

**Richmond Area Metropolitan Planning Organization
Disadvantaged Business Enterprise Program**

Definition of Terms

The terms used in the program have the meanings defines in 49 C.F.R. 26.5.

The Richmond Regional Planning District Commission (RRPDC) is the contracting and fiscal agent for and staffs the Richmond Area Metropolitan Planning Organization (RAMPO).

Objectives/Policy Statement (26.1, 26.23)

The Richmond Area Metropolitan Planning Organization 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 Richmond Area MPO has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the RAMPO has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the RAMPO to ensure that DBEs as defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our 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 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; and
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

Mr. Peter Sweetland, Finance and Contracts Administrator, has been delegated as the DBE Liaison Officer. In that capacity, Mr. Peter Sweetland 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 RAMPO in its financial assistance agreements with the Department of Transportation.

Once the policy is signed, the RAMPO will disseminate this policy statement to its Board and all of the components of our organization. The RAMPO will distribute this statement to DBE and non-DBE business communities that perform work for RAMPO on DOT assisted contracts and to all DBE and non-DBE firms via advertisement and mailing to designated organizations.



Robert A. Crum, Jr., Executive Director

4/23/14
Date

Non-discrimination Requirements (26.7)

The RAMPO 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 its DBE program, the RAMPO will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

DBE Program Updates (26.21)

The RAMPO will continue to carry out this program until all funds from DOT financial assistance have been expended. The RAMPO will provide to DOT updates representing significant changes in the program

Quotas (26.43)

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

Section 26.25 DBE Liaison Officer (DBELO)

We have designated the following individual as our DBE Liaison Officer (DBELO):

Mr. Peter Sweetland, Finance and Contracts Administrator, RAMPO, 9211 Forest Hill Avenue, Suite 200, Richmond, VA 23235, Phone (804) 323-2033, Fax (804) 323-2025, Email: psweetland@richmondregional.org.

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the RAMPO complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the Executive Director concerning DBE Program matters. The DBELO will be the sole staff member assigned to the DBE program. All DBE related correspondence should be directed to the DBELO. The DBELO will perform these responsibilities in addition to other grant management and procurement projects.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. 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 the RAMPO progress toward attainment and identifies ways to improve progress;
7. Participates in pre-bid meetings;
8. Advises the Executive Director/governing body on DBE matters and achievement;
9. Chairs the DBE Advisory Committee;
10. Participates in pre-bid meetings;
11. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance;
12. Plans and participates in DBE training seminars;
13. Certifies DBEs according to the criteria set by DOT and acts as liaison to the Uniform Certification Process in Virginia; and
14. Provides outreach to DBEs and community organizations to advise them of opportunities.

Federal Financial Assistance Agreement Assurance (26.13)

The RAMPO has signed the following assurance, applicable to all DOT assisted contracts and their administration:

The RAMPO shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirement of 49 C.F.R. Part 26 as approved by DOT, as 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 RAMPO of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C 3801 et seq.).

Section 26.27 DBE Financial Institutions

It is the policy of the RAMPO to investigate 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.

Directory (26.31)

The RAMPO does not maintain its own list of DBE's. The RAMPO accepts firms listed in the DBE directory of Virginia's Uniform Certification Program (UCP), as maintained by the Virginia Department of Transportation (VDOT). The list is updated every 24 hours. The directory lists a firm's name, address, phone number, date of most recent certification and the type of work the firm has been certified to perform as a DBE. For DBE requirement calculating purposes, the Consultants' directory was last viewed September 27, 2013. The directory is available online at http://www.dmbv.virginia.gov/swam_reports/dbe_listing.htm.gz. The directory does not subdivide firms into subspecialties, such as prime contractors, for specific types of transportation projects and studies. It should therefore be assumed that the number of available firms, represented by the base number in 26.45, Step 1-B, will be higher than the actual number of ready and available firms appropriate for RAMPO's projects.

The RAMPO defined appropriate specialties to include (Parentheses indicated VDOT Specialty Code/NAICS Specialty Code): (300/54133) Consultants – Selected firms with transportation engineering, land acquisition, environmental consulting and engineering specialties. (968/54182 & 54191) Public Relations and Marketing Services.

Overconcentration (Section 26.33)

The RAMPO has not identified over-concentration as a problem in the Richmond Region.

Business Development Programs (26.35)

The RAMPO does not currently propose a Business Development component of its DBE Plan.

Required Contract Clauses (26.13, 26.29)

The RAMPO will ensure that the following clause is placed in every DOT assisted contract and subcontract:

“The consultant, sub-consultant shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The consultant shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT assisted contracts. Failure by the consultant 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 recipient deems appropriate.”

Prompt Payment

The RAMPO will include the following clause in each DOT-assisted prime contract:

“The prime consultant agrees to pay each sub-consultant under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contract receives from the RAMPO. The prime consultant agrees further to return retainage payments to each subcontractor within 30 days after the sub-consultants work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the RAMPO. This clause applies to both DBE and non-DBE sub-consultants.”

Monitoring and Enforcement Mechanisms (Section 26.37)

The RAMPO will bring to the attention of the Department of Transportation 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 Part 26.109. The RAMPO shall consider similar action under its own legal authorities, including responsibility determinations in future contracts.

Sanctions for Non-Compliance

In the event of the consultant's non-compliance with DOT's policy, or failure to meet the prescribed DBE goal or expectancy set forth in this contract, or to establish a good faith effort to do so, the RAMPO shall impose such contract sanctions as we, the FTA or both, may determine to be appropriate, including, but not limited to:

- a) Withholding of payments to the consultant under the contract until the consultant complies; and /or
- b) Cancellation, termination or suspension of the contract in whole or in part; and/or
- c) Suspension or debarment of consultant from eligibility to contract with the RAMPO in the future or to receive bid packages or request for proposal (RFP) packages.

Overall Goals (26.45)

Pursuant to Section 49 Code of Federal Regulations Part 26, the RAMPO has proposed an overall goal of 19% for the participation of disadvantaged Business Enterprises (DBEs) in its Transportation Department contracts funded by the U.S. Department of Transportation (DOT), through Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), effect for FY 2014 (July 1, 2013 through June 30, 2014).

The following history is provided for this decision:

- In FY 2014, the RAMPO received a one year FHWA award in the amount of \$1,267,339 and FTA 5303 funding in the amount of \$399,362. These grants expire on June 30, 2014 (unless funds are carried-over or transferred to the following fiscal year). During the entire 12 month period allocated for these projects, RAMPO expects to reach a DBE goal of nineteen percent (19%) during FY2014 with DBE firms for those federal, state, and local funds that are eligible for consultant services. However, during this fiscal year, no projects are expected to use a consultant.
- During FY2007-2008, one project, the Route 5 Multi-Modal Corridor Project was let to bid at an amount of \$240,000 or 14% of the funds made available to the RAMPO through DOT. The Request for Proposals (RFP) was made available to any and all consultants via the eVA Procurement website, the Richmond Times-Dispatch, and The Richmond Free Press.

Methodology

This section includes a summary of the methods we used to calculate our goal of 19%:

The RAMPO will implement a DBE Program that uses a combination of race-neutral and race-conscious participation, as defined in the appropriate section of this document.

Step 1-A: Developing a rationale, including assessment of impediments as a recipient of federal funding from the FTA, the Board is required to establish annual and project-specific goals for public transportation-related contracting with DBEs. In effect, the annual goal becomes a performance standard

of measuring progress toward achieving the anticipated level of DBE participation, and a partial means of assessing compliance with FTA, and FHWA DBE regulations.

The RAMPO has a strong commitment to minority inclusion in all contracts. However it is difficult to use standard formulas to arrive at a basis for the DBE for these reasons:

- The RAMPO had only one contract (one primary consultant). This experience did not provide adequate historical precedence for calculations.
- The RAMPO's own consulting needs are for planning only. Unlike transit organizations, MPOs do not build or purchase, lease or maintain equipment, terminals or garages. In addition, the RAMPO does not directly contract for staff to perform operations/maintenance. RAMPO employees perform administrative functions.
- The RAMPO occasionally uses consulting firms for contracts, including non-FTA assisted contracts.
- The RAMPO's consulting needs are limited to transportation planning firms within a few highly specific subspecialties. As a result, the pool of qualified consulting firms is severely limited.

For the above reasons, it is extremely difficult to obtain a clear idea of the number of qualified ready, willing and able DBEs from DOT or transit agency lists, or to obtain an accurate idea of available firms from the U.S. Census (Census data does not break down firms by subspecialties).

Assumptions

In defining the criteria for firms that may be appropriate for use by the RAMPO, the following assumptions were made.

The RAMPO defined the term "Local Market Area" to include the current MPO study area. Preference is given to consultants that have offices within the MPO study area as this gives the RAMPO greater access to their services.

The RAMPO defined specialties to include (Parentheses indicates VDOT Specialty Area Code/NAICS Specialty Code): (300/54133) Consultants - Selected firms with transportation engineering, land acquisition, environmental consulting and engineering specialties.

Based on limited information about subspecialties, the RAMPO selected firms believed to be possibly appropriate for RAMPO purposes.

Step 1: Calculating a Percentage - The RAMPO declares its Fiscal Years 2014-2017 goal of nineteen (19%) percent (or 50%, or more, of the Consultant budget, if any such funds become available) for the DBE Program. It should be noted that as a result of statewide governmental budget reductions, DBE contracting opportunities has been greatly impacted. Many firms have not recertified or have opted out of the DBE program.

DBE's

$\frac{6 \text{ DBE Firms (Engineering)}}{31 \text{ all DBE Firms in the Local Market Area}} = 19\%$

Therefore we have determined our non-adjusted base figure to be 19%. This means that the RAMPO will solicit qualified DBE firms for no less than 19% of expendable consultant funds.

Step 2: Weighting – The RAMPO saw no need for this process.

Step 3: Making Adjustments - The following factors were considered in setting our goal at 19% for the 2014-2017 fiscal years:

- As previously mentioned, the RAMPO has had little opportunity to develop a historical precedent or basis for its DBE goals. This would be the RAMPO's first year setting goals.

Based upon this examination of current and similar future contracting opportunities, the RAMPO believes that a 19% goal is achievable.

Process

The RAMPO shall submit its overall goal to the DOT by August 1 of each year. Before establishing the overall goal, the RAMPO shall consult with community organizations, minority and women's consultant groups, as well as general consultant groups, to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the RAMPO's efforts to establish a level playing field for the participation of DBEs.

The RAMPO shall publish a notice of proposed overall goal, informing the public that the proposed goal and its rationale is available for inspection during normal business hours at the RAMPO office for 30 days following the date of the notice, and informing the public that the RAMPO and DOT will accept comments on the goals for 45 days from the date of the notice. The current notice was posted in the Richmond Times Dispatch on February 13, 2014 and the Richmond Free Press on February 13, 2014. The notice included addresses where comments may be sent and where proposals may be reviewed (including offices and websites).

Our overall goal of submissions to RAMPO shall include a summary of information and comments received during this public participation process and our responses.

The RAMPO has consulted with the appropriate agencies concerning the availability of disadvantaged and non-disadvantaged businesses, and have concluded that the goal of 19% is reasonable. The RAMPO shall adopt this goal unless other instructions are received from DOT.

Breakout of Estimated Race-Neutral and Race-Conscious Participation

Race neutral, under the consultant or professional program, would be defined as not assigning race or gender-specific goals on individual projects, but counting all participation of DBE sub-consultants

utilized by consultants on projects. Arranging solicitations, times for the presentation of bids, quantities, specifications and delivery schedules in ways that facilitate DBE and other small business participation.

Requiring consultants to subcontract portions of work that they might otherwise perform with their own staff or an outside consulting firm. Providing the name, phone number and email address for additional information concerning a contract.

The RAMPO based on its FY 2014-2017 goal of 19% on the results of FY2008. Assuming this represents a reasonable expectation for the future, the RAMPO estimates that of the 19% overall DBE goal for the 2014-2017 fiscal years, approximately half will be acquired from race-neutral participation and the remainder through race-conscious measures.

The RAMPO shall adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)) and shall 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:

1. DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures;
2. DBE participation through a subcontract on a prime contract that does not carry DBE goal;
3. DBE participation on a prime contract exceeding a contract goal; and
4. DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

Section 26.51(d-g) Contract Goals

The RAMPO shall use contract goals to meet any portion of the overall goal that the RAMPO 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 our overall goal that is not projected to be met through the use of race-neutral means.

The RAMPO shall establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We 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.)

The RAMPO shall express its contract goals as a percentage of 19% of the Federal share of a DOT-assisted contract.

Good Faith Efforts (26.63)

The RAMPO treats bidders/offerors compliance with good faith efforts requirements as a matter of responsiveness. Each solicitation for which a contract goal has been established shall require the

bidders/offerors to submit, at the discretion of the RAMPO, at least 24 hours before the commitment to the performance of the contract by the bidder/offeror, 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 contractors commitment; and
6. If the contract goal is not met, evidence of good faith efforts

Demonstration of good faith efforts

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. The RAMPO shall utilize the following criteria to determine the consultants' good faith effort to subcontract and negotiate with DBEs:

1. Whether the consultant attended any pre-solicitation or pre-bid meetings that were scheduled by the RAMPO to inform DBEs of consulting and sub-consulting opportunities;
2. Whether the consultant or supplier provided notice in general circulation, trade association and minority and female focus media concerning the sub-consulting opportunities;
3. Whether the consultant provided written notice to a reasonable number of specific DBEs that their interest in the contract was solicited in sufficient time to allow the DBEs to effectively participate;
4. Whether the consultant followed up the initial solicitation of interest by contacting the DBEs to determine with certainty whether the DBEs were interested;
5. Whether the consultant selected portions of the work to be performed by the DBEs in order to increase the likelihood of meeting the DBE goal including, where appropriate, segmenting contracts into economically feasible units to facilitate DBE participation;
6. Whether the consultant provided interested DBEs with adequate information about the plans, specifications and requirements of the contract;
7. Whether the consultant negotiated in good faith with interested DBEs, not rejecting DBEs as unqualified without sound reasons based on a thorough investigation of their capabilities;
8. Whether the consultant made efforts to assist interested DBEs in obtaining bonding, lines of credit or insurance required by the RAMPO or the consultant; and
9. Whether the consultant effectively used the services of available minority and female community organizations, minority and female professional groups, local, State and Federal minority and female business assistance offices, and other organizations that provide assistance in the recruitment and placement of DBEs.

The RAMPO may, upon written notice to the consultant, meet with its officials to discuss or provide written evidence of good faith efforts to subcontract and negotiate with DBEs and DBE/Non-DBE/Joint Venture and its ability to achieve the established goal. Failure of consultant to meet or provide the requested written information at a stipulated time and place, without a demonstration of good cause, shall be cause for rejection.

Administrative reconsideration

Within two days of being informed by the RAMPO 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 following reconsideration official: Mr. Robert A. Crum, Jr., Executive Director, Richmond Regional Planning District Commission, 9211 Forest Hill Ave., Suite 200, Richmond, VA 23235, Phone (804) 323-2033, Email: rcrum@richmondregional.org. 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 our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. The RAMPO 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

Where goal or preference points have been assigned to projects, the RAMPO will require a consultant 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. The RAMPO shall require the prime contractor to notify the DBE Liaison officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, the RAMPO shall require the prime consultant to obtain prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. If the consultant fails or refuses to comply in the time specified, the RAMPO contracting office or the office of the prime consultant will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the consultant still fails to comply, the contracting officer may issue a termination for default proceeding.

Counting DBE Participation (26.55)

The RAMPO shall count DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

Certification (26.21-26.91)

The RAMPO will accept, as accurate and current, the certification status of all DBE firms listed on Virginia's Uniform Certification Program/Department of Transportation website.

Process

The RAMPO's certification application form and documentation requirements are those defined by Virginia's Uniform Certification Program. Interested persons are instructed to download DBE documents from the website at: <http://www.dmbv.virginia.gov/>. Upon request, the RAMPO will reproduce and mail copies of the documents. Requests may be directed to Mr. Peter Sweetland, Finance and Contracts Administrator, Richmond Regional Planning District Commission, 9211 Forest Hill Ave., Suite 200, Richmond, VA 23235, Phone (804) 323-2033, Email: psweetland@richmondregional.org. The RAMPO shall yield to the Uniform Certification Program's decisions and practices concerning decertification and appeal of decertification status.

Uniform Certification Program

The State of Virginia is currently developing and using certification process for DBE providers. Forms, procedures, and a list of certified DBE firms are listed on the website at <http://www.dmbv.virginia.gov/>, as mentioned in the "Process" section above.

Certification Appeals

Any firm or complainant may appeal our 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. The RAMPO shall promptly implement any DOT certification decisions affecting the eligibility of DBEs for DOT assisted contracts (e.g., certify a firm if DOT has determined that the RAMPOs denial of the application was erroneous).

Recertification

DOT administers the recertification process as well as the annual affidavit process.

No Change Affidavits and Notices of Change

The RAMPO requires all potential DBE firms to comply with the DBE certification requirements of their issuing authority. For example, DBE firms must inform DOT 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. The RAMPO also requires all owners of all DBEs to comply with their issuing authorities' annual recertification process, which meet the requirements of 26.83(j). (DOT notifies DBE firms concerning recertification requirements, etc.).

Personal Net Worth

The RAMPO requires all disadvantaged owners of applicants and of currently certified DBEs to comply with their issuing authorities' Personal Net Worth requirement. The personal net worth form and documentation used by the Virginia Department of Transportation may be found online at <http://www.dmbv.virginia.gov/>.

Information Collecting and Reporting

Bidders List

The RAMPO shall not maintain its own bidders list. In order to permit DBE firms to have maximum opportunities throughout the region, to support the development of one unified list, and to eliminate redundancy in application filing requirements, the RAMPO encourages all applicants to become DBE certified with Virginia's Uniform Certification Program. The following website provides all forms and describes procedures: <http://www.dmbv.virginia.gov/>.

Monitoring Payments to DBEs

The RAMPO shall require prime consultants to maintain records and documents of payments to DBEs for three years following the performance of the contract. Any authorized representative of the RAMPO or DOT will make these records available for inspection upon request. This reporting requirement also extends to any certified DBE sub-consultant.

The RAMPO shall keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award. The RAMPO shall perform interim audits of contract payments to DBEs. The audit will review payments to DBE sub-consultants to ensure that the actual amount paid to DBE sub-consultants equals or exceeds the dollar amounts stated in the schedule of DBE participation.

Reporting to DOT

The RAMPO shall report DBE participation as follows:

The RAMPO shall report DBE participation on June 1 and December 1 using the "Uniform Report of DBE Awards or Commitments and Payments" form. These reports will reflect payments actually made to DBEs on DOT assisted contracts.

Confidentiality

The RAMPO shall safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. The RAMPO shall require all DBE firms to complete the *Release of Confidential Information* form that is a component of the Virginia Department of Transportation's submission process: <http://www.dmbv.virginia.gov/>.

Notwithstanding any contrary provisions of state or local law, the RAMPO will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.