 49 CFR Part 26 eligibility requirement (e.g., personal net worth), the obligation to submit a notice of change applies.

## Attachment B - OMWESB DBE DIRECTORY

Firm DBA Name	Address	City	State	Zip Code	DBE certification status
1-A CONSTRUCTION & FIRE LLP	31156 FOLLETT LN	HERMISTON	OR	97838	DBE Active
2.INK STUDIO P.C.	107 SE WASHINGTON STREET #228	PORTLAND	OR	97214	DBE Active
3D INFUSION INC	8110 SW VALLEY VIEW DRIVE	PORTLAND	OR	97225	DBE Active
4S SIGNS LLC	30255 HWY 34	ALBANY	OR	97321	DBE Active
A.B. UTILITY CONTRACTORS INC.	915 SOMMERVILLE LOOP	HARRISBURG	OR	97446	DBE Active
A2 FABRICATION INC	5311 NE 105TH AVE	PORTLAND	OR	97220	DBE Active
ABARGE CONSTRUCTION	1426 NE HOLLAND STREET	PORTLAND	OR	97211	DBE Active
ABC CONTROL SYSTEMS INC	7425 ORANGETHORPE AVE STE A	BUENA PARK	CA	90621	DBE Active
ABC FLAGGING INC	61 WINDY BLUFF RD	WHITE SALMON	WA	98672	DBE Active
ABHT STRUCTURAL ENGINEERS, LLC	1640 NW JOHNSON ST	PORTLAND	OR	97209	DBE Active
AD SERVICES	15618 SE FRANCIS ST	PORTLAND	OR	97236	DBE Active
ADVANCED TECHNOLOGIES INTEGRATIONS INC	7301 OHMS LANE, SUITE 500	MINNEAPOLIS	MN	55439	DBE Active
AFFORDABLE ELECTRIC INC	34325 SE DODGE PARK BLVD	GRESHAM	OR	97080	DBE Active
AL SHOUGH TRUCKING	2326 SE 87TH AVE	PORTLAND	OR	97216	DBE Active
ALARM TRACKS, INC.	4134 N VANCOUVER AVE #107A	PORTLAND	OR	97217	DBE Active
ALCANTAR AND ASSOCIATES, LLC	4134 N VANCOUVER STE 201	PORTLAND	OR	97217	DBE Active
ALL TRAFFIC DATA SERVICES, INC	9660 W 44TH AVE	WHEAT RIDGE	CO	80033	DBE Active
ALLIANCE CORPORATION DBA ALLIANCE AIRPORT ADVERTISING	8945 W. RUSSELL ROAD, SUITE 150	LAS VEGAS	NV	89148	DBE Active
ALLIANCE INDUSTRIAL GROUP INC	2420 N HAYDEN ISLAND DRIVE	PORTLAND	OR	97217	DBE Active
ALSEA GEOSPATIAL INC	450 SW MADISON AVE	CORVALLIS	OR	97333	DBE Active
AMBROSINI DESIGN LTD	214 NW 20TH AVENUE	PORTLAND	OR	97209	DBE Active
AMERICAN STEEL PRODUCTS INC	5620 NE 65TH AVE	PORTLAND	OR	97218	DBE Active
AMERICA'S FIRST CONSTRUCTION LLC	5150 NORMA AVE SE	SALEM	OR	97306	DBE Active
AMPERE ELECTRIC	1350 SE 122ND	PORTLAND	OR	97233	DBE Active
ANDERSON'S EROSION CONTROL, INC.	520 E 2ND ST	JUNCTION CITY	OR	97448	DBE Active
ANGELO PLANNING GROUP, INC.	921 SW WASHINGTON ST STE 468	PORTLAND	OR	97205	DBE Active
ANN CHRISTENSEN ENVIRONMENTAL DESIGN	490 WEST 29TH AVE	EUGENE	OR	97405	DBE Active
APEX ENVIRONMENTAL CONSULTING	13100 SW WESTFALL RD	SHERWOOD	OR	97140	DBE Active
APOSTROPHE DESIGN	26516 SE CALLISTER ROAD	GRESHAM	OR	97080	DBE Active
ARTHUR C. GARRETT TRUCKING	2304 N WATTS	PORTLAND	OR	97217	DBE Active
ATHALYE CONSULTING ENGINEERS	26457 RANCHO PKWY S	LAKE FOREST	CA	92630	DBE Active
AZURI CONSTRUCTION INC	5617 NE 16TH AVE	PORTLAND	OR	97211	DBE Active
B J EQUIPMENT COMPANY LLC	34964 HWY 58	EUGENE	OR	97405	DBE Active
B&B DIVERSIFIED MATERIALS	17872 LOG CABIN LN	BEND	OR	97707	DBE Active
BAY AREA ECONOMICS	1285 66TH ST	EMERYVILLE	CA	94608	DBE Active
BENT ENTERPRISES, INC.	15425 NW CREPS ROAD	BANKS	OR	97106	DBE Active
BESTRADE ENTERPRISES	6506 NE KILLINGSWORTH STREET #3	PORTLAND	OR	97218	DBE Active
BETANCOURT TRUCKING, INC.	16910 SW TRACY AVE	LAKE OSWEGO	OR	97035	DBE Active
BETTER BUILT CONSTRUCTION	3025 ADAMS CIRCLE	MEDFORD	OR	97504	DBE Active
BETTY LOU'S, INC.	775 NE ALPINE DR	MCMINNVILLE	OR	97128	DBE Active
BIG J CONSTRUCTION INC	908 OLYMPIC AVE	MEDFORD	OR	97504	DBE Active
BILL SUELL PAINTING CONTRACTOR	864 NE SIMPSON ST	PORTLAND	OR	97211	DBE Active
BIONOMICS ENVIRONMENTAL INC	832 STAFFORD DRIVE	EAGLE	ID	83616	DBE Active
BLACK DIAMOND ASPHALT INC	118 MAIN STREET	VACAVILLE	CA	95688	DBE Active
BLUE DELTA LLC	5711 SW HOOD AVENUE STE 200	PORTLAND	OR	97239	DBE Active
BOANERGES GROUP LLC	4134 N VANCOUVER AVE STE 400E	PORTLAND	OR	97217	DBE Active

BOLIMA DRAFTING & DESIGN, INC.	4131 N VANCOUVER AVE STE 300B	PORTLAND	OR	97217 DBE Active
BONNIE GEE YOSICK LLC	3244 NE BRAZEE ST.	PORTLAND	OR	97212 DBE Active
BRANDI LISLE & ASSOCIATES LLC	615 SE 29TH AVE	PORTLAND	OR	97214 DBE Active
BRAYTON ENGINEERING & DESIGN	13795 SW LATIGO CIRCLE	BEAVERTON	OR	97008 DBE Active
BRG ENGINEERING	3841 NORTH FREEWAY BLVD #175	SACRAMENTO	CA	95834 DBE Active
BUFFALO WELDING INC	3701 SE NAEF RD	OAK GROVE	OR	97267 DBE Active
BULLET RENTAL & SALES INC	5900 S 6TH STREET STE B	KLAMATH FALLS	OR	97603 DBE Active
BURTON CONSTRUCTION, INC	3915 E NEBRASKA AVE	SPOKANE	WA	99217 DBE Active
C & J TRUCKING & CONSTRUCTION INC	5035 NE 70TH AVE	PORTLAND	OR	97218 DBE Active
C & L METAL SALES	4921 NE MASON STREET	PORTLAND	OR	97218 DBE Active
C.J. JACKSON CONSTRUCTION, INC.	1708 NE JARRETT ST	PORTLAND	OR	97211 DBE Active
C-3 ELECTRICAL SERVICES INC	170 NORTH ADAMS ST	COQUILLE	OR	97423 DBE Active
CABELL GROUP	605 NE 21ST AVE	PORTLAND	OR	97232 DBE Active
CADD CONNECTION LLC	33845 HWY 99E	TANGENT	OR	97389 DBE Active
CAESCO INC	4560 SE 282ND ST	GRESHAM	OR	97080 DBE Active
CANTEL OF MEDFORD, INC	3981 CRATER LAKE HWY	MEDFORD	OR	97504 DBE Active
CAPERS CAFE AND CATERING COMPANY	12003 NE AINSWORTH CIRCLE	PORTLAND	OR	97220 DBE Active
CAPITAL CONCRETE CONSTRUCTION INC	220 8TH ST	AUMSVILLE	OR	97325 DBE Active
CARLETON HART ARCHITECTURE PC	322 NW 8TH AVE	PORTLAND	OR	97209 DBE Active
CASCADE DESIGN PROFESSIONALS INC	2780 SE HARRISON ST STE 104	MILWAUKIE	OR	97222 DBE Active
CBR INCORPORATED	7630 EXCELSIOR BLVD	MINNEAPOLIS	MN	55426 DBE Active
CEC SERVICES, INC. INSPECTION AND SECURITY	3535 N VANCOUVER AVE	PORTLAND	OR	97217 DBE Active
CENTER FOR CONFLICT STUDIES	3276 SE SHERMAN	PORTLAND	OR	97214 DBE Active
CERTIFIED PERSONNEL SERVICE AGENCY INC	10101 N MCCALISTER ROAD	LA GRANDE	OR	97850 DBE Active
CHAMPION SWEEPING	PO BOX 12062	PORTLAND	OR	97212 DBE Active
CHAPMAN PAINTING COMPANY	60458 ZUNI RD	BEND	OR	97708 DBE Active
CHEROKEE GENERAL CORPORATION	255A DEPOT ST	FAIRVIEW	OR	97024 DBE Active
CHEROKEE LASER	4134 N VANCOUVER AVE STE 400-G	PORTLAND	OR	97217 DBE Active
CHICK OF ALL TRADES LLC	6333 SW 60TH AVE	PORTLAND	OR	97221 DBE Active
CHRISTINE RAINS GRAPHIC DESIGN	506 SW 6TH AVE SUITE 800	PORTLAND	OR	97204 DBE Active
CHRISTOPHERSON EXCAVATING, INC.	11995 SW WALKER ROAD	BEAVERTON	OR	97005 DBE Active
C-III REMODELING & CONST INC	52220 SE CHERRYVILLE DRIVE	SANDY	OR	97055 DBE Active
CINDY'S CONCRETE LLC	14911 S LODER RD	OREGON CITY	OR	97045 DBE Active
CISNEROS CONSTRUCTION, INC.	5528 NE 105TH AVE STE 1	PORTLAND	OR	97220 DBE Active
CITY OF ROSES DISPOSAL & RECYCLING LLC	4134 N VANCOUVER AVE STE 400F	PORTLAND	OR	97217 DBE Active
CIVIL DYNAMICS, P.C.	17 12TH AVE S STE 207	NAMPA	ID	83651 DBE Active
CLARK TRANSPORTATION CONSULTING & SERVICES, LLC	1 VAIL LANE	FLEMINGTON	NJ	8822 DBE Active
CLASSIQUE FLOORS INC	14127 SE STARK	PORTLAND	OR	97233 DBE Active
CLEAN RIVERS EROSION CONTROL, INC	1655 N 15TH ST	COOS BAY	OR	97420 DBE Active
CLEAR SPAN CONSTRUCTION LLC	6558 SE WRENFIELD ST	HILLSBORO	OR	97123 DBE Active
CNI MANUFACTURING, LLC	601 NE 2 ST.	MARIETTA	OK	73448 DBE Active
COAST INDUSTRIES INC	714 NE ALBERTA ST	PORTLAND	OR	97211 DBE Active
COFFEY LABORATORIES INC	12423 NE WHITAKER WAY	PORTLAND	OR	97230 DBE Active
COLUMBIA CONCRETE SAWING CO	5462 SW PHILOMATH BLVD	CORVALLIS	OR	97333 DBE Active
COLUMBIA GEOTECHNICAL CONCRETE WORKS, INC	2214 SE BELLA VISTA RD	VANCOUVER	WA	98683 DBE Active
CONK'S SERVICES	7132 35TH AVE NE	KEIZER	OR	97303 DBE Active
CONK'S SERVICES	811 E BURNSIDE STE 212	PORTLAND	OR	97214 DBE Active
CONVERGENT PACIFIC LLC	13018 SW 153RD TERRACE	TIGARD	OR	97223 DBE Active
COOPER ZIETZ ENGINEERS INC	421 SW 6TH AVE STE 1210	PORTLAND	OR	97204 DBE Active
COUNTERPOINT CONSULTING	319 SW WASHINGTON STE 309	PORTLAND	OR	97204 DBE Active
COWLEY GENERAL CONTRACTING LLC.	11359 NE HALSEY	PORTLAND	OR	97220 DBE Active
CP CONSTRUCTION LLC	225 DRIVER VALLEY RD STE 100	OAKLAND	OR	97462 DBE Active

CPH PLANNING, INC.	2605 SE 25TH AVE	PORTLAND	OR	97202 DBE Active
CRANE & MERSETH ENGINEERING/SURVEYING CREATIVE RESOURCE STRATEGIES, LLC	6566 SE LAKE RD SUITE D	MILWAUKIE	OR	97222 DBE Active
CREELMAN & ASSOCIATES, INC.	6159 ROSEMEADOW LANE NE	SALEM	OR	97317 DBE Active
CRESTVIEW CONSTRUCTION, INC	280 HARVEST RIDGE WAY	PASO ROBLES	CA	93446 DBE Active
CURTIS AND JEIDY	205 SE 3RD AVE STE 600	HILLSBORO	OR	97123 DBE Active
CUTTER CONSTRUCTION CO, INC	2237 NE STANTON ST	PORTLAND	OR	97212 DBE Active
D & H FLAGGING INC	21410 S LEVI RD	BEAVERCREEK	OR	97004 DBE Active
D. WILSON CONSULTING GROUP, LLC	1621 SE PARDEE ST	PORTLAND	OR	97202 DBE Active
DAILEY'S TRUCKING, EXCAVATING & PAVING, LLC	LAUREL OAKS PLAZA, 309-1 PONCE BOULEVARD	JACKSONVILLE	FL	32218 DBE Active
DALTON QUALITY CONCRETE INC	36722 SE HAUGLUM RD	SANDY	OR	97055 DBE Active
DATALED TECHNOLOGIES INC	649 PLEASANT VALLEY RD	MERLIN	OR	97532 DBE Active
DAVIS FREIGHT MANAGEMENT INC	9710 SW DAVIES RD	BEAVERTON	OR	97008 DBE Active
DEBBIE PETREE	1927 ELMWOOD AVENUE	BUFFALO	NY	14207 DBE Active
DELTA NILE CONSTRUCTION CO	30143 MONTMORENCE DRIVE	JUNCTION CITY	OR	97448 DBE Active
DESIGN DATA CONCEPTS INC	10014 N OREGONIAN AVE	PORTLAND	OR	97203 DBE Active
DHILLON ENGINEERS INC	13343 SE STARK ST STE 200	PORTLAND	OR	97233 DBE Active
DHILLON MANAGEMENT SERVICES	4380 SW MACADAM AVE STE 280	PORTLAND	OR	97239 DBE Active
DIRT & AGGREGATE INTERCHANGE INC	617 CASA BLANCA	FULLERTON	CA	92832 DBE Active
DL DESIGN GROUP INC	20905 NE SANDY BLVD	FAIRVIEW	OR	97024 DBE Active
DON HINES TRUCKING	9045 SW BARBUR BLVD STE 101	PORTLAND	OR	97219 DBE Active
EAGLE PASS REFORESTATION INC	13601 SE HWY 212	CLACKAMAS	OR	97015 DBE Active
EARTH MECHANICS INC	720 UPPER APPLGATE RD	JACKSONVILLE	OR	97530 DBE Active
EBONY IRON WORKS INC	17660 NEWHOPE ST STE E	FOUNTAIN VALLEY	CA	92708 DBE Active
EIR ELECTRIC INC	2401 NW 22ND AVE	PORTLAND	OR	97210 DBE Active
ELITE SIGNS	2802-B NE 65TH AVE	VANCOUVER	WA	98661 DBE Active
ENVIROISSUES INC	8723 SE DIVISION	PORTLAND	OR	97266 DBE Active
ENVIRONMENTAL SCIENCE AND ASSESSMENT LLC	101 STEWART ST STE 1101	SEATTLE	WA	98101 DBE Active
EPC CONSULTANTS, INC.	838 SW FIRST AVENUE SUITE 410	PORTLAND	OR	97204 DBE Active
E-SQUARED ENGINEERING	655 DAVIS ST	SAN FRANCISCO	CA	94111 DBE Active
EVERCLEAN MAINTENANCE COMPANY INC	43969 TAVERN DR STE 200	ASHBURN	VA	20147 DBE Active
EXCEL GLOVES & SAFETY SUPPLIES, INC.	1125 NW 16TH AVENUE	PORTLAND	OR	97209 DBE Active
EXELTECH CONSULTING, INC.	6808 26TH ST E STE 102	FIFE	WA	98424 DBE Active
EXTREME ACCESS INC	2590 WILLAMETTE DR NE STE 101	LACEY	WA	98516 DBE Active
EZ GRADE, INC.	422 NW ROANOKE AVE	BEND	OR	97701 DBE Active
FAISON CONSTRUCTION	9467 STAYTON RD SE	AUMSVILLE	OR	97325 DBE Active
FAST FORMLINERS, INC.	6226 SW 33RD PL	PORTLAND	OR	97239 DBE Active
FEATHERLITE ENTERPRISES LLC	115 W FLIER DR STE 109	PACIFIC	MO	63069 DBE Active
FIELD LINING SYSTEMS INC	2522 NE M L KING BLVD	PORTLAND	OR	97212 DBE Active
FIRST INC	439 SOUTH 3RD AVENUE	AVONDALE	AZ	85323 DBE Active
FIRST UNITED ENGINEERING	524 N TILLAMOOK	PORTLAND	OR	97227 DBE Active
FITZGERALD & HALLIDAY INC	922 N KILLINGSWORTH SUITE 2K	PORTLAND	OR	97217 DBE Active
FLY'N N TRUCKING	72 CEDAR STREET	HARTFORD	CT	6106 DBE Active
FM BURCH AND ASSOCIATES	11265 PEDEE CREEK RD	MONMOUTH	OR	97361 DBE Active
FORD & ASSOCIATES	2009 NE EDGEWATER DRIVE	PORTLAND	OR	97211 DBE Active
FOUNDATION STORAGE LLC	1000 S BERTELSEN RD STE 1	EUGENE	OR	97402 DBE Active
FREEMAN CONTRACTING INC	4250 NW 192ND PL	PORTLAND	OR	97229 DBE Active
FREEMAN ROCK INC	401 HILLSIDE AVE	BROOKINGS	OR	97415 DBE Active
FRONTIER TECHNOLOGIES, INC.	99031 S BANK CHETCO	BROOKINGS	OR	97415 DBE Active
GAGE IT CONSTRUCTION LLC	1200 FIRST STATE BLVD SUITE 1248	WILMINGTON	DE	19804 DBE Active
GARNER CONSTRUCTION	4778 AIRWAY DR	CENTRAL POINT	OR	97502 DBE Active
GARY COMPTON CONSTRUCTION LLC	5301 RAVENNA AVE NE #1	SEATTLE	WA	98105 DBE Active
	30566 COMPTON LN	JUNCTION CITY	OR	97448 DBE Active

GEO & JEM INC.	4107 SE INTERNATIONAL WAY STE 705	MILWAUKIE	OR	97222 DBE Active
GERVAIS CONSTRUCTION INC	6307 NICKLAUS LOOP N	KEIZER	OR	97303 DBE Active
GIBSON DOOR & MILLWORK INC	10148 SE CLATSOP ST	PORTLAND	OR	97266 DBE Active
GLOBAL PIPING INFRASTRUCTURE DEVELOPMENT, LLC	3800 NE SANDY BLVD #209	PORTLAND	OR	97232 DBE Active
GLOVEMOBILE.COM	679 GREENWOOD DRIVE NE	KEIZER	OR	97303 DBE Active
GORGE ELECTRIC INC	1966 TUCKER RD	HOOD RIVER	OR	97031 DBE Active
GRADING UNLIMITED INC	5713 NE SILO DR	HILLSBORO	OR	97124 DBE Active
GRAY BEAR CONSTRUCTION CO	4548 N ALBINA	PORTLAND	OR	97217 DBE Active
GREEN ART LANDSCAPE & IRRIGATION	8335 NW CORNELIUS PASS RD	HILLSBORO	OR	97124 DBE Active
GREEN TEAM CLEANING SERVICES LLC	6107 SW MURRAY BLVD STE 259	BEAVERTON	OR	97008 DBE Active
GREEN TRANSPORTATION CO. LLC	10118 E BURNSIDE ST	PORTLAND	OR	97216 DBE Active
GREENLIFE CONSTRUCTION INC	14008 SE SUMMERFIELD LOOP	CLACKAMAS	OR	97015 DBE Active
GREGBELL CONSULTING	4846 NE 9TH AVE	PORTLAND	OR	97211 DBE Active
GREGG'S STRIPE-A-LOT LLC	8275 WHEATLAND RD N	KEIZER	OR	97303 DBE Active
GRIZZLY MOUNTAIN EXCAVATION, LLC	4823 NW CHARLES RD	PRINEVILLE	OR	97754 DBE Active
GROUP AGB LTD	3327 NE 59TH	PORTLAND	OR	97213 DBE Active
GROVES ENTERPRISES	4824 NE 8TH AVE	PORTLAND	OR	97211 DBE Active
HANCOCK TRUCKING, LLC	2509 SW MCGINNIS AVE	TROUTDALE	OR	97060 DBE Active
HANSEN DRAFTING & GRAPHICS	2310 SNELLING DR	EUGENE	OR	97408 DBE Active
HARBOR OFFSHORE, INC.	5720 NICOLLE STREET	VENTURA	CA	93003 DBE Active
HAROLD PRIMROSE EXCAVATING LLC	90236 DAISY LN	ELMIRA	OR	97437 DBE Active
HARVEST PR & MARKETING INC	615 SW BROADWAY STE 200	PORTLAND	OR	97205 DBE Active
HATA INC	231 MOORESTOWN ROAD	BATH	PA	18014 DBE Active
HAYDEN J LEE CONSULTANTS, INC	4037 JUDAH ST	SAN FRANCISCO	CA	94122 DBE Active
HEIN CONSULTING GROUP	16110 SW REGATTA LN	BEAVERTON	OR	97006 DBE Active
HENRY J ELIS'ALDA & ASSOCIATES INC	35198 ALDER ST	ST HELENS	OR	97051 DBE Active
HERITAGE RESEARCH ASSOCIATES INC	1997 GARDEN AVE	EUGENE	OR	97403 DBE Active
HK FLAGGING INC	2088 BERRY ST SE	SALEM	OR	97302 DBE Active
HOGUE CONSTRUCTION LLC	18656 SW BOONES FERRY RD # 5	TUALATIN	OR	97062 DBE Active
HOSPITALITY MARKETING INC	7022 N LOMBARD STREET	PORTLAND	OR	97203 DBE Active
HT CONSULTING LLC	1528 OGDEN ST	KLAMATH FALLS	OR	97603 DBE Active
HY-SIGN FLAGGING INC.	61018 SELANDER RD	COOS BAY	OR	97420 DBE Active
IFP CONSTRUCTION INC	3380 PORTLAND RD NE	SALEM	OR	97303 DBE Active
IN LINE COMMERCIAL CONSTRUCTION INC	18880 SW SHAW STREET	ALOHA	OR	97007 DBE Active
INNOVATIVE CONTRACT STAFFING CORP	9290 SE OTTY PLACE	PORTLAND	OR	97086 DBE Active
INNOVATIVE GROWTH SOLUTIONS LLC	19131 LOT WHITCOMB DR	OREGON CITY	OR	97045 DBE Active
INTEGRITY WIRE INC	503 BRIDGE ST	HUNTINGTON	WV	25702 DBE Active
IONA FACTOR	1231 NW HOYT ST #304	PORTLAND	OR	97209 DBE Active
IRONHORSE LTD	2524 NORWICK ST	BRUNSWICK	GA	31520 DBE Active
ISLAND LANDSCAPE CO	9020 NE VANCOUVER WAY STE A	PORTLAND	OR	97211 DBE Active
J & R TRUCKING INC	1610 N PRESCOTT	PORTLAND	OR	97217 DBE Active
J L PATTERSON & ASSOCIATES INC	725 TOWN & COUNTRY RD #300	ORANGE	CA	92868 DBE Active
J LOSEY TRUCKING INC	11287 SW SPRINGHILL ROAD	GASTON	OR	97119 DBE Active
J. HARPER CONTRACTOR, INC	17937 CEDAR GROVE ROAD NE	MAPLE VALLEY	WA	98038 DBE Active
JACKSON ACOUSTICAL SUPPLY, LLC	1829 NE 116TH PL.	PORTLAND	OR	97220 DBE Active
JACKSON MITCHELL DESIGN ASSOCIATES	1940 SYLVAN WAY	WEST LINN	OR	97068 DBE Active
JACOBSEN DANIELS ASSOCIATES LLC	121 PEARL STREET	YPSILANTI	MI	48197 DBE Active
JEANNE LAWSON ASSOCIATES INC	1110 SE ALDER ST STE 301	PORTLAND	OR	97214 DBE Active
JEPSON TRUCKING	5180 BRICKYARD RD	TILLAMOOK	OR	97141 DBE Active
JET ELECTRIC INC	11150 SE MARX	PORTLAND	OR	97220 DBE Active
JET FUEL CAFE & LOUNGE	3650 BIDDLE RD	MEDFORD	OR	97504 DBE Active
JETBRIDGE TECHNOLOGY, INC.	308 E MANSFIELD HIGHWAY	KENNEDALE	TX	76060 DBE Active
JIM L MCNAIR INC	330 NORTH T STREET	LAKEVIEW	OR	97630 DBE Active
JLC CONTRACTING, LLC	END OF COUNTY RD #16	LONG CREEK	OR	97856 DBE Active
JM FIBER OPTICS, INC.	6251 SCHAEFER AVE STE D	CHINO	CA	91710 DBE Active

JOHN WAYNE CONSTRUCTION CO	24309 WOODINVILLE-SNOHOMISH RD NE	WOODINVILLE	WA	98072 DBE Active
JTM CONCEPTS INC	420 23RD STREET	ROCK ISLAND	IL	61201 DBE Active
JUDY L. TODD	2230 NE HALSEY ST STE C	PORTLAND	OR	97232 DBE Active
JUPITER COFFEE INC	4904 E PORTLAND RD STE 2A	NEWBERG	OR	97132 DBE Active
JUST BUCKET EXCAVATING, INC.	1896 SUMMERCREST CT SE	SALEM	OR	97306 DBE Active
KAPPA MAPPING, INC.	6 STATE ST STE 301	BANGOR	ME	4401 DBE Active
KARA ADAMS DESIGN STUDIO, LLC.	4129 SE ELLIS	PORTLAND	OR	97202 DBE Active
KASA ARCHITECTS, INC.	4119 NE 39TH AVENUE	PORTLAND	OR	97211 DBE Active
KATHY H. CONSTRUCTION CLEANUP	4815 NE 10TH AVE	PORTLAND	OR	97211 DBE Active
KB ENVIRONMENTAL SCIENCES, INC.	9500 KOGER BLVD. SUITE 211	SAINT PETERSBURG	FL	33702 DBE Active
KBA INC	11000 MAIN STREET STE 100	BELLEVUE	WA	98004 DBE Active
KC PRODUCTS, INC.	707 NE BROADWAY ST STE 210	PORTLAND	OR	97232 DBE Active
KE & ASSOCIATES, LLC	7100 SW HAMPTON ST STE 121F	TIGARD	OR	97223 DBE Active
KENSETSU GENERAL CONTRACTOR LLC	1405 NE PRESCOTT	PORTLAND	OR	97211 DBE Active
KIM BELL FLAGGING	8535 WOODARD AVE SE	SALEM	OR	97301 DBE Active
KINGFISHER CONSTRUCTION & CONSULTATION LLC	2128 GRAHAM BLVD	VALE	OR	97918 DBE Active
KLI, INC.	304 ROMA JEAN PKWY	STREAMWOOD	IL	60107 DBE Active
KLK CONSULTING	1130 SW MORRISON STREET STE 245	PORTLAND	OR	97205 DBE Active
KT CONTRACTING CO. INC.	8970-A HUFF AVE	SALEM	OR	97303 DBE Active
K-TEC	5583 BASIL ST NE	SALEM	OR	97301 DBE Active
KURAHASHI & ASSOCIATES INC	4470 SW HALL BLVD, SUITE C	BEAVERTON	OR	97005 DBE Active
KWIK WAY EROSION CONTROL CO INC	18860 S PEAR RD	OREGON CITY	OR	97045 DBE Active
LAKEVIEW REDI-MIX CO	18154 KADRMAS ROAD	LAKEVIEW	OR	97630 DBE Active
LAND HOE CONSTRUCTION	33602 BEERMAN CK LANE	SEASIDE	OR	97138 DBE Active
LANDSMAN TRANSPORTATION PLANNING LLC	1015 SE 69TH	PORTLAND	OR	97215 DBE Active
LARRY EVEY WELL DRILLING INC	48705 WILSON RIVER HWY	TILLAMOOK	OR	97141 DBE Active
LAWHART ENGINEERS INC	3914 MURPHY CANYON RD SUITE A241	SAN DIEGO	CA	92123 DBE Active
LEAJAK CONCRETE CONST, INC.	23109 55TH AVE W SUITE 400	MOUNTLAKE TERRACE	WA	98043 DBE Active
LEE MACHADO DESIGNS	4855 SE LINCOLN STREET	PORTLAND	OR	97215 DBE Active
LEEKA (LEE-EKA ARCHITECTS, PLANNERS, MANAGERS)	6775 SW 111TH AVE #20	BEAVERTON	OR	97008 DBE Active
LEO SANDOVAL CONSTRUCTION, INC	312 AUGUSTA CT	EAGLE POINT	OR	97524 DBE Active
LFL INTERNATIONAL INC	2386 SW VERMONT ST STE 28	PORTLAND	OR	97219 DBE Active
LIBERTY STEEL ERECTORS INC	4115 NE 148TH AVE	PORTLAND	OR	97230 DBE Active
LISA J LARRY, INC	525 JACKPINE ST	TAHOE CITY	CA	96145 DBE Active
LKG CMC INC	130 S JACKSON ST STE 200	GLENDALE	CA	91205 DBE Active
LORD & ASSOCIATES INC	4622 SE JOHNSON CREEK BLVD	MILWAUKIE	OR	97222 DBE Active
LORI KENNEY, MEDIATOR/FACILITATOR	3252 NE FLANDERS STREET	PORTLAND	OR	97232 DBE Active
LSK GRAPHICS INC	19111 SW INDIAN CREEK AVE	LAKE OSWEGO	OR	97035 DBE Active
LUCKY FOODS, LLC.	7774 SW NIMBUS AVE	BEAVERTON	OR	97008 DBE Active
LUNA JIMENEZ SEMINARS & ASSOCIATES, INC	2453 N HUMBOLDT ST	PORTLAND	OR	97217 DBE Active
LURA FRAZEY LAKHAL	6455 SW NYBERG LN. A211	TUALATIN	OR	97062 DBE Active
LYNDA FRIESZ PUBLIC RELATIONS INC	816 W BANNOCK ST FL 4	BOISE	ID	83702 DBE Active
M & M FLAG'N INC	362 SW OAK STREET	HILLSBORO	OR	97123 DBE Active
MAGNATEX INC	3331 GILMORE INDUSTRIAL BLVD STE B	LOUISVILLE	KY	40213 DBE Active
MAINLINE ELECTRIC INC	4324 FERN VALLEY RD	MEDFORD	OR	97504 DBE Active
MAKIN BUSINESS SERVICES LLC	3527 NE 15TH AVE	PORTLAND	OR	97212 DBE Active
MAMA JO'S TRAFFIC CONTROL INC	3103 CORDON RD NE	SALEM	OR	97305 DBE Active
MANDA BECKETT DESIGN	2816 NE 12TH AVE	PORTLAND	OR	97212 DBE Active
MARBLE TRUCKING CO., LLC	3508 N WILLIAMS AVE	PORTLAND	OR	97227 DBE Active
MARCON INC	1881 W MARCON LN STE 100	MERIDIAN	ID	83642 DBE Active

MARKETEK	9220 SW BARBUR BLVD SUITE 119-220	PORTLAND	OR	97219 DBE Active
MARRS SERVICES INC	13360 E FIRESTONE BLVD STE A2	SANTA FE SPRINGS	CA	90670 DBE Active
MARSHALL AND ASSOCIATES, INC.	1603 COOPER POINT RD NW	OLYMPIA	WA	98502 DBE Active
MARTHA BUECHE COUNSELOR / CONSULTANT	3918 SE 10TH AVENUE	PORTLAND	OR	97202 DBE Active
MATRIX RAILWAY CORPORATION	69 NANCY STREET	WEST BABYLON	NY	11704 DBE Active
MCBRIDE SHEET METAL INC	2623 SE RAYMOND ROAD	PORTLAND	OR	97202 DBE Active
MCDONALD EXCAVATING INC	2719 B STREET	WASHOUGAL	WA	98671 DBE Active
MECHANICAL INC.	6224 SW LURADEL	PORTLAND	OR	97219 DBE Active
MEKO CONSTRUCTION INC	521 POWELL ST	MONROE	WA	98272 DBE Active
MESH ROLLING SERVICES	21749 HWY 213	MULINO	OR	97042 DBE Active
MICHAEL MINOR & ASSOCIATES	4923 SE 36TH AVE	PORTLAND	OR	97202 DBE Active
MICHAEL R KODAMA PLANNING CONSULTANTS	2740 W MAGNOLIA BLVD UNIT 103	BURBANK	CA	91505 DBE Active
MIKE SHOUGH TRUCKING "LLC"	4800 PLEASANT RIDGE RD	THE DALLES	OR	97058 DBE Active
MING CONSULTANTS LLC	1818 NE FAIRVIEW AVE	FAIRVIEW	OR	97024 DBE Active
MINORITY ABATEMENT CONTRACTORS, INC.	3200 NE 65TH ST	VANCOUVER	WA	98663 DBE Active
MODOC TRANSPORATION LLC	711 MEDFORD CENTER PMB 367	MEDFORD	OR	97504 DBE Active
MORRISEY & SONS DUMP TRUCK SERVICE	26655 S FISH RD	MULINO	OR	97042 DBE Active
MOTUS RECRUITING & STAFFING LLC	4800 SW MEADOWS ROAD STE #300	LAKE OSWEGO	OR	97035 DBE Active
MOUNTAIN HYDRO	22075 BUTLER MKT RD	BEND	OR	97701 DBE Active
MT HOOD PIPING SPECIALISTS INC	33823 KELSO RD	BORING	OR	97009 DBE Active
MT HOOD ROOFING CO INC	255 B DEPOT ST	FAIRVIEW	OR	97024 DBE Active
MULTITECH GROUP, INC.	3711 W GREEN OAKS BLVD STE D	ARLINGTON	TX	76016 DBE Active
NATIVE AMERICAN TECHNOLOGY CORPORATION	377 LACLAIR STREET	COOS BAY	OR	97420 DBE Active
NATURAL LIGHT	174 EASTBROOK WAY	ASHLAND	OR	97520 DBE Active
NATURALLY SPEAKING	2208 SE ORANGE AVE	PORTLAND	OR	97214 DBE Active
NAVIGATIONAL CONSTRUCTION INC	253 FRANKLIN AVE	REDMOND	OR	97756 DBE Active
NEO DESIGN STUDIO INC	9405 NW SKYLINE BLVD	PORTLAND	OR	97231 DBE Active
NETCITY INC.	1844 SW TROY ST	PORTLAND	OR	97219 DBE Active
NETCOMPLIANCE ENVIRONMENTAL SERVICES , LLC	2112 E 26TH ST	VANCOUVER	WA	98661 DBE Active
NEVUE NGAN ASSOCIATES	1006 SE GRAND STE 250	PORTLAND	OR	97214 DBE Active
NEW DIMENSIONS LANDSCAPE	8505 SE 162ND	PORTLAND	OR	97236 DBE Active
NEWAY LASER ENGRAVING LLC	1834 PACIFIC AVENUE	FOREST GROVE	OR	97116 DBE Active
NGT CONSTRUCTION COMPANY	1725 SE 8TH AVE	CAMAS	WA	98607 DBE Active
NORTH PACIFIC FORESTRY INC	2735 PORTLAND RD NE	SALEM	OR	97303 DBE Active
NORTHERN LIGHTS ELECTRICAL CONTRACTOR INCORPORATED	3800 PIONEER RD	MEDFORD	OR	97501 DBE Active
NORTHERN RESOURCE CONSULTING	1339 COMMERCE AVENUE STE 309B	LONGVIEW	WA	98632 DBE Active
NORTHWEST ARCHAEOLOGICAL ASSOCIATES INC	5418 20TH AVE NW STE 200	SEATTLE	WA	98107 DBE Active
NORTHWEST GEOTECH INC	9120 SW PIONEER CT SUITE B	WILSONVILLE	OR	97070 DBE Active
NORTHWEST HAZMAT	36 WEST Q STREET	SPRINGFIELD	OR	97477 DBE Active
NORTHWEST INFRASTRUCTURE, LLC	11220 SE STARK ST STE 12	PORTLAND	OR	97216 DBE Active
NORTHWEST INTERIORS GROUP, LLC	6960 WINFIELD COURT	GLADSTONE	OR	97027 DBE Active
NORTHWEST RUBBER EXTRUDERS INC	11155 SW DENNEY RD	BEAVERTON	OR	97008 DBE Active
NORTHWEST SIGNAL SUPPLY INC	12965 SW HERMAN RD	TUALATIN	OR	97062 DBE Active
NORTHWEST TRAFFIC CONTROL SERVICES, LLC	608 12TH CT	COOS BAY	OR	97420 DBE Active
NORTON - ARNOLD & COMPANY	1932 FIRST AVE STE 802	SEATTLE	WA	98101 DBE Active
NVL LABORATORIES INC	4708 AURORA AVE N	SEATTLE	WA	98103 DBE Active
NW KODIAK CONSTRUCTION LLC	26487 SW REIN RD	SHERWOOD	OR	97140 DBE Active

NW LAND DESIGN SERVICES LLC	10240 SW 59TH PL	PORTLAND	OR	97219 DBE Active
NW WETLAND RESTORATION LLC	17024 S ABIQUA RD NE	SILVERTON	OR	97381 DBE Active
OH PLANNING + DESIGN ARCHITECTS LLC DBA OH PLANNING + DESIGN	837 SW FIRST AVE	PORTLAND	OR	97204 DBE Active
O'NEILL ELECTRIC INC	1212 SE GIDEON STREET	PORTLAND	OR	97202 DBE Active
O-P ENGINEERING LLC	84614 PARKWAY RD	PLEASANT HILL	OR	97455 DBE Active
OPTIMUM TECHNOLOGY INC	100 EAST CAMPUS VIEW BLVD STE 380	COLUMBUS	OH	43235 DBE Active
OREGON URBAN DEVELOPMENT INTERNATIONAL	3800 NE SANDY BLVD #209	PORTLAND	OR	97232 DBE Active
PACHECO WATER TRUCK SERVICE	1650 SOLDIER CREEK RD	GRANTS PASS	OR	97526 DBE Active
PACIFIC MARK CONSTRUCTION	17048 SE RIVER ROAD	MILWAUKIE	OR	97267 DBE Active
PACIFIC NATCOM, INC.	1055 MT HOOD AVENUE	WOODBURN	OR	97071 DBE Active
PACIFIC REAL ESTATE MANAGEMENT GROUP, INC	351 NW 12TH AVENUE	PORTLAND	OR	97209 DBE Active
PACIFIC RIM SERVICE AND CONSTRUCTION COMPANY INC	2315 SE 24TH AVE	PORTLAND	OR	97214 DBE Active
PACIFIC STAIR CORPORATION	8690 STAIR WAY NE	SALEM	OR	97305 DBE Active
PARRISH EXCAVATING INC	19592 SE FOSTER RD	BORING	OR	97009 DBE Active
PDX GLASS, LLC	5823 SW BEAVERTON HILLSDALE HWY # C14	PORTLAND	OR	97221 DBE Active
PEGASTIAN PRESS	2970 SE SHORTRIDGE PLACE	ALBANY	OR	97322 DBE Active
PETER AKHTAR TRUCKING	10422 NE SKIDMORE STREET	PORTLAND	OR	97220 DBE Active
PHIL-AM ENTERPRISES INC.	1695 SNOWBIRD DR NW	SALEM	OR	97304 DBE Active
PINNACLE CONSULTING MANAGEMENT GROUP INC	5534 N WESTERN	OKLAHOMA CITY	OK	73118 DBE Active
PIONEER CONSTRUCTION, INC / PENDLETON READY MIX INC	73569 MCKAY LANE	PENDLETON	OR	97801 DBE Active
PLANS & ACTION	1460 SW 192ND AVE	ALOHA	OR	97006 DBE Active
POK WAN CONTRACTING INC	4790 NW WALNUT BLVD	CORVALLIS	OR	97330 DBE Active
PONY EXPRESS MAINTENANCE CORP PRICED RIGHT QUALITY TRANSLATIONS	6605 NE GLISAN ST SUITE B	PORTLAND	OR	97213 DBE Active
PRIME TIME CONSTRUCTION, INC.	4 TOUCHSTONE DRIVE STE 81	LAKE OSWEGO	OR	97035 DBE Active
PRO PRESSURE WASHING, LLC	23530 NE HOLLADAY CT	WOOD VILLAGE	OR	97060 DBE Active
PROFESSIONAL MINORITY GROUP INC	4252 SW PLUMERIA WAY	ALOHA	OR	97007 DBE Active
PROGRESSIVE CONCRETE SOLUTIONS INC	16890 S HOLCOMB BLVD	OREGON CITY	OR	97045 DBE Active
PROJECT DELIVERY GROUP, LLC	12808 NE 5TH AVE	VANCOUVER	WA	98685 DBE Active
PROJECT DESIGN LLC	2185 DALKE RIDGE DR NW	SALEM	OR	97304 DBE Active
PRO-TECT PLASTIC AND SUPPLY INC PRR INC	14081 NW EAGLERIDGE LN	PORTLAND	OR	97229 DBE Active
Q3 TELECOM INC	980 WASHBURN LN	MEDFORD	OR	97501 DBE Active
QUALITY DISCOUNT SUPPLIES & SERVICES	1109 FIRST AVENUE SUITE 300	SEATTLE	WA	98103 DBE Active
R&B SOFTWARE DEVELOPMENT	3400 E TAHOUITZ CANYON WAY STE B228	PALM SPRINGS	CA	92262 DBE Active
R2H ENGINEERING, INC.	1211 REGENTS BLVD	FIRCREST	WA	98466 DBE Active
RAILROAD INDUSTRIES INCORPORATED	13434 SW 122ND AVE	TIGARD	OR	97223 DBE Active
RAIMORE CONSTRUCTION LLC	17150 VIA DEL CAMPO #306	SAN DIEGO	CA	92127 DBE Active
RAMOS LANDSCAPE, INC.	1575 DELUCCHI LANE SUITE 210	RENO	NV	89502 DBE Active
RAMPART HYDRO SERVICES LP	2613 NE MARTIN LUTHER KING JR BLVD	PORTLAND	OR	97212 DBE Active
RAMS SPECIALIZED SECURITY SERVICE INC	1740 MOUNTAIN VIEW LANE	FOREST GROVE	OR	97116 DBE Active
RDF&P, INC.	530 MOON CLINTON ROAD	CORAOPOLIS	PA	15108 DBE Active
READY MADE BARRICADE AND SIGN INC	935 WILLAGILLESPIE ROAD STE A	EUGENE	OR	97401 DBE Active
RED BARK INCORPORATED	5500 SE ALEXANDER ST	HILLSBORO	OR	97123 DBE Active
RED BARON GIFT SHOP	19135 NW GREEN MOUNTAIN RD	BANKS	OR	97106 DBE Active
RELAXSTATION, INC	19561 MORRIE DR	OREGON CITY	OR	97045 DBE Active
	3650 BIDDLE RD STE 16	MEDFORD	OR	97504 DBE Active
	7000 NE AIRPORT WAY 2270	PORTLAND	OR	97218 DBE Active

REYES ENGINEERING, INC.	1733 SE MORRISON ST	PORTLAND	OR	97214 DBE Active
RI KY ROOFING LLC	35588 SOUTH HIGHWAY 213	MOLALLA	OR	97038 DBE Active
RICHARDSON ROCKS	113 AVIARY SP 36	MYRTLE CREEK	OR	97457 DBE Active
RJ & COMPANY PROPERTY MAINTENANCE	4134 N VANCOUVER STE 400H	PORTLAND	OR	97217 DBE Active
R-J CONSULTING SERVICES LLC	2378 NW HOLLY PL	ALBANY	OR	97321 DBE Active
RLS AND ASSOCIATES INC	3131 S DIXIE HIGHWAY STE 545	DAYTON	OH	45439 DBE Active
ROBERTS CONSULTING & ENGINEERING, INC.	1007 LEONARDS WAY STE A	EUGENE	OR	97404 DBE Active
ROCK & ROAD CONSTRUCTION	2729 SW INDIAN JOHN PLACE	TROUTDALE	OR	97060 DBE Active
ROGERS CONSTRUCTION & CONTRACTING CO. LLC	5701 NE 10TH AVE	PORTLAND	OR	97211 DBE Active
ROSALES & PARTNERS, INC.	37 NEWBURY ST STE 6	BOSTON	MA	2116 DBE Active
ROSE CITY ADJUSTERS, LLC	3965 N MASSACHUSETTS AVE	PORTLAND	OR	97227 DBE Active
ROSE CONSTRUCTION, INC.	7022 SE 83RD	PORTLAND	OR	97266 DBE Active
ROSE HOSPITALITY CLEANING & JANITORIAL SVC	5802 N MICHIGAN	PORTLAND	OR	97212 DBE Active
RPS-BER LTD	18368 NW CHEMEKETA LN	PORTLAND	OR	97229 DBE Active
RUTH I JOHNSON	2325 WOODHAVEN LANE	CENTRALIA	WA	98531 DBE Active
S BROOKS & ASSOCIATES INC	1130 NE ALBERTA STREET	PORTLAND	OR	97211 DBE Active
SALT & PEPPER CONSTRUCTION CO., INC.	9015 N HAMLIN AVE	PORTLAND	OR	97217 DBE Active
SANDERS & ASSOCIATES INC	13256 NORTHUP WAY STE 15	BELLEVUE	WA	98005 DBE Active
SANDOVAL'S FRESH MEXICAN GRILL INC	2700 NW ROBINIA LN	PORTLAND	OR	97229 DBE Active
SANTANA CRANE INC	5924 57TH CT SE	SALEM	OR	97301 DBE Active
SAYBR CONTRACTORS, INC.	3852 S 66TH ST	TACOMA	WA	98409 DBE Active
SCHEDULING AND INFORMATION SERVICES, INC.	12 BUCK RUN	STEVENSON	WA	98648 DBE Active
SCHIRMER + ASSOCIATES LLC	375 W 4TH STE 201	EUGENE	OR	97401 DBE Active
SEA REACH LTD	146 NE YAMHILL ST	SHERIDAN	OR	97378 DBE Active
SEABORN ENGINEERING	102 1/2 3RD ST	HOOD RIVER	OR	97031 DBE Active
SHARED VISION CONSULTING INC	3535 NE 27TH AVENUE	PORTLAND	OR	97212 DBE Active
SHARON GREENE AND ASSOCIATES	1100 SOUTH COAST HWY STE 318	LAGUNA BEACH	CA	92651 DBE Active
SHOREY CONCRETE CONSTRUCTION INC	860 NW HIGHLAND	ROSEBURG	OR	97470 DBE Active
SI PARTNERS, INC	17413 VINWOOD LANE	YORBA LINDA	CA	92886 DBE Active
SIGMA CONSULTANTS GROUP INC	16035 NW SCHENDEL AVE SUITE J	BEAVERTON	OR	97006 DBE Active
SIGN LANGUAGE SIGNS AND AWNINGS INC	965 TYINN ST #19	EUGENE	OR	97402 DBE Active
SIMMONS CONSULTING GROUP INC	2605 S INDIANA AVE STE 2404	CHICAGO	IL	60616 DBE Active
SLB TRANSPORTATION	3726 SE 92ND AVE	PORTLAND	OR	97266 DBE Active
SOAPBOX ENTERPRISES, INC.	940 NE LITTLEPAGE RD	CORBETT	OR	97019 DBE Active
SOPHIE/CONCIERGE SERVICES	49 THOROUGHbred CIRCLE	ARDEN	NC	28704 DBE Active
STAR CONSTRUCTION SERVICES, LLC	24836 SW 65TH AVE	TUALATIN	OR	97062 DBE Active
STAR INDUSTRIAL SUPPLY, INC	3257 SW 29TH AVE	PORTLAND	OR	97210 DBE Active
STATON COMPANIES	85386 HWY 99S	EUGENE	OR	97405 DBE Active
STEPHANIE INC	7000 NE AIRPORT WAY STE 2315	PORTLAND	OR	97218 DBE Active
STORIE & ASSOCIATES, INC.	2637 NE MLK BLVD	PORTLAND	OR	97212 DBE Active
SUMMIT CM INC	2300 CLAYTON ROAD STE 1380	CONCORD	CA	94520 DBE Active
SUNDOWN ELECTRIC COMPANY A CORPORATION OF IDAHO	39675 NW VERBOORT RD	FOREST GROVE	OR	97116 DBE Active
SUPERELEVATION	320 SW STARK ST. SUITE 405	PORTLAND	OR	97204 DBE Active
SUSAN OMAN, L.A.	4114 NE MULTNOMAH STREET	PORTLAND	OR	97232 DBE Active
SW EQUIPMENT CO INC	502 W CHAPEL AVE	CHERRY HILL	NJ	8002 DBE Active
SWEETBRIER CONSTRUCTION, INC.	61754 WICKIUP RD	BEND	OR	97702 DBE Active
SWP ENVIRONMENTAL SERVICES CO.	1190 NW 3RD	CANBY	OR	97013 DBE Active
SYNERGIE CONSULTING LLC	6914 OLMSFORD DR	HUNTERSVILLE	NC	28078 DBE Active
SZIGETI CONSTRUCTION INC	6684 TABLE ROCK RD	CENTRAL POINT	OR	97502 DBE Active
TAMMY J TAGGART	1082 ALBERTA AVENUE	MONMOUTH	OR	97361 DBE Active

TCC & ASSOCIATES, INC.	5821 SE 82ND AVE STE 111	PORTLAND	OR	97266 DBE Active
TEAM HR LLC	610 SW BROADWAY STE 602	PORTLAND	OR	97205 DBE Active
TELECO TELEPHONE COMPANY INC	21954 NE GLISAN ST	GRESHAM	OR	97030 DBE Active
THE BLUERIDGE AGENCY	15075 SW KOLL PARKWAY	BEAVERTON	OR	97006 DBE Active
THE ELIZABETH YOUNGER AGENCY	5418 LONGLEY LANE SUITE B	RENO	NV	89511 DBE Active
THE FIBER GUYS LLC	3929 SW 29TH COURT	GRESHAM	OR	97080 DBE Active
THE GREENBUSCH GROUP INC	1900 W NICKERSON ST STE 201	SEATTLE	WA	98119 DBE Active
THE LOCHARD GROUP, INC.	275 VINCENT COURT	CENTRAL POINT	OR	97502 DBE Active
THE RODRIGUEZ CORP	11130 SW BARBUR BLVD STE 100	PORTLAND	OR	97219 DBE Active
THE SOLIS GROUP	234 NE EL MOLINO AVE STE 202	PASADENA	CA	91101 DBE Active
THE VANN ORGANIZATION INC	11 SAYER AVE	CHERRY HILL	NJ	8002 DBE Active
THINK SIGNS LLC	16205 NW BETHANY CT STE 114	BEAVERTON	OR	97006 DBE Active
THIRD DAY CREATIONS LLC	32160 E PUNKIN CENTER RD	HERMISTON	OR	97838 DBE Active
THOMAS/WRIGHT, INC.	7190 SW FIR LOOP	TIGARD	OR	97223 DBE Active
THREE SON'S CONCRETE CO	6827 QUARRY AVE NE	SILVERTON	OR	97381 DBE Active
THURSTON & ASSOCIATES INC	415 N STATE ST STE 120	LAKE OSWEGO	OR	97034 DBE Active
TOMCO CONSTRUCTION INC	5524 N JULIA	SPOKANE	WA	99217 DBE Active
TRAFFIC RESEARCH & ANALYSIS INC	3844 E INDIAN SCHOOL RD	PHOENIX	AZ	85018 DBE Active
TRANSIT SAFETY MANAGEMENT, INC	ONE EAST MAIN ST	GEORGETOWN	MA	1833 DBE Active
TRANSLATION SOLUTIONS CORPORATION	121 SW SALMON 11TH FLOOR	PORTLAND	OR	97204 DBE Active
TRANSNART TECHNOLOGIES INC	2802 COHO STREET STE 102	MADISON	WI	53713 DBE Active
TRANSOLUTIONS LLC	14600 TRINITY BLVD, STE 200	FORT WORTH	TX	76155 DBE Active
TRANS-WATCH	1035 MONROE	EUGENE	OR	97402 DBE Active
TRIUNITY ENGINEERING & MANAGEMENT INC	16748-9C E SMOKY HILL RD NO 281	CENTENNIAL	CO	80015 DBE Active
TSAICOMMS	1500 NE IRVING ST STE 410	PORTLAND	OR	97232 DBE Active
TSE CONSULTANTS, LLC	61470 TAM MCARTHUR LOOP	BEND	OR	97702 DBE Active
TW ENVIRONMENTAL INC	3340 SE MORRISON STREET #383	PORTLAND	OR	97214 DBE Active
UCG ASSOCIATES, INC.	10S RIVERSIDE PLAZA STE 1800	CHICAGO	IL	60606 DBE Active
UNITED TRUCKING CO LLC	3807 NE 8TH AVE	PORTLAND	OR	97212 DBE Active
UNIVERSAL LAWNCARE MAINTENANCE	3305 N ARLINGTON PL	PORTLAND	OR	97217 DBE Active
US CRANE & HOIST, INC	29375 SW KINSMAN ROAD	WILSONVILLE	OR	97070 DBE Active
V. WEST CONTRACTING & CONSULTING SERVICES, INC.	431 NE JARRETT ST	PORTLAND	OR	97211 DBE Active
VALERIE J SOUTHERN - TRANSPORTATION CONSULTANT, LLC	3849 KLAHANIE DRIVE SE #8-201	ISSAQUAH	WA	98029 DBE Active
VALERIE OTANI	2917 SW HUME COURT	PORTLAND	OR	97219 DBE Active
VALLEY GROWERS NURSERY & LANDSCAPE INC	30570 S BARLOW RD	HUBBARD	OR	97032 DBE Active
VALLEY ILLUMINATORS	2201 W VALLEY HWY NW UNIT C	AUBURN	WA	98001 DBE Active
VANCOUVER PAVING CO	406 NE 139TH ST	VANCOUVER	WA	98685 DBE Active
VANTAGE POINT CONSULTING, INC.	2335 NW RALEIGH ST UNIT 139	PORTLAND	OR	97210 DBE Active
VICTOR TAPIA CONSTRUCTION INC	446 SW WALNUT STREET	HILLSBORO	OR	97123 DBE Active
VIGIL-AGRIMIS INC	819 SE MORRISON ST STE 310	PORTLAND	OR	97214 DBE Active
VIKING ENGINEERING AND CONSTRUCTION, LLC	227 SW HARTLEY AVE	GRESHAM	OR	97030 DBE Active
VIRGINKAR AND ASSOCIATES, INC.	3350 E BIRCH ST STE 101	BREA	CA	92821 DBE Active
WAKA GROUP INC	11307 222ND AVENUE CT E	BUCKLEY	WA	98321 DBE Active
WAKABAYASHI CONSTRUCTION COMPANY	PO BOX 1217	OREGON CITY	OR	97045 DBE Active
WASH RITE COMPANY	04793 TREEWOOD DR	FLORENCE	OR	97439 DBE Active
WB PAINTING & DECORATING, INC.	1905 SE 1ST ST	GRESHAM	OR	97080 DBE Active
WELLS TECHNOLOGY INC	4885 WINDSOR CT NW	BEMIDJI	MN	56601 DBE Active
WEST COAST ROOFING AND BUILDING	3380 PORTLAND RD NE	SALEM	OR	97301 DBE Active
WEST SIDE IRON INC	35643 CAMP CREEK RD	SPRINGFIELD	OR	97477 DBE Active
WESTBROOK SCIENCE & DESIGN LLC	8299 SW 159TH PL	BEAVERTON	OR	97007 DBE Active
WESTERN CONSTRUCTION SYSTEMS LLC	6970 ZENA RD	RICKREALL	OR	97371 DBE Active
WESTERN DECK PREP INC	2216 LAMPLIGHTER COURT	WEST LINN	OR	97068 DBE Active
WHITE PINE DESIGN	8835 SW WHITE PINE LANE	PORTLAND	OR	97225 DBE Active

WHITE SHIELD INC	320 N 20TH AVENUE	PASCO	WA	99301 DBE Active
WILSON & SONS DUMP TRUCKING AND EXCAVATION LLC	48994 SE BATY RD	SANDY	OR	97055 DBE Active
WINTUN SEEDING & MULCHING CO	115 ALPINE DRIVE	ROSEBURG	OR	97470 DBE Active
WOODBURN MASONRY INC	6460 STATE HWY 219	GERVAIS	OR	97026 DBE Active
WORK HORSE CONSTRUCTION METRO INC	117 NE STANTON ST	PORTLAND	OR	97212 DBE Active
YAKA ENERGY LLC	73239 CONFEDERATED WAY	PENDLETON	OR	97801 DBE Active
ZETLIN STRATEGIC COMMUNICATIONS	314 WEST 71ST STREET	NEW YORK	NY	10023 DBE Active

## TriMet Hearing Notice

Tri-County Metropolitan Transportation District of Oregon (“TriMet”) is in the process of issuing its Disadvantaged Business Enterprise (DBE) Program Plan for FY 2008-2009.

TriMet’s proposed aspirational goal for FY 2008-2009 is 11.15%. TriMet is seeking feedback on its DBE program regarding contracting opportunities and potential barriers for DBEs.

A public hearing will be held at 710 NE Holladay St. in Portland on September 2 from 10a.m.-Noon. The meeting room is accessible.

**The plan can be reviewed weekdays from August 4 to September 4, 2008 between 8 a.m.– 5 p.m. at:**

710 NE Holladay St.  
Portland, OR 97202

4012 SE 17<sup>th</sup> Ave.  
Portland, OR 97232

Send written comments to Bruce M. Watts, TriMet’s Diversity and Transit Equity Senior Director, at 710 NE Holladay St., Portland, OR 97232 or to [comments@trimet.org](mailto:comments@trimet.org).  
**Comments will be accepted through September 19, 2008.**

For alternative formats, call 503-962-2213 or TTY 503-238-5811.

## **Attachment D – Oregon Revised Statutes, Chapter 200**

### ***Oregon Revised Statutes***

2005 EDITION

#### CERTAIN DISADVANTAGED BUSINESS ENTERPRISES

#### MISCELLANEOUS MATTERS

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- 200.015 Legislative findings
- 200.025 Advocate for Minority, Women and Emerging Small Business; office; duties
- 200.035 When state agency to notify advocate of solicitations and contract awards
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- 200.055 Certification of disadvantaged, minority, women or emerging small business enterprises; fee; rules; appeal
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## EMERGING SMALL BUSINESS ASSISTANCE PROGRAM

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200.170 Eligibility for participation

200.180 Emerging Small Business Account; uses

200.190 Deposit of one percent of highway construction contract amount

200.200 Security for performance by emerging small business

## GENERAL PROVISIONS

**200.005 Definitions for ORS 200.005 to 200.075, 200.160 to 200.200 and 279A.105.** As used in ORS 200.005 to 200.075, 200.160 to 200.200 and 279A.105:

(1) “Disadvantaged business enterprise” means a small business concern:

(a) That is at least 51 percent owned by one or more socially and economically disadvantaged individuals; or

(b) For which, in the case of a corporation, at least 51 percent of the stock is owned by one or more socially and economically disadvantaged individuals, and of which the management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

(2) “Economically disadvantaged individual” means a socially disadvantaged individual whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to other individuals in the same business area who are not socially disadvantaged individuals.

(3) “Emerging small business” means an independent business:

(a) With its principal place of business located in this state;

(b) That qualifies as a tier one firm or a tier two firm;

(c) That is properly licensed and legally registered in this state; and

(d) That is not a subsidiary or parent company belonging to a group of firms that are owned or controlled by the same individuals if, in the aggregate, the group of firms does not qualify as a tier one firm or a tier two firm.

(4) “Minority individual” means a person who is a citizen or lawful permanent resident of the United States, who is:

(a) Black, having origins in any of the black racial groups of Africa;

(b) Hispanic, having Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race;

(c) Asian American, having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands;

(d) Portuguese, having Portuguese, Brazilian or other Portuguese culture or origin, regardless of race;

(e) American Indian or Alaskan Native, having origins in any of the original peoples of North

America; or

(f) A member of another group, or another individual who is socially and economically disadvantaged as determined by the Advocate for Minority, Women and Emerging Small Business.

(5) “Minority or women business enterprise” means a small business concern:

(a) That is at least 51 percent owned by one or more minority individuals or women; or

(b) For which, in the case of a corporation, at least 51 percent of the stock is owned by one or more individuals who are minority individuals or women, and of which the management and daily business operations are controlled by one or more of the minority individuals or women who own it.

(6) “Responsible bidder” means a bidder who, as determined by the Advocate for Minority, Women and Emerging Small Business, has undertaken both a policy and practice of actively pursuing participation by minority or women business enterprises in all bids, both public and private, submitted by the bidder.

(7) “Small business concern” means a small business as defined by the United States Small Business Administration in 13 C.F.R. part 121 and in effect on January 1, 2006.

(8) “Socially disadvantaged individual” means an individual who has been subjected to racial or ethnic prejudice or cultural bias, without regard to individual qualities, because of the individual’s identity as a member of a group.

(9) “Tier one firm” means a business that employs fewer than 20 full-time equivalent employees and has average annual gross receipts for the last three years that do not exceed \$1.5 million for a business performing construction, as defined in ORS 446.310, or \$600,000 for a business not performing construction.

(10) “Tier two firm” means a business that employs fewer than 30 full-time equivalent employees and has average annual gross receipts for the last three years that do not exceed \$3 million for a business performing construction, as defined in ORS 446.310, or \$1 million for a business not performing construction.

(11) “Woman” means a person of the female sex who is a citizen or lawful permanent resident of the United States. [1987 c.893 §2; 1989 c.1043 §1; 1991 c.517 §9; 2001 c.104 §71; 2003 c.794 §213; 2005 c.22 §§150,151; 2005 c.683 §§4,5]

**200.015 Legislative findings.** (1) The Legislative Assembly supports the aspirations of minorities, women and emerging small businesses to enter the mainstream of Oregon social, political and economic life.

(2) The Legislative Assembly finds:

(a) The opportunity for full participation in our free enterprise system by minorities, women and emerging small businesses is essential;

(b) Greater economic opportunity for minorities, women and emerging small businesses is essential;

(c) Review of public programs to remedy historical patterns of exclusion of and discrimination against racial or ethnic groups and women is needed;

(d) Public policies and programs to eliminate the effects of long-term, open and pervasive exclusion of and discrimination against minorities and women from the business sector, including increased opportunities to integrate minorities and women into the full economic life of the community should be reviewed; and

(e) In cooperation with the private sector, the affected populations, interested groups and

appropriate governmental entities, a program of review should be established to recommend remedies for the unfortunate effects of social, political and economic inequity that still exist.

- (3) Women and minorities are rebuttably presumed to be:
  - (a) Economically disadvantaged.
  - (b) Socially disadvantaged. [1987 c.893 §3; 1989 c.1043 §2]

**200.025 Advocate for Minority, Women and Emerging Small Business; office; duties.**

(1) There is created in the Office of the Governor, the Advocate for Minority, Women and Emerging Small Business who shall be appointed by the Governor.

(2) There is created in the Department of Consumer and Business Services the Office for Minority, Women and Emerging Small Business, the employees of which shall be appointed by the Director of the Department of Consumer and Business Services.

(3) The Advocate for Minority, Women and Emerging Small Business shall:

(a) Advise the Governor and the director on activities and initiatives that may promote the economic integration of minorities, women and emerging small businesses into the business sector;

(b) Prepare an annual report to the Governor, director and Legislative Assembly on the status of minorities and women in the marketplace, accomplishments and resolutions of issues of concern to minority and women's enterprises and recommendations for executive and legislative actions; and

(c) Carry out other duties that may be assigned by the Governor.

(4) The Office for Minority, Women and Emerging Small Business shall:

(a) Provide information to minority, women and emerging small businesses;

(b) Assist in the development and implementation of an aggressive strategy for this state, based on research and monitoring, that encourages participation of minorities, women and emerging small businesses in the state's economy;

(c) Make recommendations to the director on the research, development and implementation of the plan for the involvement of disadvantaged and minority groups and emerging small businesses in all state programs;

(d) Maintain an Oregon Opportunity Register and Clearinghouse for information on public agency and other contract solicitations for professional services, supplies and services and other bid opportunities, in consultation with the State Board of Higher Education, the Department of Transportation and other entities;

(e) Monitor the certification and compliance program for disadvantaged, minority, women and emerging small businesses under ORS 200.055;

(f) Investigate complaints and possible abuses of the certification program; and

(g) Assist in the promotion and coordination of plans, programs and operations of state government that strengthen minority and women participation in the economic life of this state. [1987 c.893 §4; 1989 c.1043 §3; 1993 c.500 §7; 1993 c.744 §§189,189a; 2003 c.794 §214; 2005 c.683 §§6,7]

**200.035 When state agency to notify advocate of solicitations and contract awards. (1)**

For a public contract with a value of \$5,000 or more, a state agency shall provide timely notice and information to the Advocate for Minority, Women and Emerging Small Business regarding:

- (a) Bid or proposal solicitations; and
- (b) Contract awards.

(2) Each state agency shall, in consultation with the advocate, establish a process and timeline for providing the notice and information required by subsection (1) of this section to the advocate. [1987 c.893 §5; 1997 c.145 §1; 1997 c.802 §10; 2005 c.351 §1]

**200.045 Standards for good faith efforts to meet contract requirements; standards for establishing bidder's responsibility.** (1) To determine whether a bidder that has failed to meet emerging small business enterprise contract requirements may be awarded the contract, the public contracting agency must decide whether the bidder's efforts to obtain participation by emerging small business enterprises were good faith efforts to meet the requirements.

(2) Performing all of the following actions by a bidder constitutes a rebuttable presumption that the bidder has made a good faith effort to satisfy the subcontracting requirement for emerging small businesses. It shall be a rebuttable presumption that the bidder has not made a good faith effort if the bidder has not acted consistently with such actions. Efforts that are merely superficial are not good faith efforts:

(a) The bidder attended any presolicitation or prebid meetings that were scheduled by the contracting agency to inform emerging small business enterprises of contracting and subcontracting or material supply opportunities available on the project;

(b) The bidder identified and selected specific economically feasible units of the project to be performed by emerging small business enterprises in order to increase the likelihood of participation by such enterprises;

(c) The bidder advertised in general circulation, trade association, minority and trade oriented, women-focus publications, if any, concerning the subcontracting or material supply opportunities;

(d) The bidder provided written notice to a reasonable number of specific emerging small business enterprises, identified from a list of certified emerging small business enterprises provided or maintained by the Department of Consumer and Business Services for the selected subcontracting or material supply work, in sufficient time to allow the enterprises to participate effectively;

(e) The bidder followed up initial solicitations of interest by contacting the enterprises to determine with certainty whether the enterprises were interested;

(f) The bidder provided interested emerging small business enterprises with adequate information about the plans, specifications and requirements for the selected subcontracting or material supply work;

(g) The bidder negotiated in good faith with the enterprises, and did not without justifiable reason reject as unsatisfactory bids prepared by any emerging small business enterprises;

(h) Where applicable, the bidder advised and made efforts to assist interested emerging small business enterprises in obtaining bonding, lines of credit or insurance required by the contracting agency or contractor;

(i) The bidder's efforts to obtain emerging small business enterprise participation were reasonably expected to produce a level of participation sufficient to meet the goals or requirement of the public contracting agency; and

(j) The bidder used the services of minority community organizations, minority contractor groups, local, state and federal minority business assistance offices and other organizations identified by the Advocate for Minority, Women and Emerging Small Business that provide assistance in the recruitment and placement of emerging small business enterprises.

(3) To determine whether a bidder is a responsible bidder, the performance of all the

following actions constitutes a rebuttable presumption that the bidder is responsible. It shall be a rebuttable presumption that the bidder is not responsible if the bidder has not acted consistently with the actions described in this subsection. Efforts that are merely superficial are not good faith efforts.

(a) The bidder attended any presolicitation or prebid meetings that were scheduled by the contracting agency to inform minority or women business enterprises of contracting and subcontracting or material supply opportunities available on the project;

(b) The bidder identified and selected specific economically feasible units of the project to be performed by minority or women business enterprises in order to increase the likelihood of participation by such enterprises;

(c) The bidder advertised in general circulation, trade association, minority and trade oriented, women-focus publications, if any, concerning the subcontracting or material supply opportunities;

(d) The bidder provided written notice to a reasonable number of specific minority or women business enterprises, identified from a list of certified minority or women business enterprises provided or maintained by the Department of Consumer and Business Services for the selected subcontracting or material supply work, in sufficient time to allow the enterprises to participate effectively;

(e) The bidder followed up initial solicitations of interest by contacting the enterprises to determine with certainty whether the enterprises were interested;

(f) The bidder provided interested minority or women business enterprises with adequate information about the plans, specifications and requirements for the selected subcontracting or material supply work;

(g) The bidder negotiated in good faith with interested, capable and competitive minority or women business enterprises submitting bids;

(h) Where applicable, the bidder advised and made efforts to assist interested minority or women business enterprises in obtaining bonding, lines of credit or insurance required by the contracting agency or contractor;

(i) The bidder's efforts to obtain minority or women business enterprise participation were reasonably expected to produce a level of participation sufficient to meet the goals of the public contracting agency; and

(j) The bidder used the services of minority community organizations, minority contractor groups, local, state and federal minority business assistance offices and other organizations identified by the Advocate for Minority, Women and Emerging Small Business that provide assistance in the recruitment and placement of disadvantaged, minority or women business enterprises. [1987 c.893 §7; 1989 c.1043 §8; 1997 c.145 §2; 2003 c.794 §215]

## CERTIFICATION

**200.055 Certification of disadvantaged, minority, women or emerging small business enterprises; fee; rules; appeal.** (1) Any disadvantaged, minority, women or emerging small business enterprise is entitled to be certified as such upon application to the Department of Consumer and Business Services. If the application is approved by the department, the department shall certify the applicant as a disadvantaged, minority, women or emerging small business enterprise. The enterprise shall be considered so certified by any public contracting agency.

(2) In consultation with the State Board of Higher Education and the Department of Transportation, and with the approval of the Advocate for Minority, Women and Emerging Small Business, the Department of Consumer and Business Services by rule shall adopt a uniform standard form and procedure designed to provide complete documentation that a business enterprise is certified as a disadvantaged, minority, women or emerging small business enterprise. The Department of Consumer and Business Services shall compile and make available upon request a list of certified disadvantaged, minority, women or emerging small business enterprises.

(3) Any business enterprise that is refused certification as a disadvantaged business enterprise or denied recertification as such or whose certification is revoked may appeal directly to the United States Department of Transportation.

(4) Any business enterprise that is refused certification as a minority, women or emerging small business enterprise or has its certification revoked may request a contested case hearing as provided in ORS chapter 183.

(5) The Department of Consumer and Business Services shall be the sole agency authorized to certify enterprises as disadvantaged, minority, women or emerging small business enterprises eligible to perform on public contracts in this state.

(6) The Department of Consumer and Business Services by rule may establish a fee not to exceed \$100 for a copy of the list of certified disadvantaged, minority, women and emerging small business enterprises and may assess state agencies for services under ORS 200.005 to 200.075.

(7) The Department of Transportation may collect a fee, not to exceed \$200, from a bidder upon bidder prequalifications to cover the costs of the Department of Consumer and Business Services in administering ORS 200.005 to 200.075. The Department of Transportation shall transfer such fees to the credit of the account established under subsection (8) of this section.

(8) The Department of Consumer and Business Services shall establish a special account in which to deposit fees and assessments. The special account is continuously appropriated to the Department of Consumer and Business Services to meet its expenses in administering ORS 200.005 to 200.075. [1987 c.893 §8; 1989 c.1043 §4; 1993 c.500 §8; 1997 c.145 §3; 2003 c.794 §216]

**200.057 Designation of certified business as tier one or tier two firm.** (1) A business may be certified as an emerging small business by the Department of Consumer and Business Services for up to 12 years and may be:

(a) Designated a tier one firm for up to six years unless the business no longer qualifies as a tier one firm.

(b) Designated a tier two firm for up to six years unless the business no longer qualifies as a tier two firm.

(2) The department shall adjust annually the amount of the average annual gross receipts required to qualify as a tier one firm or a tier two firm using the most recent three-year average of the Portland-Salem Consumer Price Index for All Urban Consumers for All Items, as reported by the United States Bureau of Labor Statistics.

(3) Notwithstanding the time limits established by subsection (1) of this section, if a tier one firm provides compelling information showing, in the judgment of the Department of Consumer and Business Services, that the firm has not been afforded an opportunity to bid on emerging small business projects during a year of eligibility, the department shall extend the tier one

designation of the firm for one year. A tier one firm may receive the extension described in this subsection only once. [2005 c.683 §2]

**Note:** 200.057 was added to and made a part of 200.005 to 200.075 by legislative action but was not added to any other series. See Preface to Oregon Revised Statutes for further explanation.

**Note:** Sections 3 and 13 (2), chapter 683, Oregon Laws 2005, provide:

**Sec. 3.** On or before June 30, 2006, a business previously certified as an emerging small business may be recertified as an emerging small business if the business still qualifies as an emerging small business and has eligibility remaining under section 2 of this 2005 Act [200.057]. [2005 c.683 §3]

**Sec. 13.** (2) Section 3 of this 2005 Act is repealed on July 1, 2006. [2005 c.683 §13(2)]

**200.065 Fraudulent conduct prohibited; sanctions.** (1) It shall be unlawful for any person fraudulently to obtain or retain or attempt to obtain or retain or to aid another person fraudulently to obtain or retain or attempt to obtain or retain certification as a disadvantaged, minority, women or emerging small business enterprise.

(2) It shall be unlawful knowingly to make a false claim that any person is qualified for certification or is certified under ORS 200.055 for the purpose of gaining a contract or subcontract or other benefit.

(3) The public contracting agency may withhold payment, suspend or terminate the contract and may impose on any person a civil penalty not to exceed 10 percent of the contract or subcontract price or \$5,000, whichever is less, for each violation of subsection (1) or (2) of this section. The penalty shall be paid to the Office for Minority, Women and Emerging Small Business.

(4) The Department of Consumer and Business Services or an affected public contracting agency shall investigate any complaint that a person has violated subsection (1) or (2) of this section. In investigating such a complaint, the department or an affected public contracting agency may require any additional information, administer oaths, take depositions and issue subpoenas to compel the attendance of witnesses and the production of books, papers, records, memoranda or other information necessary to carry out its duties. If any person fails to comply with any subpoena issued under this subsection or refuses to testify on any matter on which a person may lawfully be interrogated, the procedure provided in ORS 183.440 shall be followed to compel compliance.

(5) An affected public contracting agency or the Department of Consumer and Business Services may disqualify any person found to have violated subsection (1) or (2) of this section or who admits to such violation under oath during the course of an investigation from bidding or participating in any public contract for a period of time specified by the agency or department, not to exceed three years. Any contracting agency that has notice of the finding of the fraudulent certification may also disqualify the person from bidding on or participating in any public contract. [1987 c.893 §9; 1989 c.1043 §5; 1997 c.145 §4]

**200.075 Prohibited conduct; suspension of certification or right to participate in public contracts.** (1) Any bidder or contractor or subcontractor on a public contract that knowingly commits any of the acts listed in paragraphs (a) to (c) of this subsection shall have its right to bid

on or participate in any public contract suspended. The suspension shall occur only after notice and opportunity for hearing in such manner as the affected public contracting agency, by rule, shall provide. The suspension shall be for up to 90 days for a first violation, up to one year for a second violation and up to five years for a third violation. Each violation shall remain on record for five years. After five years the violation shall no longer be considered in reviewing future violations. The following acts are prohibited:

(a) Entering into any agreement representing that a disadvantaged, minority, women or emerging small business enterprise certified pursuant to ORS 200.055 will be performing work or supplying materials under the public improvement contract without the knowledge and consent of the disadvantaged, minority, women or emerging small business enterprise.

(b) Exercising management and decision making control over the internal operations of any certified disadvantaged, minority, women or emerging small business enterprise. As used in this paragraph, "internal operations" does not include normal scheduling, coordination, execution or performance as a subcontractor on a public contract.

(c) Using a disadvantaged, minority, women or emerging small business enterprise to perform a subcontract or supply material under a public improvement contract to meet an established goal or requirement when the disadvantaged, minority, women or emerging small business enterprise does not perform a commercially useful function in carrying out its responsibilities and obligations under the contract.

(2) Any disadvantaged, minority, women or emerging small business enterprise certified under ORS 200.055 that allows or commits any of the acts listed in paragraphs (a) to (c) of this subsection shall have its certification suspended for up to 90 days for the first violation, up to one year for a second violation and up to five years for a third violation. Each violation shall remain on record for five years. After five years the violation shall no longer be considered in reviewing future violations. The following acts are prohibited:

(a) Use of the firm's name to meet a disadvantaged, minority, women or emerging small business enterprise goal or requirement on a public contract when the firm does not in fact intend to or does not actually perform the work under the subcontract or purchase and supply material to the project under a material supply contract.

(b) Use of any personnel of an uncertified business to operate, manage or otherwise control the disadvantaged, minority, women or emerging small business enterprise.

(c) Failure to perform a commercially useful function in carrying out its functions under a subcontract or a material supply contract entered into with a contractor or subcontractor on a public contract when represented as a certified business to meet an established goal or requirement.

(3) For the purpose of this section "commercially useful function" means the actual performance of a function or service by the business for which there is a demand in the marketplace, and for which the business receives payment not disproportionate to the work performed or in conformance with industry standards. Acting as a broker to provide for the performance of work by others does not constitute a "commercially useful function." [1987 c.893 §11; 1989 c.1043 §6; 1991 c.91 §1; 1995 c.452 §21]

**200.085** [1987 c.893 §1; repealed by 1989 c.1043 §14]

## RESPONSIBILITY OF PUBLIC AGENCIES

**200.090 Public agencies to pursue policy of providing opportunities.** Public agencies shall aggressively pursue a policy of providing opportunities for available contracts to emerging small businesses and shall cooperate with the Advocate for Minority, Women and Emerging Small Business to determine the best means by which to make such opportunities available. [1989 c.1043 §10]

## MENTOR PROGRAM

**200.100 Definitions for ORS 200.100 to 200.120.** As used in ORS 200.100 to 200.120:

(1) “Contractor” means a person who contracts on predetermined terms to be responsible for the performance of all or part of a job of preparation or construction in accordance with established specifications or plans, retaining control of means, method and manner of accomplishing the desired result, and who provides:

- (a) Labor at the site; or
- (b) Materials, supplies and labor at the site.

(2) “Disadvantaged business enterprise” means a small business concern that is at least 51 percent owned by one or more socially and economically disadvantaged individuals, or, in the case of any corporation, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals and whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

(3) “Minority or women business enterprise” means a small business concern which is at least 51 percent owned by one or more minorities or women, or in the case of a corporation, at least 51 percent of the stock of which is owned by one or more minorities or women, and whose management and daily business operations are controlled by one or more of such individuals.

(4) “Minority individual” means a person who is a citizen or lawful permanent resident of the United States and who is:

- (a) Black, a person having origins in any of the black racial groups of Africa;
- (b) Hispanic, a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race;
- (c) Asian American, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands;
- (d) Portuguese, a person of Portuguese, Brazilian or other Portuguese culture or origin, regardless of race;
- (e) American Indian or Alaskan Native, a person having origins in any of the original peoples of North America; or
- (f) A member of another group or another individual that is socially and economically disadvantaged as determined by the Advocate for Minority, Women and Emerging Small Business.

(5) “Subcontractor” means a contractor who has no direct contractual relationship with the owner. [1991 c.559 §1; 2005 c.22 §152]

**200.110 Mentor program; guidelines; eligibility.** (1) The Economic and Community Development Department may recognize the mentor relationship between contractors and minority business enterprises or women business enterprises certified under this chapter. The mentor relationship shall offer the opportunity to foster and encourage minority and women

business enterprises, to expand the capacity of presently existing minority and women businesses and to offer the opportunity for less experienced minority and women businesses to gain training and assistance.

(2) Guidelines for eligibility for the mentor relationship include, but are not limited to:

(a) Minority and women business enterprises that meet the certification requirements of the U.S. Department of Transportation are eligible for participation in a mentor program. Other minority and women business enterprises are also eligible if they meet the certification requirements of this chapter. An agency may grant approval of an enterprise application for certification concurrent with approval of a mentor arrangement.

(b) The minority or women business enterprise must be an independent organization, and the ownership by the individuals must be real. Other employment and business interests by the individuals are not precluded, if such employment or business interests do not conflict with the power of the minority or women owners to direct the management and policies of the minority or women enterprise to make day-to-day as well as major decisions on matters of management, policy and operations.

(c) The mentor program is intended to provide minority and women business enterprises with advice, assistance and training. The enterprise shall be responsible for management and operations of the business. The mentor shall not be responsible for the management of the firm. The mentor and the enterprise shall remain separate and independent business entities with the exception that facilities may be provided to the enterprise by the mentor if a separate lease agreement is maintained by the parties.

(d) Part ownership in a minority or women business enterprise by a nondisadvantaged party, including a mentor, is permitted if in compliance with 49 C.F.R. 23. Any property, equipment, supplies or other services which are sold, rented or donated to the enterprise and any investment made by nondisadvantaged individuals must be reported to the agency involved in the mentor program. Documentation shall be provided by bills of sale, lease agreements or similar documents.

(e) The mentor relationship may include an arrangement with an independent third party, such as a bank or accountant, to act as an agent. Third parties may receive progress payments for work accomplished by the minority or women business enterprise, made out jointly to the agent and the enterprise, and make payments, on behalf of the enterprise, to material suppliers or for federal and state payroll taxes.

(3) Types of assistance a mentor may provide to the minority or women business enterprise include:

- (a) Financial assistance;
- (b) Technical and management assistance;
- (c) Equipment rental and use of personnel; and
- (d) Bonding assistance. [1991 c.559 §2]

**200.120 Standards for program participation.** (1) Mentor relationships may be documented by a written development plan, approved by the Economic and Community Development Department in consultation with the Oregon Association of Minority Entrepreneurs. The development plan shall:

- (a) Clearly set forth the objectives of the parties and their respective roles;
- (b) Be for a specified length of time;
- (c) Determine measurable goals to be reached by the minority or women business enterprise;

and

(d) Provide that if resources of the mentor are utilized by the minority or women business enterprise in the performance of contracts or subcontracts for the mentor or for another contractor, the resources shall be separately identified, accounted for and compensated directly by the minority or women business enterprise to the mentor. If the plan provides for extensive use of the mentor's resources by the minority or women business enterprise, the arrangement may be closely monitored.

(2) The development plan may also include training to be provided by the mentor to the minority or women business enterprise. Training may include:

- (a) Business planning;
- (b) Record keeping;
- (c) Technical training;
- (d) Capital formation;
- (e) Loan packaging;
- (f) Financial counseling;
- (g) Bonding; and
- (h) Equipment utilization.

(3) The development plan may be reviewed annually by the Economic and Community Development Department and the Oregon Association of Minority Entrepreneurs to review the progress of the mentor program.

(4) The development plan shall contain a provision that the mentor relationship may be terminated by mutual consent or upon determination that:

- (a) The mentor firm no longer meets the eligibility standards for certification as a minority or women business enterprise;
- (b) Either party has failed or is unable to meet its obligations under the development plan;
- (c) The minority or women business enterprise is not progressing or is not likely to progress in accordance with the development plan;
- (d) The minority or women business enterprise has reached a satisfactory level of self-sufficiency to compete without resorting to special treatment provided in the development plan; or
- (e) The plan or provisions thereof are contrary to the requirements of federal, state, or local law or regulation, or otherwise contrary to public policy.

(5) Copies of the development plan shall be retained by all parties to it, and by the Economic and Community Development Department and the Oregon Association of Minority Entrepreneurs.

(6) The development plan may include a provision that the arrangement shall be dissolved by either party for reason by notifying the Economic and Community Development Department and the Oregon Association of Minority Entrepreneurs. [1991 c.559 §3]

## EMERGING SMALL BUSINESS ASSISTANCE PROGRAM

**200.150** [1991 c.517 §1; repealed by 2005 c.683 §13]

**200.160 Transportation Commission duties; report.** The Oregon Transportation Commission shall appoint a committee to recommend plans whereby the Department of Transportation may assist emerging small businesses in overcoming barriers to participation in

state public improvement and maintenance projects. The committee shall report biennially its recommendation to the commission and to the appropriate legislative committee. [1991 c.517 §2; 2005 c.683 §8]

**200.170 Eligibility for participation.** (1) Subject to subsection (2) of this section, to participate in the emerging small business program under ORS 200.160 to 200.200, an applicant must:

(a) Be certified by the Department of Consumer and Business Services under ORS 200.005 to 200.075 as an emerging small business;

(b) Show that the applicant's place of business and the work in which the applicant seeks to participate are located in this state; and

(c) Show that the applicant is in compliance with applicable licensing and registration requirements.

(2) The Department of Transportation may limit eligibility for participation on a specific project or contract to emerging small businesses that are located in or draw a part of their workforce from economically distressed areas or enterprise zones in this state, as designated by the Economic and Community Development Department in consultation with the Employment Department.

(3) An applicant who participates under ORS 200.160 to 200.200 must perform at least 51 percent of the labor provided by the applicant on a public improvement or maintenance project using the applicant's own workforce. [1991 c.517 §§3,6; 2005 c.103 §1; 2005 c.683 §9]

**200.180 Emerging Small Business Account; uses.** The Emerging Small Business Account is established within the State Highway Fund. The Emerging Small Business Account is an investment fund for purposes of ORS 293.701 to 293.820. Moneys in the account are continuously appropriated to the Department of Transportation for the purpose of assisting emerging small businesses under the plans recommended under ORS 200.160. Interest earnings on moneys in the account are credited to the account. [1991 c.517 §4; 1993 c.744 §189b; 2005 c.683 §10]

**200.190 Deposit of one percent of highway construction contract amount.** The Department of Transportation, when undertaking a public improvement highway construction contract, shall deposit with the State Treasurer an amount equal to not more than one percent of the contract award amount. The State Treasurer shall credit the amount reserved to the Emerging Small Business Account established in the State Highway Fund. The deposit must be made within 30 days of the date on which the contract award is made. [1991 c.517 §5; 1993 c.744 §189c; 2005 c.683 §11]

**200.200 Security for performance by emerging small business.** (1) When any requirement exists under ORS 279.835 to 279.855 or ORS chapter 279A, 279B or 279C to provide a surety bond or other security for the faithful performance of a public contract, an emerging small business may provide:

(a) A surety bond issued by a corporate surety qualified by law to issue surety insurance as defined in ORS 731.186;

(b) A stipulation or undertaking with one or more individual sureties; or

(c) Any other form of security specified in the statute requiring the security.

(2) When the security for the faithful performance of a public contract is in the form of a stipulation or undertaking with one or more individual sureties, the individual sureties must be residents of this state. The total net worth of all the individual sureties on the stipulation or undertaking must be at least twice the sum specified in the stipulation or undertaking. The public agency requiring the security shall determine if the sureties possess the qualifications prescribed by this subsection. [1991 c.517 §8; 2003 c.794 §217]

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