

<b>BD 1.4</b>	<b>DISADVANTAGED, MINORITY, WOMEN-OWNED AND SMALL BUSINESS ENTERPRISES (DIVERSITY) POLICY</b>	Resolution Number	11-123
		Resolution Date	07-21-2011
		Effective Date	08-01-2011
		Revision Date	07-21-2011
		Procedure Number	BD 1.4 A

<b>PURPOSE</b>	<p>The Diversity Policy Statement encompasses the Disadvantaged, Minority, Women-Owned and Small Business Enterprises Policy Statements and incorporates the policies, objectives and requirements of state and federal laws relating to procurement and contracts, and outlines the specific programs established by the NTTA to ensure participation of disadvantaged, minority, women-owned and small businesses in NTTA procurement opportunities.</p>
<b>DIVERSITY POLICY STATEMENT</b>	<p>The NTTA is committed to diversity in participation in procurement opportunities in which disadvantaged, minority, women-owned and small businesses can compete fairly for prime contracts and subcontracts. To achieve this commitment, the Disadvantaged Business Enterprise (DBE), Minority, Women-Owned Business Enterprise (M/WBE) and Small Business Enterprise (SBE) Policy Statements represent three distinct, separate programs comprising the NTTA's Diversity Policy. The individual programs are tailored to address specific business needs and further the NTTA's commitment to the development and growth of disadvantaged, minority, women-owned and small businesses.</p> <p>The NTTA recognizes and encourages partnerships, teaming, and mentor-protégé relationships and seeks to ensure that these efforts, in which DBE and M/WBE firms are included, will count toward diversity goals.</p> <p>The NTTA encourages diversity within the workforce of its contractors. Contractors with such diversity are embraced and valued by the NTTA. The Board periodically will be advised of NTTA contractors who demonstrate a commitment to diversity within the composition of their workforce.</p> <p>Programs developed under the policy include participation of contractors within, as well as outside of, the NTTA's relevant</p>

market area.

The NTTA recognizes entities certified as DBE, MBE, WBE, SBE and Section 8(a) firms to be those entities regarding whom these policies are directed.

**DBE Program Policy Statement**

The NTTA has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the United States Department of Transportation (DOT) pursuant to 49 C.F.R. Part 26 which requires the NTTA to create a DBE program that applies to NTTA highway construction contracts and related purchases funded in whole or in part with federal funds received from the DOT through the Federal Highway Administration, or funded in whole or in part with such federal funds received by the NTTA through the Texas Department of Transportation (TxDOT).

It is the policy of the NTTA in accordance with regulations of the DOT to ensure that qualified, ready, willing and able DBEs, as defined in 49 C.F.R. Part 26, have an equal opportunity to receive and participate in state and federally-assisted construction contracts and related purchases. This DBE Program is neutral as to race, ethnicity, national origin, age, sex, religion, sexual orientation and other protected classes and seeks to achieve the following objectives:

- to ensure nondiscrimination in the award and administration of state and federally-assisted contracts;
- to create a level playing field on which DBEs can compete fairly for state and federally-assisted contracts;
- to ensure that only firms that fully meet 49 C.F.R. Part 26 eligibility standards are permitted to participate as DBEs;
- to help remove communication and/or availability barriers to the participation of DBEs in state and federally-assisted contracts; and
- to assist the development of firms that can compete successfully in the market place independent of the DBE Program.

This DBE Program will continue to be implemented under

	<p>TxDOT. The September 9, 2002 TxDOT/NTTA Memorandum of Understanding (MOU) maybe modified by TxDOT for NTTA's DBE Program.</p> <p><b><u>M/WBE Program Policy Statement</u></b></p> <p>It is the policy of the NTTA to promote participation of qualified minority and women-owned businesses (M/WBE) in the procurement of goods, materials, supplies and services at the NTTA, whether or not related to federally funded projects. This M/WBE Program is narrowly tailored and focuses on addressing disparity in use and underutilization of ready, willing and able minority and women-owned businesses, as identified in the current Availability and Disparity Study of the relevant market area, and seeks to increase participation of minorities and women in the various available procurement and contracting opportunities with the NTTA. For purposes of this program, an M/WBE shall be a "minority and women-owned business entity" as so certified by a certifying agency recognized by the NTTA. In the event that this M/WBE Program conflicts with federal, state or other funding source's programs, policies, regulations or requirements, the NTTA shall make this M/WBE Program consistent with the programs, policies, regulations and requirements of the funding source, to the extent permissible by law.</p> <p><b><u>SBE Program Policy Statement</u></b></p> <p>It is the policy of the NTTA to encourage the participation of SBEs in NTTA procurements and contracts. For purposes of this program, an SBE must be a "small business enterprise" as so certified by TxDOT. In the event that this SBE Program conflicts with any federal, state or other funding source's programs, policies, regulations or requirements, the NTTA shall make this SBE Program consistent with the programs, policies, regulations and requirements of the funding source, to the extent permissible by law. The SBE Program is neutral as to race, ethnicity, national origin, age, sex, religion, sexual orientation and other protected classes.</p>
<b>RESPONSIBILITIES</b>	<p>The Executive Director is responsible for the implementation of the DBE, M/WBE and SBE Programs and shall ensure compliance with the Diversity Policy by all NTTA departments and vendors.</p> <p>The NTTA shall have a "Diversity Liaison Officer" with</p>

	<p>obligations, consistent with those outlined by 49 C.F.R. Part 26 for a “DBE Liaison Officer”. The Executive Director shall designate a Diversity Liaison Officer to work with all NTTA departments and vendors to implement all aspects of the DBE, M/WBE and SBE Programs.</p> <p>The Executive Director shall recommend separate M/WBE industry-specific annual goals to the NTTA Board of Directors based on the availability of minority and women-owned business enterprises within the NTTA’s relevant market area. The M/WBE industry-specific goals are aspirational goals based on the NTTA’s current Availability and Disparity Study. Annually, the Executive Director may recommend to the Board of Directors adjustments to the goals as appropriate.</p> <p>Pursuant to the requirements of 49 C.F.R. Part 26, NTTA will utilize the two-step process to establish its triennial DBE goal. The Executive Director shall recommend to the NTTA Board of Directors NTTA’s triennial goal for the DBE Program. The NTTA Board of Directors shall review and approve the recommended DBE goal.</p> <p>As part of the Executive Director’s recommendation to the Board of Directors, the Business Diversity Overall Annual Goal shall be weighted with the M/WBE industry-specific goals.</p>
<b>SCOPE</b>	<p>This Diversity Policy applies to all NTTA procurements, contracts, and projects. Where a specific DBE and M/WBE project goal has been established, or good faith efforts are required, contractors shall comply with this policy. The applicable policy statement shall be included in all contracts where goals for, or good faith efforts toward, DBE and/or M/WBE participation are established. Failure by contractors to comply in good faith with the DBE, M/WBE and SBE policy statements or associated procedures, where applicable, may constitute a breach of contract, which may result in contract termination, bidder disqualification or such other available remedy as the NTTA deems appropriate.</p>
<b>DEFINITIONS</b>	<p>DBE: Disadvantaged Business Enterprise  MBE: Minority Business Enterprise  WBE: Women-Owned Business Enterprise  M/WBE: Minority, Women-Owned Business Enterprise  SBE: Small Business Enterprise  SBA: Small Business Administration  Section 8(a) Firm: A firm owned and operated by socially and economically disadvantaged individuals and</p>

	eligible to receive federal contracts under the Small Business Administration's 8(a) Business Development Program
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