

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM POLICY STATEMENT (§26.23)

The North Dakota Department of Transportation (Department) 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 Department receives federal financial assistance from DOT. As a condition of receiving this assistance, the Department has signed an assurance that it will comply with 49 CFR Part 26.

The DBE requirements of 49 CFR Part 26 and the Department's DBE program apply to all federally-aided transportation contracts and to any assignments made to contractors, subcontractors, consultants, subconsultants, or subrecipients. The Department, its contractors, subcontractors, consultants, subconsultants, and subrecipients, shall not discriminate on the basis of race, color, national origin, and sex.

It is Department policy to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also Department policy:

- To ensure nondiscrimination in the award and administration of U.S. Department of Transportation (DOT)-assisted contracts in the North Dakota Department of Transportation's (Department) highway, transit, and airport financial assistance program.
- To create a level playing field on which Disadvantaged Business Enterprises (DBEs) can compete fairly for DOT-assisted contracts;
- To ensure that the DBE program is narrowly tailored in accordance with applicable law;
- To ensure that only firms that fully meet this part's eligibility standards are permitted to participate as DBEs;
- To assist the development of firms that can compete successfully in the marketplace outside the DBE program; and
- To provide appropriate flexibility to recipients of federal financial assistance in establishing and providing opportunities for DBE.

The Department will disseminate the policy to all Department staff and to DBE and non-DBE customers in the DBE Program. We will use the following methods to disseminate the policy:

- Send it to all DBE and non-DBE firms on the Department's bidders list
- Post it on the Civil Rights Division listserv
- Publish it in the supportive services newsletter annually
- Publish it on the Department DBE bid information website at <http://www.dot.nd.gov/divisions/civilrights/docs/dbe/dbepolitystmt.pdf>

Each contractor, subcontractor, consultant, subconsultant, or subrecipient, that fails to carry out the requirements set forth in 49 CFR Part 26 may constitute a breach of

contract, and after notification by the Department, may result in termination of the agreement or contract, or such remedy as the Department deems appropriate.

I, as the Department Director, am charged with the overall responsibility for assuring compliance with 49 CFR Part 26, including DBE programs delegated to subrecipients such as Metropolitan Planning Organizations and other political subdivisions. I have appointed the Civil Rights Division Director as the DBE Liaison Officer for the Department. The DBE Liaison Officer is responsible for developing, coordinating, and monitoring the implementation of the Department's DBE program on a day-to-day basis. Division Directors and District Engineers are responsible for carrying out applicable facets of the DBE program within their areas.

E. Diane Laub is the Department's Civil Rights Division Director and DBE Liaison Officer. She is responsible for implementing all aspects of the DBE program. Implementation of the DBE program has the same priority as compliance with all other legal obligations incurred by the Department in its financial assistance agreements with DOT.



Francis G. Ziegler, P.E., Director
ND Department of Transportation

December 15, 2011
Date