



Department of Transportation

POLICY

CODE: 1.1-6

SUPERSEDES: 1.1-6 DATED 9/17/2012

TITLE: **DISADVANTAGED BUSINESS ENTERPRISE (DBE) POLICY STATEMENT**

APPROVED:

Cathy Calloun
CHIEF OF STAFF

3/23/16

DATE

ORGANIZATION RESPONSIBLE FOR INTERPRETATION:

Office of Civil Rights

I. POLICY STATEMENT

It is the policy of the New York State Department of Transportation (NYSDOT) to ensure that Disadvantaged Business Enterprises (DBE) as defined in Title 49, Code of Federal Regulations, Part 26 (49 CFR Part 26) have equal opportunity to receive and participate in U.S. Department of Transportation (USDOT) assisted contracts.

II. POLICY SCOPE AND GUIDANCE

NYSDOT has established a DBE Program in accordance with requirements prescribed by USDOT regulations (49 CFR Part 26) for highway, transit and airport financial assistance programs. This Program seeks to:

- ensure nondiscrimination in the award and administration of USDOT-assisted contracts;
- create a level playing field on which DBEs can compete fairly for USDOT-assisted contracts;
- ensure that NYSDOT's DBE program is narrowly tailored in accordance with applicable law;
- ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- help remove barriers to the participation of DBEs in USDOT-assisted contracts;
- assist the development of firms that can compete successfully in the marketplace outside the DBE Program; and
- provide appropriate flexibility to recipients of federal financial assistance in establishing and providing opportunities for DBEs.

NYSDOT's DBE Program shall enable small businesses, including those owned and controlled by minorities, women and other disadvantaged individuals, an equal opportunity to compete for contract funds on federally aided transportation projects. The DBE Program requirements apply to all parts of the NYSDOT and all subrecipients.

NYSDOT shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts. In administering the DBE Program, NYSDOT 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 accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex or national origin.

The Director of NYSDOT's Office of Civil Rights has been designated as the DBE Liaison Officer. In that capacity, the Director of the Office of Civil Rights is responsible for the day-to-day implementation of all aspects of NYSDOT's DBE Program. Implementation of the DBE Program is accorded the same priority as compliance with other legal obligations incurred by NYSDOT in its financial assistance agreements with USDOT.

All NYSDOT employees are required to adhere to the DBE Program requirements. NYSDOT's Office of Civil Rights is responsible for monitoring compliance with these requirements.

This DBE policy statement shall be disseminated to all NYSDOT managers throughout the agency and shall be made available on NYSDOT's internal (IntraDOT) and external websites.

III. RELATED POLICY AND AUTHORITATIVE SOURCES

49 CFR Part 26 - Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs

49 CFR Part 23 - Participation by Disadvantaged Business Enterprises in Airport Concessions