



## DBE PROGRAM

It is the policy of the Texas Department of Transportation (**TxDOT**) and **Contractor**, to ensure that Disadvantaged Business Enterprises (DBEs), as defined in this solicitation and pursuant to 49 Code of Federal Regulations (CFR) Part 26, are provided a level playing field, thus fostering an equal opportunity for them to participate in the performance of contracts financed in whole or in part with Federal funds. Consequently, the DBE requirements of 49 CFR Part 26 apply to this solicitation. In this regard, all bidders shall take all necessary and reasonable steps in accordance with 49 CFR Part 26 to ensure that DBEs have a level playing field and an opportunity to compete for and perform contracts. The **Contractor** and all bidders shall not discriminate on the basis of race, color, national origin or sex in the award and performance of DOT-assisted contracts or subcontracts.

In accordance with its DBE Policy, the Texas Department of Transportation has established a goal for DBE participation in this solicitation. The bidder will be expected to meet or exceed, and/or demonstrate its good faith efforts to meet the goal. This goal, expressed as a percentage of the total contract price, including any increases that may occur, is:

### **9% DBE Participation.**

The Texas Department of Transportation DBE requirements are set forth in this solicitation. Bidders are advised to carefully review the requisite forms attached thereto. Bidders should undertake necessary steps to plan and adequately provide for compliance with the stated DBE utilization goal well in advance of the date specified for the bid opening or receipt of bids.

Bidders are advised that the issue of whether or not the bidder has met or exceeded the established goal, or demonstrated sufficient good faith efforts, is considered by the **Contractor**, a matter of the bidder's responsibility. **Contractor**, will only award contracts to bidders determined to be responsible.

The goal agreed to between Texas Department of Transportation and **Contractor**, and the successful bidder shall be incorporated into the contract resulting from this solicitation.

Exhibit K of the **Prime Contract** between **TxDOT** and **Contractor**, defines the DBE Performance Plan for the US 181 Harbor Bridge Replacement Project.