

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM POLICY STATEMENT

Nashua Transit System (NTS) is committed to the effective implementation of the Disadvantaged Business Enterprises (DBE) Program as defined in Title 49 Part 26 of the Code of Federal Regulations entitled "Participation by Disadvantaged Business Enterprises in Department of Transportation Programs". The objectives of **NTS's** DBE Program are:

1. To ensure nondiscrimination by NTS in the award and administration of DOT-assisted contracts;
2. To ensure that the DBE program is narrowly tailored in accordance with applicable federal, state and local laws;
3. To ensure that only firms fully meeting the eligibility requirements of the DBE program are permitted to participate;
4. To help create a level playing field on which DBEs can fairly compete for DOT-assisted contracts;
5. To help remove barriers to the participation of DBEs in DOT-assisted contracts;
6. To help and assist in the development of firms that can compete successfully in the marketplace outside of the DBE program; and
7. To provide appropriate flexibility to establish and provide DBEs opportunities to participate in DOT-assisted contracts in accordance with applicable federal, state and local laws.

These objectives will be implemented through **NTS's** DBE Program utilizing race-neutral measures to the maximum extent feasible.

NTS will not 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 this contract. **NTS** shall not discriminate in any manner on the basis of race, color, sex or national origin, and shall take all reasonable steps to ensure that certified DBE's have the maximum opportunity to participate in the performance of contracts financed, in whole or in part, with financial assistance from the United States Department of Transportation (DOT), acting through such agencies as the Federal Transit Administration (FTA).

In administering the DBE Program **NTS** 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.

No contractor or subcontractor shall discriminate on the basis of race, color, national origin, or sex in the performance on any **NTS** contract. Contractors shall carry out the applicable requirements of 49 CFR Part 26 in the award and administration of **NTS** contracts. Failure by the contractor to carry out these requirements will result in a material breach of the contract, which may result in the termination of a contract or such other remedy, as the recipient deems appropriate.

Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of the agreement. **NTS** may take enforcement action under 49 CFR Part 31, Program Fraud and Civil Remedies, against any participant in the DBE program whose conduct is subject to such action. **NTS** may refer to the United States Department of Justice, for prosecution under 18 United States Code (US) 1001 or other applicable provisions of law, any person who makes a false or fraudulent statement in connection with participation of a DBE in any DOT-assisted program or otherwise violates applicable Federal statutes.

The policy statement is available on the NTS website: www.ridebigblue.com.

FFY 2016-18 DBE GOAL

Pursuant to 49 CFR Part 26, NTS announces a proposed overall goal of 1.4% for the participation of Disadvantaged Business Enterprises (DBE) in U.S. Department of Transportation assisted contracts in Federal FY 2016 through 2018.

CONTACT

If interested in doing business with NTS as a DBE contractor, businesses must be certified by the New Hampshire Department of Transportation (NH DOT). Persons or firms interested in becoming certified as a DBE should contact Jay Ankenbrock at (603) 271-2467 or e-mail jankenbrock@dot.state.nh.us. More information can also be found at the New Hampshire state government website at <http://www.nh.gov/dot/org/administration/ofc/dbe.htm>