



## Woods Hole, Martha's Vineyard and Nantucket Steamship Authority

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# Woods Hole, Martha's Vineyard and Nantucket Steamship Authority Disadvantaged Business Enterprises Program and Policies

2025-2027

Last updated: August 2025

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## **PURPOSE**

Pursuant to Title 49 CFR §§ 26.3 and 26.21, Woods Hole, Martha's Vineyard and Nantucket Steamship Authority (SSA), a subrecipient of federal financial assistance from the Federal Transit Administration (FTA) of the United States Department of Transportation (U.S. DOT), is required to implement a DBE Program in accordance with Title 49 CFR Part 26 (Regulations). The requirements of the Regulations are incorporated by reference. In the event of any conflicts or inconsistencies between the Regulations and the DBE Program with respect to U.S. DOT - assisted contracts, the Regulations shall prevail.

## **SCOPE**

The DBE (Disadvantaged Business Enterprise) Program and Policies of the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority (SSA) are set forth in this document to outline the standards the SSA will hold itself to which ensures compliance with Federal Law Title 49 CFR Part 26. These standards are furnished to ensure that materials, equipment, construction and services are obtained in a manner that respects the parameters of federal, state, and SSA statutory or regulatory requirements. The DBE Program outlined herein applies to all SSA contracts that are funded, in whole or in part, by U.S. DOT federal financial assistance.

## **BACKGROUND**

In 1983, Congress enacted the first Disadvantaged Business Enterprise (DBE) statutory provision. This provision required the Department to ensure that at least 10% of the funds authorized for the highway and transit Federal financial assistance programs be expended with DBEs. In 1987, Congress re-authorized and amended the statutory DBE program. In the transportation legislation of that year, Congress, among other changes, added women to the groups presumed to be disadvantaged. Since 1987 DOT has established a single DBE goal, encompassing both firms owned by women and minority group members.

Primarily three major DOT Operating Administrations (OAs) are involved in the DBE program. They are the Federal Highway Administration, the Federal Aviation Administration and the Federal Transit Administration. The DOT DBE program is carried out by state and local transportation agencies under the rules and guidelines in the Code of Federal Regulations. (Title 49, Part 26).

WOODS HOLE, MARTHA'S VINEYARD AND NANTUCKET STEAMSHIP AUTHORITY  
**DBE PROGRAM POLICY STATEMENT**

**Objectives/Policy Statement (Section 26.1, 26.23)**

The Woods Hole, Martha's Vineyard and Nantucket Steamship Authority, hereinafter referred to as "the SSA," has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (USDOT), 49 CFR Part 26. The SSA has received Federal financial assistance from the USDOT, and as a condition of receiving this assistance, the SSA has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the SSA to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in contracts funded wholly or in part by USDOT funds. Further, in keeping with the spirit of growth and development, raising the bar to fulfill business needs and ensuring quality, the SSA will also provide networking opportunities, technical support, guidance and training to DBEs and contractors to support quality business partnerships.

It is the policy of the SSA to do the following:

1. To ensure nondiscrimination in the award and administration of DOT- assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT- assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

The SSA Treasurer/Comptroller, Mark Rozum, has been delegated as the DBE Liaison Officer. In that capacity, he is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the SSA in its financial assistance agreements with the Department of Transportation.

SSA has disseminated this policy statement to its Board and all of the components of the organization. SSA has distributed this statement to DBE and non-DBE business communities that perform work for SSA on DOT-assisted contracts by posting it on the SSA website, using SSA social media, newspaper advertisements, and making this policy part of the SSA contractual documents (before, during, and after award).

## **SUBPART A – GENERAL REQUIREMENTS**

### **Objectives - Section 26.1**

The objectives are defined in the DBE PROGRAM POLICY STATEMENT of this program.

### **Applicability (26.3)**

Pursuant to 49 CFR § 26.3, the SSA is the recipient of federal financial assistance from the Federal Transit Administration (FTA) and/or the Federal Highway Administration (FHWA) of the USDOT and is required to implement a DBE Program in accordance with 49 CFR Part 26. The DBE Program outlined herein applies to all SSA contracts that are funded, in whole or in part, by USDOT.

### **Definitions (26.5)**

Terms and definitions applicable to the USDOT DBE Program and this Program Plan may be found at 49 CFR Part 26 and related appendices and guidance pages.

### **Non-Discrimination Requirements (26.7)**

The SSA will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

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

### **Record Keeping Requirements (26.11 (b) (c))**

The SSA via the CCRTA will report DBE participation on a semi-annual basis, via DOT's "Uniform Report of DBE Awards or Commitments and Payments" form, which replaces the DOT Form 4630. These reports will reflect payments actually made to DBEs on DOT-assisted contracts.

SSA will create a list of bidders and proposers, consisting of information about all DBE and non-DBE firms that bid, propose or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the list to calculate overall goals. The list of bidders and proposers will include the name, address, DBE/non-DBE status, age of firms, and the annual gross receipts of the firm. SSA will collect this information via notice in all solicitations using federal funds. All DBE firms having done business with, quoted in solicitation responses, and/or requested to be added to the SSA's bidders' list are included as Attachment J. CCRTA is a member of the Boston based UCP which keeps detailed information, as specified in this paragraph, on an active database and that information is hereby incorporated in this document as eligible bidders in

Attachment G and Attachment H and is referenced in the Subparts D and E as to Certification Standards and Procedures.

**Federal Financial Assistance Agreement (26.13)**

The SSA has signed the following assurances, applicable to all USDOT-assisted contracts and their administration:

**Assurance - Section 26.13(a)**

“The SSA shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any USDOT-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. The SSA shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts. The SSA’s DBE Program, as required by 49 CFR Part 26 and as approved by USDOT, 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 the SSA of its failure to carry out its approved program, the Department may impose sanction as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or Program Fraud Civil Remedies Act of 1986 (U.S.C. 3801 et seq.).”

This language will appear in financial assistance agreements with sub-recipients.

**Contract Assurance - Section 26.13 (b)**

The SSA will ensure that the following clause is placed in every USDOT-assisted contract and subcontract:

*“The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT-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 SSA deems appropriate.*”

**SUBPART B - ADMINISTRATIVE REQUIREMENTS**

**DBE Program Updates - Section 26.21**

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

### **Policy Statement - Section 26.23**

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

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

SSA have designated the following individual as CCRTA DBE Liaison Officer:

Mark Rozum  
Treasurer/Comptroller  
Steamship Authority  
228 Palmer Avenue, Falmouth, MA, 02540  
[mrozum@steamshipauthority.com](mailto:mrozum@steamshipauthority.com)

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the SSA complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Administrator concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment A to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO will consult with the CCRTA to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment and identifies ways to improve progress.
6. Analyzes CCRTA's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Administrator on DBE matters and achievement.
9. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
10. Plans and participates in DBE training seminars.
11. Requests certification assurance of DBEs according to the criteria set by DOT and acts as liaison to the Uniform Certification Process in Massachusetts.
12. Provides outreach to DBEs and community organizations to advise them of opportunities.
13. Maintains the CCRTA's updated directory on certified DBEs.

## **DBE Financial Institutions - Section 26.27**

It is the policy of the SSA to investigate, annually, the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions. As of the date of this policy, SSA continues to issue a Bonds and Bond Anticipation Notes periodically when needed. Prior to the issuance of this request the CCRTA DBELO will review the list of DBE/MBE financial institutions as listed and certified by the Massachusetts Unified Certification Program (UCP) and make inquiries of the CCRTA, Cape Cod, Martha's Vineyard, and Nantucket Chambers of Commerce. The CCRTA will ensure that all eligible financial institutions are included in the bidder's list for the Bonds and Bond Anticipation Notes. To date through the CCRTA, SSA has identified the following institutions:

Company Name: One United Bank  
DBA: f/k/a: The Boston Bank of Commerce  
Address: 100 Franklin Street, Suite 600  
City, State & Zip: Boston, MA. 02110  
Contact: Mr. Kevin Cohee  
Phone: (617)457-4400 Fax: (617)457-4430  
Business Type: Business Enterprise (for-profit)  
SOMWBA Certification(s): 07/01/1998 MBE  
SDO Description: *Full Service Commercial Bank*  
ACDBE Description: *N/A*

Company Name: M. R. Beal & Company  
Address: 110 Wall Street, 6th Floor  
City, State & Zip: New York, NY. 10005-3827  
Contact: Mr. Joseph Mendola  
Phone: (212)983-3930 Fax: (212)983-4539  
Email: [jmendola@mrbeal.com](mailto:jmendola@mrbeal.com)  
Home Page: <http://www.mrbeal.com>  
Business Type: Business Enterprise (for-profit)  
SOMWBA Certification(s): 01/06/2011 MBE  
SDO Description: *Full-Service Investment Banking Firm; Our Broad Range of Activities Includes Public Finance, Corporate Debt and Equity, Fixed-Income Sales and Trading, and Financial Advisory Services*  
ACDBE Description: *N/A*

Company Name: National Capital Resources, LLC  
Address: P.O. Box 1145 c/o LVCC  
City, State & Zip: Marblehead, MA. 01945  
Contact: Mr. Rodney D. Jones  
Phone: (610)656-3878 Fax: (484)842-1589  
Email: [rjones@nationalcap.org](mailto:rjones@nationalcap.org)  
Home Page: <http://www.nationalcap.org>  
Business Type: Business Enterprise (for-profit)  
SOMWBA Certification(s): 02/13/2003 MBE  
SDO Description: *Financial Advisor and Investment Banking; Specializing in Tax-exempt, Privately Placed Bonds, Financing for Equipment Leases, Bonds for Business and Non-profit Organizations*  
ACDBE Description: *N/A*

### **Prompt Payment Mechanisms - Section 26.29**

The SSA will include the following clause in each USDOT-assisted prime contract:

“The contractor must promptly pay each subcontractor under this contract for satisfactory performance of its contract within thirty (30) business days from the receipt of each payment the contractor receives from the SSA. The contractor further agrees to make payment in full, including retainage, to each Subcontractor no later than ten (30) business days after the Subcontractor has satisfactorily completed all of the work required under its subcontract. Failure to comply with this requirement may result in the withholding of payment to the contractor until such time as all payments due under these Provisions have been received by the subcontractor(s).”

### **Directory – Section 26.31**

The SSA will maintain a bidder’s list identifying all previous and present SSA DBE contractors. For all future procurements the SSA will contact the CCRTA who subscribes to the Massachusetts Unified Certified Program (UCP) (DBE) Supplier Diversity Office (SDO) website that identifies all firms eligible to participate as DBEs in Massachusetts. The directory lists the firm’s name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. The State updates the directory at least annually. The directory is available at <https://www.sdo.osd.state.ma.us/BusinessDirectory/BusinessDirectory.aspx>. SSA makes the web site address available as follows: on CCRTA’s website (<https://capecodrta.org/>) and in all SSA procurements using federal funds. The mailing list of DBE’s who have done work for CCRTA and the UCP Plan are both attachments to the SSA Plan as Attachments J and I respectively.

### **Overconcentration - Section 26.33**

SSA has not identified that overconcentration exists in the types of work that DBEs perform. An annual review is conducted of the SSA DBE Goal and its attainment or shortfall prior to issuance of the next fiscal year’s capital plan and solicitation of bids. Up to this point, there has been no identification that there are too many DBE/SBE firms available to bid on SSA’s capital work. However, “overconcentration” reviews will take place every year during the preparation of the Capital Plan, listing of eligible DBE/SBEs to bid on the work, and the reviewing/editing of the bidder’s list for procurement invitations. If overconcentration were found SSA would attempt to cull the bidders’ list by holding a pre-bidders conference whereby specific requirements would be communicated to the bidder so they would know more completely what was required. SSA would also communicate this fact to the UCP via the CCRTA to ensure that they were categorizing the DBE’s in as wide a variety of NAICS codes as possible. This would assist the DBEs in bidding on other work rather than just a few categories and SSA would be able to request bids from those whose NAICS category most closely related to the work being proposed.

### **Business Development Program – Section 26.35**

The SSA has not established a business development program.

### **Monitoring and Enforcement Mechanisms - Section 26.37**

The SSA will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26 (See Attachment B).

1. SSA will bring to the attention of the CCRTA and DOT any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
2. SSA will consider similar action under SSA's own legal authorities, including responsibility determinations in future contracts. Reference section 26.29 above for provisions and contract remedies available to SSA in the event of non-compliance with the DBE regulation by a participant in SSA's procurement activities.
3. SSA will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.
4. SSA will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by direct observation by a duly appointed Observer. The Observer will visit the work site to observe workers, inquire of their affiliation and identity, and review payee information for reconciliation of workers on site to workers on payroll. Following is an example of a field report that will be used to monitor the subcontractor's work:

## CERTIFICATION OF DBE CONTRACTOR

This is to certify that I have reviewed contracting records to determine that \_\_\_\_\_, a subcontractor to \_\_\_\_\_, has submitted invoices for the work specified in the contract award. Invoices and payments were reviewed as a means of comparing attainments to commitments for the purpose of DBE reports to the FTA.

On June 30, 20\_\_, I visited the Steamship Authority \_\_\_\_\_ for the purpose of monitoring the worksite to ensure that work committed to the DBE at contract award was actually being performed by the DBE contractor to which the work was committed. The \_\_\_\_\_ worksite manager was interviewed and several workers were asked who they worked for as further proof that the onsite contractor was the DBE stated in the contract.

This certification complies with the requirements of [64 FR 5126, Feb. 2, 1999, as amended at 65 FR 68951, Nov. 15, 2000; 68 FR 35554, June 16, 2003; 76 FR 5097, Jan. 28, 2011].

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date

Following is an example of a financial record audit that will be used to monitor the subcontractor's work:

## **FURTHER MONITORING OF DBE CONTRACTOR**

My initial letter certified that \_\_\_\_\_(contractor) is performing work as a DBE on the contracted work as specified. That certification complied with the DBE regulation's requirement for

- (1) contract assurance and
- (2) on-site monitoring

These requirements were certified based on a visit to the \_\_\_\_\_ on June 30, 20\_\_\_\_, as well as document reviews.

Proof of the final requirement, (3) prompt payment of the sub-contractor by the prime contractor, is contained in the attached documentation provided by \_\_\_\_\_ (Prime Contractor) and obtained from the SSA Procurement and Internal Audit Department.

This documentation shows that the sub-contractor, \_\_\_\_\_, invoiced the Prime Contractor on [Date \_\_\_\_\_] and was subsequently paid on [Date \_\_\_\_\_]. The Prime has paid the sub-contractor within thirty (30) days which is considered prompt payment.

Also reviewed were the Payroll sheets submitted to SSA by (Prime) for (Subcontractor). The pay rates for \_\_\_\_\_ complied with Prevailing Wage Rates in effect for the contract as specified by the Massachusetts Department of Labor.

Copies of the prompt payment documents as well as the Payroll Sheets are attached. This certification complies with the requirements of [64 FR 5126, Feb. 2, 1999, as amended at 65 FR 68951, Nov. 15, 2000; 68 FR 35554, June 16, 2003; 76 FR 5097, Jan. 28, 2011].

## **Fostering Small Business Participation - 26.39**

The SSA is committed to fostering small business participation through meeting the requirements established in 49 CFR Part 26.39, including structuring contracting requirements to facilitate competition by small business concerns, and taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors. The SSA is taking active and effective steps to increase small business participation. In implementing its strategies to foster small business participation, the SSA recognizes this as a requirement of good faith implementation of its DBE Program. Under the revised Section 26.39, the SSA is not required to report on the level of small business participation achieved through the small business element. However, race- and gender-neutral DBE participation generated through the small business element will be tracked and reported as is currently done through the DBE Program. \ Refer to Appendix C for the Fostering Small Business Participation Plan.

## **SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING**

### **Set-asides or Quotas – Section 26.43**

The SSA does not use quotas in any way in the administration of this DBE Program.

### **Overall Goal – Section 26.45**

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

In accordance with Section 26.45(f) the SSA will submit its overall goal to DOT on August 1 of each year. Before establishing the overall goal each year, SSA will consult with the CCRTA, Massachusetts Supplier Diversity Office and the local Chambers of Commerce to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the SSAs efforts to establish a level playing field for the participation of DBEs.

SSA in cooperation with the local Chambers of Commerce will hold an annual meeting inviting all minority, women's and general contractor groups, and community organizations, with the intent of disbursing information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and SSA's efforts to establish a level playing field for the participation of DBEs. This annual meeting will allow for a scheduled, direct, and interactive exchange with as many interested stakeholders as

possible focused on obtaining formation relevant to the goal setting process. This meeting will occur before SSA submits its goal to the FTA and will be documented in the goal submittal.

Following this consultation, SSA will publish a notice of the proposed overall goals in the local Chamber's e-newsletter, on SSA's website, and through SSA's social media outlets, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at SSA's principal office for 30 days following the date of the notice, and informing the public that SSA and DOT will accept comments on the goals for 45 days from the date of the notice. Normally, SSA will issue this notice by June 1 of each year. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

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

SSA will begin using the overall goal on October 1 of each year, unless SSA has received other instructions from DOT. If SSA establishes a goal on a project basis, SSA will begin using the goal by the time of the first solicitation for a DOT-assisted contract for the project.

#### **Transit Vehicle Manufacturers Goals - Section 26.49**

SSA will ensure that only those transit vehicle manufacturers (TVM's) certified by the FTA at the time of procurement, be eligible to bid. SSA will further require each TVM who chooses to bid, certify in writing, that it has complied with the requirements of 49 CFR Part 26.49. SSA recognizes that FTA is the entity that sets DBE goals for the TVMs and that FTA must be notified within 30 days of the date of award of any TVM's purchased with the inclusion of Federal Funds.

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

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment D to this program. This section of the program will be updated annually when the goal calculation is updated.

#### **Contract Goals Section - 26.51(d-g)**

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

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

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

## **Good Faith Efforts Procedures - Section 26.53**

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

The SSA Director of Grants is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive (See Attachment E).

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

### **Information to be submitted (26.53(b))**

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

Each solicitation for which a contract 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 participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment and
6. If the contract goal is not met, evidence of good faith efforts.

### **Administrative reconsideration (26.53(d))**

Within ten (10) days of being informed by SSA that it is not responsive 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 SSA General Manager, Robert B. Davis, reconsideration official: Steamship Authority, 228 Palmer Avenue, Falmouth, MA, 02540; (508) 548-5011; [rdavis@steamshipauthority.com](mailto:rdavis@steamshipauthority.com).

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

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with the reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. SSA will send the bidder/offeror a written decision on reconsideration,

explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

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

SSA will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. SSA 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. The Prime may only remove a DBE firm with prior written approval from SSA and for good cause. The Prime's contract must stipulate an appeal procedure for the sub-contractor which allows them to give reasons for non-fulfillment of their contract and requires the Prime to explain remediation efforts available to the DBE. When the DBE has exhausted its appeal rights and has still not provided a plan to get on schedule to fulfill the contract the Prime will document all findings, including the appeal, and send a written request to SSA requesting they be allowed to terminate the DBE.

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

### **Sample Bid Specification**

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the SSA to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of \_\_\_\_\_ percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 1), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (5) if the contract goal is not met, evidence of good faith efforts.

Note: The sample bid specification above is intended for use in both non-construction and construction contracts for which a contract goal has been established. It can be included in invitations for bid for construction, in requests for proposals for architectural/engineering and other professional services, and in other covered solicitation documents. A bid specification is required only when a contract goal is established.

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

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

## **SUBPART D – CERTIFICATION STANDARDS**

### **Certification Process - Section 26.61 – 26.73**

SSA will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. SSA will make the certification decisions based on the facts as a whole.

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

<https://www.mass.gov/unified-certification-program-ucp>

## **SUBPART E – CERTIFICATION PROCEDURES**

### **Unified Certification Programs - Section 26.81**

The CCRTA is the member of a Unified Certification Program (UCP) administered by the Commonwealth of Massachusetts Supplier Diversity Office (SDO), the SSA will work with the CCRTA to meet all of the requirements of this section (see Attachment I). The following is a description of the UCP:

### **Supplier Diversity Program Overview (effective October 1, 2013)**

In 1994, the Commonwealth of Massachusetts, through the Executive Office of Transportation and Construction, initiated the creation of a DBE transportation certification unit at the Supplier Diversity Office (SDO) (Formerly State Office of Minority and Women Business Assistance (SOMWBA)). Under this program, the state's major transportation agencies and authorities dedicated funding to institute efficient certification services needed by DBE firms operating in the transportation industry and in other related industries. Under contract with the state's major transportation agencies and authorities, SDO provided certification services required by federal regulation and state executive orders. SDO is a state regulatory agency within the Department of Economic Development that certifies and promotes businesses for state funded M/WBE programs. A committee of agency representatives was established to monitor operations, refine procedures, address various issues, make adjustments to practices, and provide oversight and other assistance.

For any questions on the Commonwealth's Supplier Diversity Program please contact their office:

The MA Supplier Diversity Office (SDO)  
The McCormack Building  
One Ashburton Place, Room 1017  
Boston, MA 02108  
Phone - (617) 502-8831  
Email - [webmaster.sdo@mass.gov](mailto:webmaster.sdo@mass.gov)

- The Massachusetts UCP will utilize definitions as outlined in 49 CFR Part 26, including the following, to ensure full participation in the UCP and to determine eligibility.
- Recipient: Any entity to which U.S. DOT financial assistance is extended from programs of the Federal Aviation Administration (FAA), Federal Highway Administration (FHWA) and/or Federal Transit Administration (FTA), whether directly as the primary recipient or indirectly as a sub-recipient through a primary recipient, or which entity has applied for such assistance.
- Sub-Recipient: Any entity to which U.S. DOT financial assistance is extended through a primary Recipient.
- Disadvantaged Business Enterprise DBE: A for-profit small business concern, at least 51 % owned by one or more individuals who are socially and economically disadvantaged,

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

- Socially and Economically Disadvantaged Individuals: Any individual who is a citizen or lawfully admitted permanent resident of the United States and who is:
- Any individual who is found to be a socially and economically disadvantaged individual on a case-by-case basis
- Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:
- "Black Americans" which includes persons having origins in any of the Black racial groups of Africa;
- (ii)"Hispanic Americans" which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
- (iii)"Native Americans" which includes persons who are American Indians, Eskimos, Aleuts or Native Hawaiians;
- (iv)"Asian-Pacific Americans" which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), The Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, Federated States of Micronesia, or Hong Kong;
- (v)"Subcontinent Asian Americans" which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;
- (vi) Women;
- (vii) Any additional groups whose members are designated as socially and economically disadvantaged by the Small Business Administration (SBA) at such time as the SBA designation becomes effective.
- Small Business Concern: With respect to firms seeking to participate as DBEs in U.S. DOT -assisted contracts, a small business concern is as defined in Section 3 of the Small Business Act and in the Small Business Administration (SBA) regulations 13 CFR Part 121; which business does not exceed the cap on average annual gross receipts specified in U.S. DOT regulation 49 CFR Section 26.65(b).
- Personal Net Worth: Means the net value of an individual's assets remaining after total liabilities are deducted. As used herein, the personal net worth of each individual owner of a DBE applicant firm must not exceed \$750,000, excluding the individual's ownership interest in the applicant firm and the individual's equity in his or her personal, primary residence.

## **Vendor Certification**

[Supplier Diversity Office](#) (SDO) certification qualifies businesses to participate in the Supplier Diversity Program.

The Supplier Diversity Office (SDO) is an agency within the Operational Services Division which promotes the development of certified minority-owned (MBE), women-owned (WBE) and minority-women-owned (M/WBE) business enterprises, including minority-controlled (M/NPO), women-controlled (W/NPO) and minority-women-controlled (W/NPO) non-profit organizations. It does this by facilitating their participation in Massachusetts business and economic development opportunities. Specifically, SDO offers services in certification, enforcement, business assistance and advocacy.

Certification is the process by which SDO reviews and investigates applicants who seek to participate in affirmative business opportunities to determine that they meet the requirements of state and federal statutes and regulations. SDO certification is *a marketing tool* used to enhance a firm's ability to do business in public markets. Although certification does not guarantee that a business will be successful every time it bids, it may add a competitive edge to firms seeking contracts with the government.

Finally, SDO maintains a directory of certified minority- and women-owned business enterprises and certified minority- and women-controlled non-profit organizations on its website. The website also lists information on how to become certified and provides a calendar of workshops held around the state.

## **Procedures for Certification Decisions - Section 26.83**

### **Re-certifications 26.83(a) & (c)**

The SDO reviews the eligibility of DBEs that they certified under former part 23, to make sure that they will meet the standards of Subpart E of Part 26. They will complete this review no later than three years from the most recent certification date of each firm.

### **“No Change” Affidavits and Notices of Change (26.83(j))**

The SDO requires all DBEs to inform them, 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 with their application.

SDO also requires all owners of all DBEs they have certified to submit, on the anniversary date of their certification, a “no change” affidavit meeting the requirements of 26.83(j). The test of this affidavit is the following:

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 the CCRTA under 26.83(j). [*Name of 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 \$16.6 million.

The SDO requires DBEs to submit with this affidavit documentation of the firm's size and gross receipts. SDO notifies all currently certified DBE firms of these obligations. If a firm's owner knows or should know that he or she, or the firm, fails to meet a part 26 eligibility requirement (e.g. personal net worth), the obligation to submit a notice of change applies.

### **Denials of Initial Requests for Certification - Section 26.85**

If the SDO denies a firm's application or decertifies it, it may not reapply until twelve months have passed from their action.

### **Removal of a DBE's Eligibility - Section - 26.87**

In the event the SDO proposes to remove a DBE's certification, they will follow procedures consistent with 26.87. See SDO procedures at <http://www.mass.gov/anf/budget-taxes-and-procurement/procurement-info-and-res/procurement-prog-and-serv/sdo/> .

### **Certification Appeals – Section 26.89**

Any firm or complainant may appeal the SDO decision in a certification matter to DOT. Such appeals may be sent to:

U.S. Department of Transportation  
Departmental Office of Civil Rights  
External Civil Rights Programs Division (S-33)  
1200 New Jersey Ave., S.E.  
Washington, DC 20590

Phone: (202) 366-4754  
TTY: (202) 366-9696  
Fax: (202) 366-5575

## **SUBPART F – COMPLIANCE AND ENFORCEMENT**

### **Information, Confidentiality, Cooperation -Section 26.109**

SSA will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal and state law.

#### Monitoring Payments to DBEs

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

monitoring examples of workers and payments.)

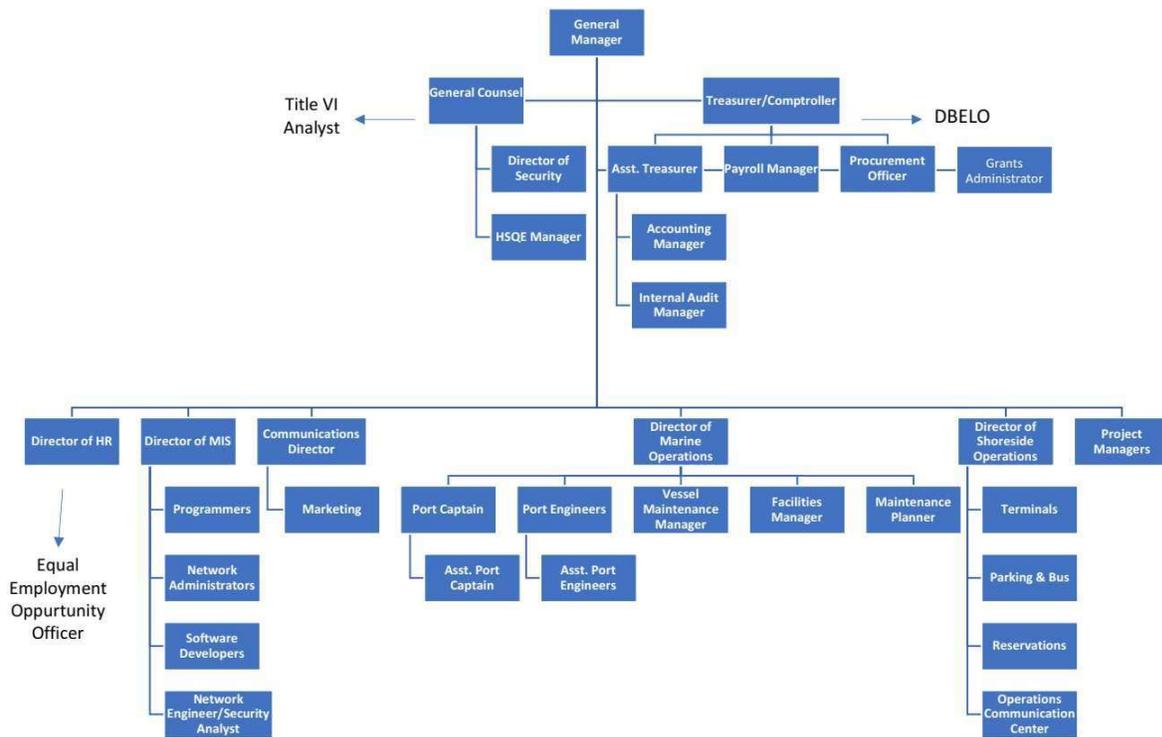
SSA will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

## **ATTACHMENTS**

Attachment A	Organizational Chart
Attachment B	Monitoring and Enforcement Mechanisms
Attachment C	Overall Goal Calculation
Attachment D	Breakout of Estimated Race-Neutral & Race-Conscious Participation
Attachment E	Guidance Concerning DBE “Good Faith Efforts”
Attachment F	FY21-FY23 Capital Budget and Calculations
Attachment G	UCP Agreement (Supplier Diversity Office)
Attachment H	Legal Notice Verbiage
Attachment I	Regulation: 49 CFR Part 26
Attachment J	Forms for DBE Commitment and Letter of Intent to Use

# Attachment A - SSA DBE Organizational Chart

## Organization Chart – 12.9.22



# Attachment B - Monitoring and Enforcement Mechanisms

The Woods Hole Martha's Vineyard and Nantucket Steamship Authority has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

Breach of contract action, pursuant to the terms of the contract;

In addition, the federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE program, including, but not limited to, the following:

1. Suspension or debarment proceedings pursuant to 49 CFR part 26
2. Enforcement action pursuant to 49 CFR part 31
3. Prosecution pursuant to 18 USC 1001.

## EXAMPLES OF FIELD REPORTS AND AUDITING MONITORING STATEMENTS

### FIELD REPORT CERTIFICATION OF DBE CONTRACTOR

This is to certify that I have reviewed contracting records to determine that \_\_\_\_\_, a subcontractor to \_\_\_\_\_, has submitted invoices for the work specified in the contract award. Invoices and payments were reviewed as a means of comparing attainments to commitments for the purpose of DBE reports to the FTA.

On [date], 20\_\_, I visited the Steamship Authority Location for the purpose of monitoring the worksite to ensure that work committed to the DBE at contract award was actually being performed by the DBE contractor to which the work was committed. The \_\_\_\_\_ worksite manager was interviewed and several workers were asked who they worked for as further proof that the onsite contractor was the DBE stated in the contract.

This certification complies with the requirements of [64 FR 5126, Feb. 2, 1999, as amended at 65 FR 68951, Nov. 15, 2000; 68 FR 35554, June 16, 2003; 76 FR 5097, Jan. 28, 2011].

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date

## FURTHER MONITORING OF DBE CONTRACTOR

My initial letter certified that \_\_\_\_\_(contractor) is performing work as a DBE on the contracted work as specified. That certification complied with the DBE regulation's requirement for

- (1) contract assurance and
- (2) on-site monitoring

These requirements were certified based on a visit to the HTC on June 30, 20\_\_\_\_, as well as document reviews.

Proof of the final requirement, (3) prompt payment of the sub-contractor by the prime contractor, is contained in the attached documentation provided by \_\_\_\_\_ (Prime Contractor) and obtained from the SSA Accounts Payable office.

This documentation shows that the sub-contractor, \_\_\_\_\_, invoiced the Prime Contractor on [Date \_\_\_\_\_] and was subsequently paid on [Date \_\_\_\_\_]. The Prime has paid the sub-contractor within thirty (30) days which is considered prompt payment.

Also reviewed were the Payroll sheets submitted to SSA by (Prime) for (Subcontractor). The pay rates for \_\_\_\_\_ complied with Prevailing Wage Rates in effect for the contract as specified by the Massachusetts Department of Labor.

Copies of the prompt payment documents as well as the Payroll Sheets are attached. This certification complies with the requirements of [64 FR 5126, Feb. 2, 1999, as amended at 65 FR 68951, Nov. 15, 2000; 68 FR 35554, June 16, 2003; 76 FR 5097, Jan. 28, 2011].

# Attachment C - Overall Goal Calculation - Section 26.45

## Amount of Goal

SSA's overall goal for FY 2025-2027 is the following: 1.36% of the Federal Financial assistance CCRTA will expend in DOT-assisted contracts *exclusive of FTA funds to be used for the purchase of transit vehicles*. (NOTE: SSA will revisit the Goal Calculation for applicability in FY2026 and 2027 once the Operating Budget and Capital Budget for those years is developed and approved by the Board. Barring unusual changes in the operating and capital budgets the 1.36% calculation will remain unchanged for those fiscal years.)

## Methodology used to Calculate Overall Goal

### Step 1: 26.45(c)

SSA used a weighted base figure for the relative availability of DBEs.

The weighted base figure for the relative availability of DBE's was calculated as follows:

Project's Percentage of Total Budget x (RWA DBE's / All RWA Firms) = Weighted Base Figure

The data source used to derive the RWA DBE's was:

*Computer search of Directory of Certified Businesses in the Massachusetts Operational Services Division (OSD) Supplier Diversity Office database for all categories of capital procurements planned by SSA for FY25 – FY27.*

The data source used to derive the All RWA Firms was:

*Computer search of American Fact Finder Database maintained by the US Census Bureau, for all categories of capital procurements planned by CCRTA for FY25 – FY27.*

See Attachments F for calculations.

Using this methodology, CCRTA arrived at a weighted base figure for the overall goal and that number was 1.36 %.

### Step 2: 26.45(d)

After calculating a base figure of the relative availability of DBEs, evidence will be examined to determine what adjustments are needed to the base figure in order to arrive at the overall goal.

Past participation will be considered for future year goals.

## Public Participation

SSA published the goal information in these publications:

1. Cape Cod Times,
2. World Wide Web: CCRTA web site: <https://www.capecodrta.org/public-notices.cfm>
3. Cape Cod Chamber of Commerce e-newsletter
4. MA State Publications and Regulations Central Register

## Attachment D - Section 26.51: Breakout of Estimated Race-Neutral & Race Conscious Participation

SSA will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The SSA uses the following race-neutral means to increase DBE participation:

Increase public awareness of all contracting opportunities, especially Federal contracts, to ensure the widest participation possible on contract bids. Publishes its DBE goal on the SSA website, all social media, and in the newspaper; speaks to the local Chambers of Commerce and encourages the distribution of SSA contract opportunities; distributes the DBE goal and contract opportunities to the Board who represent all the towns in the SSA service area.

SSA extracts the list of all registered DBE's from the Directory of Certified Businesses in the Massachusetts Operational Services Division (OSD) Supplier Diversity Office whenever an RFP is posted that contains opportunities for DBE participation and directly invites by email, all listed DBE's that provide service in the NAICS code matching the requested service.

SSA estimate that, in meeting the overall goal of 1.36 percent, SSA will obtain 1.36 percent from race-neutral participation and zero percent through race-conscious measures.

The following is a summary of the basis of the estimated breakout of race-neutral and race-conscious DBE participation:

SSA will proactively seek out DBE companies as Prime contractors and through discussions with Prime contractors who are not DBE's, SSA encourages them to make use of subcontractors who are DBE's. SSA advertises the DBE goal on all printed materials having to do with procurements; all outreach materials, and all printed publications including the SSA website.

In order to ensure that the DBE program will be narrowly tailored to overcome the effects of discrimination, if SSA uses contract goals, SSA will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see +26.51(f)) and SSA will track and report race-neutral and race conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry DBE goal; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

## **Attachment E - Guidance Concerning DBE “Good Faith Efforts”**

Good Faith Efforts procedures must be documented on contracts utilizing federal funds that have an established DBE goal. Award requires a bidder/offeror be able to show good faith efforts were performed to meet the goal. A good faith effort is defined as one where the bidder:

1. Documents that it has obtained enough DBE participation to meet the goal; or
2. Documents adequate good faith efforts, even though it did not meet the goal.

This attachment “Guidance Concerning Good Faith Efforts” provides grantees with suggested types of actions they should perform/document to demonstrate good faith efforts.

These efforts must be active steps, which could reasonably be expected to lead to sufficient DBE participation to meet the contract DBE participation goal. Good Faith Efforts require that the bidder consider all qualified DBEs, who express an interest in performing work under the contract.

This means that the bidder cannot reject a DBE as unqualified unless the bidder has sound reasons based on a thorough investigation of the DBE’s capabilities. Further, the DBE’s standing within its industry, membership in specific groups, organizations or associations and political or social affiliation (for example, union vs. non-union employee status) is not legitimate causes for the rejection or non-solicitation of bids in the Contractor’s efforts to meet the contract DBE participation goal.

The following, which is not all inclusive, list types of actions which indicate good faith efforts on the part of a bidder to meet the DBE goal. The extent and type of actions required will vary depending on such things as industry practice; the time available for submitting a bid and the type of contract.

1. Attendance at a pre-bid meeting, if any, scheduled to inform DBEs of subcontracting opportunities under a given solicitation.
2. Advertisement in general circulation media, trade association publications, and minority-focus media.
3. Written notification to capable DBEs that their interest in the contract is solicited.
4. Documentation of efforts to negotiate with DBEs for specific sub-contracts including at a minimum:
  - a. The names, addresses, and telephone numbers of DBEs contacted and the date.
  - b. A description of the information provided to DBEs.
  - c. A statement explaining why additional agreements with DBEs were not reached.
5. For DBE bidders contacted but rejected as unqualified, the reason for that conclusion.
6. Documentation of efforts made to assist the DBEs contacted that needed assistance in obtaining bonding or insurance required by the bidder.
7. Documentation of efforts to utilize the services of small business organizations, community and contractor groups to locate qualified DBEs.
8. Documentation that the bidder has broken out contract work items into economically feasible units in fields where there are available DBE firms to perform the work.
9. Evidence that adequate information was provided to DBEs about the plans, specifications and requirements of the contract, and that information was communicated in a timely manner.
10. Documentation of any efforts made to assist interested DBEs in obtaining necessary equipment, supplies, materials or related assistance or services.

Source: Best Practices Procurement Manual, 7.3.5.4 “Good Faith Efforts to Meet Contract Goals”

A good video can be found at <http://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?id=85>

## Attachment F - CCRTA Goal Setting Calculations

SSA started with identifying the capital projects and operating expenses which we expect to incur for the next three years.

**Capital projects** are those that have been programmed on the Massachusetts Statewide Transportation Improvement Program. The SSA expects to spend \$34,891,300 on federally funded capital projects in the next three years. We expect to spend those funds in the following categories:

NAICS Code	Ready, Willing, Able DBE's	Massachusetts Vendor Pool	Dollar Value
562	26	391	\$194,563
8112	6	59	\$64,215
236220	50	595	\$714,120
238210	118	5015	\$751,580
238220	46	6342	\$831,457
238290	10	120	\$237,938
238320	99	1614	\$4,852,248
332710	9	784	\$2,943,251
336611	0	42	\$23,240,113
423450	3	98	\$37,261
541330	59	945	\$96,192
811310	7	930	\$928,362
<b>TOTAL</b>	<b>433</b>	<b>16935</b>	<b>\$34,891,300</b>

In these categories, we have identified 433 vendors that are ready, willing and able to perform the services out of a pool of 16,935 vendors. The pool of ready, willing and able was determined by use of the Supplier Diversity Office vendor listing of qualified businesses in Massachusetts. The pool of “all available” businesses in Massachusetts was determined from the U.S. Census Bureau’s American Fact Finder database of businesses. See attached spreadsheet for breakdown.

The **Step One Base Figure** for DBE effort for the CCRTA for Capital and Preventative Maintenance projects is 1.36%. See attached spreadsheet for actual calculations. Projects have been further broken down into percentages of the overall amount and NAICS codes assigned. Using a weighted evaluation which considers the individual project's percentage of the total budget, given that a large percentage of spending is concentrated in a relatively small number of categories. With this adjustment, the weighted base figure is 1.36%, which rounds to 2%.

### **Step two: Base Figure Adjustment**

The base figure itself is an approximation of the general availability of DBEs and potential DBEs. Federal regulations allow the SSA to adjust the base figure to refine and better reflect the actual availability of DBEs and prospective DBEs that are ready, willing, and able to perform work on FTA-funded contracts made available through the SSA. Under USDOT regulations, while an adjustment is not mandated, the SSA can consider all evidence available to determine whether such an adjustment is warranted. In order to determine whether such an adjustment is appropriate, SSA considered several relevant factors. None of the available options for adjustment recognized by the FTA were relevant or significantly documented to justify modifying the base figure. Given the lack of adjustment, SSA is committed to spending two percent (2%) of the FFY25-27 non-payroll Federal spending with DBE's.

### **Step three: "Race/Gender-Neutral and Race/Gender-Conscious Split"**

SSA expects to meet the maximum feasible portion of our overall goal with 100% race/gender neutral means. All procurements of products and services that SSA distributes during any year includes a direct appeal to all DBE's registered with the Commonwealth of Massachusetts with an invitation to bid (see example email). Typically, SSA requires Bid Bonds, but in order to encourage more DBE participation, SSA does not require Bid Bonds for contracts under \$500,000. This approach lowers the cost of responding to a bid for all bidders but DBE's welcome the lighter requirements. It is worth noting that SSA has had underwhelming results obtaining DBE participation primarily because of the geographic remoteness of Cape Cod and the lack of interest by eligible business owners. Nevertheless, SSA remains committed to partner with DBEs and meeting our goals by race neutral means.

**DBE Goal Setting Expenditures by Year**

Year	Description	Cost	NAICS Code	Naic Code Subtotal	Willing, Able DBE's (not unique)	Massachusetts*	Percent-RWA Vendors	Percentage of spending	Weighted Percentage
FY25	New Vessel Modifications and Retrofits	\$ 194,563	562	\$ 194,563	26	391	6.65%	0.56%	0.04%
FY25	New Vessel Modifications and Retrofits	\$ 64,215	8112	\$ 64,215	6	59	10.17%	0.18%	0.02%
FY25	New Vessel Modifications and Retrofits	\$ 714,120	236220	\$ 714,120	50	595	8.40%	2.05%	0.17%
FY25	New Vessel Modifications and Retrofits	\$ 588,830	238210	\$ 588,830	32	932	3.4%	1.69%	0.06%
FY25	Annual vessel Drydocks and Repair	\$ 50,000	238210					0.14%	0.00%
FY26	Annual vessel Drydocks and Repair	\$ 55,000	238210					0.16%	0.00%
FY27	Annual vessel Drydocks and Repair	\$ 57,750	238210	\$ 162,750	86	4083	2.11%	0.17%	0.00%
FY25	Annual vessel Drydocks and Repair	\$ 16,799	238220					0.05%	0.00%
FY26	Annual vessel Drydocks and Repair	\$ 254,850	238220					0.73%	0.00%
FY27	Annual vessel Drydocks and Repair	\$ 142,616	238220	\$ 14,265	30	4778	0.63%	0.41%	0.00%
FY25	New Vessel Modifications and Retrofits	\$ 417,192	238220	\$ 417,192	16	1564	1.02%	1.20%	0.01%
FY25	New Vessel Modifications and Retrofits	\$ 237,938	238290	\$ 237,938	10	120	8.33%	0.68%	0.06%
FY25	Annual vessel Drydocks and Repair	\$ 1,906,188	238320					5.46%	0.34%
FY26	Annual vessel Drydocks and Repair	\$ 844,488	238320					2.42%	0.15%
FY27	Annual vessel Drydocks and Repair	\$ 2,101,572	238320	\$ 4,852,248	99	1614	6.13%	6.02%	0.37%
FY25	Annual vessel Drydocks and Repair	\$ 932,818	332710					2.67%	0.03%
FY26	Annual vessel Drydocks and Repair	\$ 982,002	332710					2.81%	0.03%
FY27	Annual vessel Drydocks and Repair	\$ 1,028,431	332710	\$ 2,943,251	9	784	1.15%	2.95%	0.03%
FY25	Annual vessel Drydocks and Repair	\$ 2,628,703	336611					7.53%	0.00%
FY26	Annual vessel Drydocks and Repair	\$ 1,953,907	336611					5.60%	0.00%
FY27	Annual vessel Drydocks and Repair	\$ 2,898,145	336611	\$ 7,480,755	0	22	0.00%	8.31%	0.00%
FY25	New Vessel Modifications and Retrofits	\$ 15,759,358	336611	\$ 15,759,358	0	20	0.00%	45.17%	0.00%
FY25	New Vessel Modifications and Retrofits	\$ 37,261	423450	\$ 37,261	3	98	3.06%	0.11%	0.00%
FY25	New Vessel Modifications and Retrofits	\$ 96,192	541330	\$ 96,192	59	945	6.24%	0.28%	0.02%
FY25	Annual vessel Drydocks and Repair	\$ 50,000	811310					0.14%	0.00%
FY26	Annual vessel Drydocks and Repair	\$ 67,057	811310					0.19%	0.00%
FY27	Annual vessel Drydocks and Repair	\$ 55,125	811310	\$ 172,182	4	549	0.73%	0.16%	0.00%
FY25	New Vessel Modifications and Retrofits	\$ 756,180	811310	\$ 756,180	3	381	0.79%	2.17%	0.02%
		\$ 34,891,300		\$ 34,891,300	433	16,935	2.6%	100.00%	1.36%

# Attachment G - Supplier Diversity Office Agreement

AGREEMENT  
by and between the  
COMMONWEALTH OF MASSACHUSETTS  
OPERATIONAL SERVICES DIVISION (OSD)  
On behalf of the  
SUPPLIER DIVERSITY OFFICE  
and the  
Cape Cod Regional Transit Authority

For the purpose of implementing the Unified Certification Program

See imbedded fully executed document, MA\_CCRTA UCP 2014, below:



MA\_CCRTA UCP  
2014.pdf

# Attachment H – Legal Notice Verbiage

## **WOODS HOLE, MARTHA’S VINEYARD & NANTUCKET STEAMSHIP AUTHORITY**

### **NOTICE OF PROPOSED DBE GOAL FOR FY 2025-2027**

The Woods Hole, Martha’s Vineyard and Nantucket Steamship Authority (SSA) proposed overall DBE goal for the federal fiscal year beginning 01/01/2025 is 1.36 % of DOT assisted contracts.

This goal and its rationale have been developed in accordance with the Federal Transit Administration's DBE program under the guidelines of 49 CFR Part 26. The goal and rationale are available for review for 30 calendar days from the date of this notice.

Comments will be accepted for 45 calendar days from the same date. Comments, requests to review or for copies of the proposed goal and its rationale, should be addressed to Mark Rozum, DBE Liaison Officer, Steamship Authority, 228 Palmer Avenue, Falmouth, MA 02540, telephone (508) 548-5011, or by e-mail at: [mrozum@steamshipauthority.com](mailto:mrozum@steamshipauthority.com).

Robert B. Davis  
General Manager  
Woods Hole, Martha’s Vineyard  
and Nantucket Steamship Authority  
December 31, 2024

# Attachment I - Regulations: 49 CFR Part 26 e-CFR

*e-CFR Data is current as of July 1, 2017*

TITLE 49—Transportation  
SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION  
PART 26—PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF  
TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS

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## Subpart A—GENERAL

- §26.1                   What are the objectives of this part?
- §26.3                   To whom does this part apply?
- §26.5                   What do the terms used in this part mean?
- §26.7                   What discriminatory actions are forbidden?
- §26.9                   How does the Department issue guidance and interpretations under this part?
- §26.11                  What records do recipients keep and report?
- §26.13                  What assurances must recipients and contractors make?
- §26.15                  How can recipients apply for exemptions or waivers?

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## Subpart B—ADMINISTRATIVE REQUIREMENTS FOR DBE PROGRAMS FOR FEDERALLY-ASSISTED CONTRACTING

- §26.21                  Who must have a DBE program?
- §26.23                  What is the requirement for a policy statement?
- §26.25                  What is the requirement for a liaison officer?
- §26.27                  What efforts must recipients make concerning DBE financial institutions?
- §26.29                  What prompt payment mechanisms must recipients have?

- §26.31 What information must you include in your DBE directory?
- §26.33 What steps must a recipient take to address overconcentration of DBEs in certain types of work?
- §26.35 What role do business development and mentor-protégé programs have in the DBE program?
- §26.37 What are a recipient's responsibilities for monitoring the performance of other program participants?
- §26.39 Fostering small business participation.

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Subpart C—GOALS, GOOD FAITH EFFORTS, AND COUNTING

- §26.41 What is the role of the statutory 10 percent goal in this program?
- §26.43 Can recipients use set-asides or quotas as part of this program?
- §26.45 How do recipients set overall goals?
- §26.47 Can recipients be penalized for failing to meet overall goals?
- §26.49 How are overall goals established for transit vehicle manufacturers?
- §26.51 What means do recipients use to meet overall goals?
- §26.53 What are the good faith efforts procedures recipients follow in situations where there are contract goals?
- §26.55 How is DBE participation counted toward goals?

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Subpart D—CERTIFICATION STANDARDS

- §26.61 How are burdens of proof allocated in the certification process?

- §26.63           What rules govern group membership determinations?
- §26.65           What rules govern business size determinations?
- §26.67           What rules determine social and economic disadvantage?
- §26.69           What rules govern determinations of ownership?
- §26.71           What rules govern determinations concerning control?
- §26.73           What are other rules affecting certification?
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#### Subpart E—CERTIFICATION PROCEDURES

- §26.81           What are the requirements for Unified Certification Programs?
- §26.83           What procedures do recipients follow in making certification decisions?
- §26.85           Interstate certification.
- §26.86           What rules govern recipients' denials of initial requests for certification?
- §26.87           What procedures does a recipient use to remove a DBE's eligibility?
- §26.89           What is the process for certification appeals to the Department of Transportation?
- §26.91           What actions do recipients take following DOT certification appeal decisions?
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#### Subpart F—COMPLIANCE AND ENFORCEMENT

- §26.101          What compliance procedures apply to recipients?
- §26.103          What enforcement actions apply in FHWA and FTA programs?
- §26.105          What enforcement actions apply in FAA programs?

<a href="#">§26.107</a>	What enforcement actions apply to firms participating in the DBE program?
<a href="#">§26.109</a>	What are the rules governing information, confidentiality, cooperation, and intimidation or retaliation?
<a href="#">Appendix</a>	<a href="#">Appendix A to Part 26</a> —Guidance Concerning Good Faith Efforts
<a href="#">Appendix</a>	<a href="#">Appendix B to Part 26</a> —Uniform Report of DBE Awards or Commitments and Payments Form
<a href="#">Appendix</a>	<a href="#">Appendix C to Part 26</a> —DBE Business Development Program Guidelines
<a href="#">Appendix</a>	<a href="#">Appendix D to Part 26</a> —Mentor-Protégé Program Guidelines
<a href="#">Appendix</a>	<a href="#">Appendix E to Part 26</a> —Individual Determinations of Social and Economic Disadvantage
<a href="#">Appendix</a>	<a href="#">Appendix F to Part 26</a> —Uniform Certification Application Form
<a href="#">Appendix</a>	<a href="#">Appendix G to Part 26</a> —Personal Net Worth Statement

**Attachment J - Forms for DBE Commitment and Letter of Intent to Use**

[Forms 1 and 2 should be provided as part of the solicitation documents.]

**FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION**

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

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

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

Name of bidder/offeror's firm: \_\_\_\_\_

State Registration No. \_\_\_\_\_

By \_\_\_\_\_  
(Signature) Title

**FORM 2: LETTER OF INTENT**

Name of bidder/offeror's firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Name of DBE firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Description of work to be performed by DBE firm:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

**Affirmation**

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

By \_\_\_\_\_  
(Signature, Title)

If the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.  
(Submit this page for each DBE subcontractor.)

### **Attachment K: SSA Procedure: Timely & Accurate DBE Reporting**

The SSA places great importance on the timely and accurate reporting of DBE information in conformance with all DBE reporting requirements. On a monthly basis, the Title VI Analyst is responsible for DBE reporting and will work with the SSA's Accounting Manager; Grants Administrator; and Treasurer to secure the required DBE information from the SSA's accounting system. The information will include all vendor expenses and timing of payments, which will be used to calculate DBE vendors share of total payments. This information will be used to complete the required DBE forms and electronic submission in conformance with mandated reporting deadlines.

### **Attachment L: SSA Procedure: Shortfall Analysis Submission**

When it is determined that a DBE Shortfall Analysis is required, the SSA will follow the FTA's guidelines under 49 C.F.R. 26.47(c). The Grants Administrator and Title VI Analyst will monitor DBE performance throughout the fiscal year and to the greatest extent possible, propose and implement adjustments to the DBE program to achieve the stated performance goal. The SSA's Grants Administrator will make the DBE shortfall determination at the end of the fiscal year by comparing actual DBE performance against the DBE participation goal. When a shortfall analysis is required, reasons will be identified for the failure to meet the DBE goals and identify means to increase DBE participation to achieve the DBE goal in the next fiscal year.

### **Attachment M: CCRTA Procedure: Vehicle Award Submission**

For all SSA transit vehicle purchased with federal funds, the SSA's Grants Administrator is responsible for submitting the name of the successful bidder, and the total dollar value of the contract in the manner prescribed in the grant agreement to the Civil Rights Officer within 30 days of making an award utilizing the prescribed "Survey Monkey" link.



# Woods Hole, Martha's Vineyard and Nantucket Steamship Authority

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## **AUTHORITY MEMBERS**

**ROBERT R. JONES**  
Barnstable Member, Chair

**JAMES M. MALKIN**  
Dukes County Member, Vice Chair

**PETER J. JEFFREY**  
Falmouth Member, Secretary

**MOIRA E. TIERNEY**  
New Bedford Member

**ROBERT F. RANNEY**  
Nantucket Member

**ROBERT B. DAVIS**  
General Manager

**MARK K. ROZUM**  
Treasurer/Comptroller

**TERENCE G. KENNEALLY**  
General Counsel

## **WOODS HOLE, MARIBIA'S VINEYARD AND NANTUCKET STEAMSHIP AUTHORITY** **DBE PROGRAM POLICY STATEMENT**

Objectives/Policy Statement (Section 26.1, 26.23)

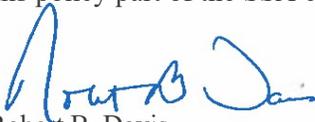
Woods Hole, Martha's Vineyard and Nantucket Steamship Authority (SSA) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The SSA has received Federal financial assistance from the Department of Transportation and as a condition of receiving this assistance, the SSA has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the SSA to ensure that DBEs as defined in part 26 have an equal opportunity to receive and participate in DOT-assisted contracts. It is also SSA policy:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored with applicable law;
4. To ensure that only firms that fully meet CFR 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

The SSA Treasurer/Comptroller, Mark K. Rozum, has been delegated as the DBE Liaison Officer. In that capacity, the Treasurer/Comptroller is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the *same* priority as compliance with all other legal obligations incurred by the SSA in its financial assistance agreements with the Department of Transportation.

SSA has disseminated this policy statement to its Board of Directors and all of the components of the organization. SSA has distributed this statement to DBE and non-DBE business communities that perform work for SSA on DOT-assisted contracts by posting it on the SSA website, using SSA social media, newspaper advertisements, and making this policy part of the SSA contractual documents (before, during, and after award).

  
Robert B. Davis  
General Manager

December 31, 2024

Date